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The President

National Maritime Day, 2024

By the President of the United States of America

A Proclamation

Our Nation's merchant mariners embody the highest aspirations of our democracy, always answering our country's call with commitment and courage. Today, we honor their service and sacrifice. Together, we recommit to meeting our sacred obligation to care for them and their families.

Unbreaking and unbending in their devotion to duty, our merchant mariners have stood for our Nation's freedom and liberty throughout history—from delivering critical goods and troops to the battlefields of World War II to responding to devastating natural disasters around the world and shipping the goods and military cargo that keep our Nation safe and prosperous. Today, our merchant mariners are continuing this legacy of service, delivering humanitarian aid to people in need and transporting military equipment around the world. At the same time, merchant mariners are engines of our economy. They facilitate international trade and strengthen our supply chains by transporting billions of dollars of goods across oceans, seas, and waterways to the hands of American businesses and consumers.

Our merchant mariners have always met the moment—and my Administration will always have their backs. That is why we are ensuring that ships traveling between United States ports are American-built, American-owned, and American-crewed by enforcing the Jones Act. This will not only support American shipbuilding but will also support good union jobs. Meanwhile, we have made historic investments in our Nation's infrastructure, including rebuilding our ports so that they are safer, cleaner, and easier and more affordable to move through.

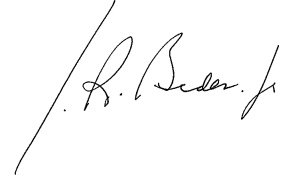
We also recognize that our merchant mariners are strongest when they reflect the full diversity of our Nation. My Budget proposes \$191 million for the United States Merchant Marine Academy to educate and train the next generation of seagoing officers and maritime leaders. Additionally, my Administration established Every Mariner Builds A Respectful Culture Standards to prevent sexual assault and harassment and to support survivors.

Today, as we honor all that merchant mariners have done for our Nation, we also recognize the mariners who have made the ultimate sacrifice for our Nation. We owe these fallen heroes a debt of gratitude we can never fully repay. But our Nation will never forget their legacy and that of every mariner who has dared all, risked all, and given all for our Nation.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day" to commemorate the first transoceanic voyage by a steamship in 1819 by the S.S. Savannah. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance. I also request that all ships sailing under the American flag dress ship on that day.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim May 22, 2024, as National Maritime Day. I call upon all Americans to observe this day and to celebrate the United States Merchant Marine and maritime industry with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, 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 "J. R. Biden Jr.", with a long, sweeping horizontal line extending to the left.

Rules and Regulations

Federal Register

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Friday, May 24, 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.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

[Doc. No. AMS–SC–23–0033]

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the Idaho-Eastern Oregon Onion Committee (Committee) to increase the assessment rate established for the 2023–2024 and subsequent fiscal periods. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: This rule is effective June 24, 2024.

FOR FURTHER INFORMATION CONTACT:

Joshua Wilde, Marketing Specialist, or Barry Broadbent, Branch Chief, West Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, or Email: Joshua.R.Wilde@usda.gov or Barry.Broadbent@usda.gov.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–8085, or Email: Richard.Lower@usda.gov.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Agreement No. 130 and Marketing Order No. 958, both as amended (7 CFR part 958), regulating the handling of onions grown in certain

counties in Idaho, and Malheur County, Oregon. Part 958 (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Committee locally administers the Order and is comprised of producers and handlers of onions operating within the area of production, and a public member.

The Agricultural Marketing Service (AMS) is issuing this rule in conformance with Executive Orders 12866, 13563, and 14094. Executive Orders 12866 and 13563 direct agencies to assess all 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, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 reaffirms, supplements, and updates Executive Order 12866 and further directs agencies to solicit and consider input from a wide range of affected and interested parties through a variety of means. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires Federal agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this rule is unlikely to have substantial direct effects 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.

This rule has been reviewed under Executive Order 12988—Civil Justice Reform. Under the Order now in effect, Idaho-Eastern Oregon onion handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate will be applicable to all assessable Idaho-Eastern Oregon onions for the 2023–2024 fiscal period, and

continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the U.S. Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate for Idaho-Eastern Oregon onions handled under the Order from \$0.05 per hundredweight, the rate that was established for the 2015–2016 and subsequent fiscal periods, to \$0.07 per hundredweight for the 2023–2024 and subsequent fiscal periods.

The Order authorizes the Committee, with the approval of AMS, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. Committee members are familiar with the costs of goods and services in their local area and are able to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting, and all directly affected persons have an opportunity to participate and provide input.

For the 2015–2016 and subsequent fiscal periods, the Committee recommended, and AMS approved, an assessment rate of \$0.05 per hundredweight of Idaho-Eastern Oregon onions within the production area. That rate continues in effect from fiscal period to fiscal period until modified, suspended, or terminated by AMS upon recommendation and information submitted by the Committee or other information available to AMS.

The Committee met on June 27, 2023, and recommended 2023–2024 fiscal

period expenditures of \$1,039,785 and an assessment rate of \$0.07 per hundredweight of Idaho-Eastern Oregon onions handled for the 2023–2024 and subsequent fiscal periods with a vote of 7 in favor and none opposed. In comparison, last fiscal period's budgeted expenditures were \$819,435. The assessment rate of \$0.07 per hundredweight is \$0.02 higher than the rate currently in effect. The Committee recommended increasing the assessment rate to fund operations more fully without relying on its financial reserve funds. The Committee has drawn down its financial reserve in recent years to cover expenses as unfavorable growing conditions have caused the volume of assessable onion shipments to fall well below what the Committee had expected. Therefore, actual assessment income collected for the 2021–2022 and 2022–2023 fiscal periods was significantly less than projected. The Committee is cautiously optimistic that conditions will improve, projecting handler shipments of 10,000,000 hundredweight of assessable Idaho-Eastern Oregon onions for the 2023–2024 fiscal period, which is the same as initially projected for the 2022–2023 fiscal period.

The major expenditures budgeted by the Committee for the 2023–2024 fiscal period include \$190,000 for research; \$175,000 for promotion; \$21,000 for export initiatives; \$118,529 in salary expenses; \$55,270 for travel/office expenses; \$15,000 for marketing order contingency; and \$6,000 for Committee expenses. By comparison, for the 2022–2023 fiscal period, budgeted expenses for research, promotion, export initiatives, salaries, travel/office, and marketing order contingency were \$263,061; \$200,000; \$126,000; \$103,004; \$96,370; \$25,000; and \$6,000, respectively. The Committee's 2023–2024 budget also includes a separate line-item expense of \$458,986 for "grant expenses" which refers to other research and development projects funded with reimbursable Specialty Crop Block Grant Program funds. This category reflects the total grant amount awarded for approved research, promotion, and export activities. In previous budgets, these funds were allocated to the individual programs where those funds would be utilized (*e.g.*, research, promotion, and export). However, the Committee felt that holding these expenditures as a separate expense category for the 2023–2024 fiscal period helped differentiate activities funded exclusively through assessment income from those funded through reimbursable grants. The Committee submits each

project under the Specialty Crop Block Grant to the State of Idaho for evaluation and approval prior to reimbursement.

The expected 10,000,000 hundredweight of Idaho-Eastern Oregon onions from the 2023–2024 crop will generate \$700,000 in assessment revenue at the increased assessment rate (10,000,000 hundredweight of onions multiplied by \$0.07 assessment rate). The 2023–2024 fiscal period assessment rate increase should ensure the Committee has sufficient revenue, along with an anticipated \$458,986 in funds awarded through the Specialty Crop Block Grant Program and \$23,850 in other income, to fully fund its recommended 2023–2024 fiscal period budgeted expenditures and begin replenishing the Committee's reserve funds to a level that the Committee believes is appropriate.

The Committee derived the recommended assessment rate by considering anticipated fiscal period expenses and the estimated 2023 crop volume of 10,000,000 hundredweight of assessable Idaho-Eastern Oregon onions. Income derived from handler assessments (\$700,000), Specialty Crop Block Grants (\$458,986), and other sources including interest income and voluntary contributions (\$23,850), should be more than adequate to cover budgeted expenses (\$1,039,785). The Committee projects a positive net difference between 2023–2024 fiscal period income and expenses of \$143,051. This amount will help replenish the Committee's reserve fund from an estimated \$230,351 on July 1, 2023, to an estimated \$373,402 on July 1, 2024, a figure much more closely aligned with the Committee's preferred reserve balance of approximately half of one year's operational expenses.

This new assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by AMS upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or AMS. Committee meetings are open to the public and interested persons may express their views at these meetings. AMS would evaluate Committee recommendations and other available information to determine whether

modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2023–2024 fiscal period budget, and those for subsequent fiscal periods, will be reviewed and, as appropriate, approved by AMS.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 190 producers of Idaho-Eastern Oregon onions in the production area and 30 handlers subject to regulation under the Order. Small agricultural producers of onions are defined by the Small Business Administration (SBA) as those having annual receipts of equal to or less than \$3,750,000 (Other Vegetable (except Potato) and Melon Farming, North American Industry Classification System (NAICS) code 111219), and small agricultural service firms are defined as those whose annual receipts are equal to or less than \$34,000,000 (Postharvest Crop Activities, NAICS code 115114)(13 CFR 121.201).

According to the National Agricultural Statistics Service (NASS), the average annual producer price received for dry fresh market onions in Idaho, in 2021, the most recent year for which there is NASS data, was \$21.10 per hundredweight. NASS did not provide fresh onion producer prices specific to Malheur County, Oregon, for 2021. Total production of Idaho-Eastern Oregon onions for the 2021 season was reported by the Committee to be 9,281,912 hundredweight. Using the average Idaho producer price from 2021, and applying it to the entire production area, the total 2021–2022 crop value of Idaho-Eastern Oregon onions could therefore be estimated to be \$195,848,343 (9,281,912 hundredweight times \$21.10 per hundredweight). Dividing the crop value by the estimated number of producers (190) yields an estimated average receipt per producer of \$1,030,780, which is well below the SBA threshold for small producers.

In addition, according to AMS Market News data, the reported average free on board (FOB) price for onions from Idaho-Eastern Oregon over the 2021–2022 fiscal period was between \$15.00 and \$20.00 per 50-pound carton, depending upon variety, size and grade, and shipping date. Assuming an average of \$17.50 for the fiscal period and multiplying this figure by 2 (to adjust to hundredweight) yields an average FOB price of \$35.00 per hundredweight for the 2021–2022 fiscal period. Multiplying the 2021–2022 Idaho-Eastern Oregon onion production of 9,281,912 hundredweight by the estimated average price per hundredweight of \$35.00 equals \$324,866,920. Dividing this figure by the 30 regulated handlers yields estimated average annual handler receipts of \$10,828,897 (\$324,866,920 divided by 30 handlers), which is below the SBA threshold for small agricultural service firms. Therefore, using the above data and assuming a normal distribution, most of the producers and handlers of Idaho-Eastern Oregon onions may be classified as small entities.

This rule will increase the assessment rate collected from handlers for the 2023–2024 and subsequent fiscal periods from \$0.05 to \$0.07 per hundredweight of Idaho-Eastern Oregon onions. The Committee unanimously recommended 2023–2024 fiscal period expenditures of \$1,039,785 and an assessment rate of \$0.07 per hundredweight of Idaho-Eastern Oregon onions. The assessment rate of \$0.07 is \$0.02 higher than the current rate. The Committee expects the industry to handle 10,000,000 hundredweight of Idaho-Eastern Oregon onions during the 2023–2024 fiscal period. Thus, the \$0.07 per hundredweight rate will provide \$700,000 in assessment income (10,000,000 multiplied by \$0.07). The Committee expects to use an anticipated \$458,986 awarded from the Specialty Crop Block Grant Program to cover remaining expenses. Income derived from handler assessments, Specialty Crop Block Grant Program funds, and other sources including interest income and voluntary contributions, will be adequate to cover budgeted expenses.

The major expenditures budgeted by the Committee for the 2023–2024 fiscal period include \$190,000 for research committee, \$175,000 for promotion committee, \$21,000 for export committee, \$118,529 in salary expenses, \$55,270 for travel/office expenses, \$15,000 for marketing order contingency, and \$6,000 in committee expenses. By comparison, for the 2022–2023 fiscal period, budgeted expenses

for research, promotion, export initiatives, salaries, travel/office, and marketing order contingency were \$263,061, \$200,000, \$126,000, \$103,004, \$96,370, \$25,000, and \$6,000, respectively.

In recent years, the Committee has utilized reserve funds to partially fund its budgeted expenditures. The Committee recommended increasing the assessment rate to fully fund 2023–2024 fiscal period budgeted expenditures and replenish funds held in its reserve. This action will add an estimated \$143,051 to the Committee's financial reserve fund. The reserve balance will be kept at a level that the Committee believes is appropriate and which is compliant with the provisions of the Order.

Prior to arriving at this budget and assessment rate, the Committee discussed various alternatives, including maintaining the current assessment rate of \$0.05 per hundredweight and increasing the assessment rate by different amounts. However, the Committee determined that the increased assessment rate would fully fund budgeted expenses and replenish reserves to appropriate levels. The assessment rate of \$0.07 per hundredweight of Idaho-Eastern Oregon onions was derived by considering anticipated expenses, the projected volume of assessable Idaho-Eastern Oregon onions, grant funds awarded, the projected monetary balance held in reserve, and additional pertinent factors.

A review of NASS information indicates that the average producer price for the 2021–2022 fiscal period was \$21.10 per hundredweight of onions in the production area. The assessment rate of \$0.07 per hundredweight is approximately three tenths of one percent of the average producer price (\$0.07 divided by \$21.10). Further, the Committee reported the quantity of assessable Idaho-Eastern Oregon onions harvested in the 2021–2022 fiscal period was 9,281,912 hundredweight, which yields estimated total producer revenue of \$195,848,343 (\$21.10 per hundredweight multiplied by 9,281,912). Therefore, utilizing the assessment rate of \$0.07 per hundredweight, assessment revenue for the 2021–2022 fiscal period, as a percentage of total producer revenue, will be approximately 0.33 percent of total producer revenue (\$0.07 multiplied by 9,281,912 per hundredweight divided by \$195,848,343 and multiplied by 100).

This action will increase the assessment obligation imposed on Idaho-Eastern Oregon onion handlers. Assessments are applied uniformly on

all handlers, and some of the costs may be passed on to producers. However, these costs are expected to be offset by the benefits derived by the operation of the Order.

The Committee's meetings are widely publicized throughout the production area. The Idaho-Eastern Oregon onion industry and all interested persons are invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the June 27, 2023, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit comments on this rule, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements will be necessary as a result of this rule. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large Idaho-Eastern Oregon onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on December 12, 2023 (88 FR 86066). Copies of the proposed rule were also mailed or sent via email to all onion handlers. A copy of the proposed rule was made available through the internet by AMS via <https://www.regulations.gov>. A 30-day comment period ending January 11, 2024, was provided for interested persons to respond to the proposal. AMS received one comment opposed to the increased assessment rate on the basis that it would raise costs for onion producers, be unlikely to benefit

producers equally, and costs might be passed on to U.S. consumers. However, assessments are applied uniformly on all handlers and the assessment burden is proportional to the volume of assessable onions handled. Costs to both large and small producers are expected to be offset by benefits derived by the operation of the Order and include improved market conditions resulting from additional promotion and research focused on Idaho-Eastern Oregon onions. Because the assessment rate represents a small percentage of producer revenue (three tenths of one percent) and a very small percentage of the retail value of onions, it is highly unlikely to contribute to increased onion costs to consumers. Both small and large producers on the Committee expressed support for this proposal. Further, the increased rate is still below the \$0.10 per hundredweight assessment rate that was in effect from 2005–2015.

While it is intended for the assessment rate to be effective for an indefinite period of time, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. AMS would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Notice and comment rulemaking to adjust the assessment rate would be undertaken as necessary. Accordingly, AMS made no changes to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <https://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendations submitted by the Committee and other available information, AMS has determined that this rule tends to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service amends 7 CFR part 958 as follows:

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

■ 1. The authority citation for part 958 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise § 958.240 to read as follows:

§ 958.240 Assessment rate.

On and after July 1, 2023, an assessment rate of \$0.07 per hundredweight is established for Idaho-Eastern Oregon onions.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–11452 Filed 5–23–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1466; Project Identifier MCAI–2024–00205–R; Amendment 39–22752; AD 2024–07–51]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bell Textron Canada Limited Model 429 helicopters. The FAA previously sent this AD as an emergency AD to all known U.S. owners and operators of these helicopters. This AD was prompted by multiple reports of tail rotor (T/R) blade abrasion strip cracks. This AD requires repetitively inspecting and checking the T/R blade abrasion strip on certain T/R blades and, depending on results, replacing or marking the T/R blade. This AD also prohibits installing affected T/R blades on any helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 10, 2024. Emergency AD 2024–07–51, issued on March 29, 2024, which contained the requirements of this amendment, was effective with actual notice.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 10, 2024.

The FAA must receive comments on this AD by July 8, 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–2024–1466; 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, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Bell material, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; phone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email productsupport@bellflight.com; or at bellflight.com/support/contact-support.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1466.

FOR FURTHER INFORMATION CONTACT: Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (404) 474–5548; email william.mccully@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–2024–1466; Project Identifier MCAI–2024–00205–R” 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*, 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, and 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 Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (404) 474-5548; email william.mccully@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued Emergency AD 2024-07-51, dated March 29, 2024 (the emergency AD), to address an unsafe condition on Bell Textron Canada Limited Model 429 helicopters, serial number 57001 and subsequent, with a T/R blade part number (P/N) 429-016-101-105 having a serial number identified in Table 1 of Bell Alert Service Bulletin 429-24-63, dated March 21, 2024 (ASB 429-24-63) installed. The FAA sent the emergency AD to all known U.S. owners and operators of these helicopters. For affected T/R blades with an abrasion strip with any coating (such as a protective tape or protective coating), the emergency AD requires accomplishing actions in accordance with a method approved by the FAA, Transport Canada, or Bell Textron Canada Ltd.'s Design Approval Organization. For all other affected T/R blades, the emergency AD requires

repetitively cleaning and inspecting, and repetitively checking the T/R blade abrasion strip and, depending on results, replacing, marking, or remarking the T/R blade. The emergency AD also prohibits installing affected T/R blades on any helicopter.

The emergency AD was prompted by Transport Canada Emergency AD CF-2024-11, dated March 22, 2024 (Transport Canada AD CF-2024-11), issued by Transport Canada, which is the aviation authority for Canada, to correct an unsafe condition on certain serial-numbered Bell Textron Canada Limited Model 429 helicopters. Transport Canada states that an investigation revealed a manufacturing defect in certain serial-numbered T/R blades part number 429-016-101-105. Transport Canada further states that a critical step in the fabrication of the abrasion strip was missed, which could result in the presence of stress risers, leading to fatigue cracking. Accordingly, Transport Canada AD CF-2024-11 requires inspecting the T/R blade abrasion strips and, depending on the results, replacing or marking the T/R blade. Thereafter, Transport Canada AD CF-2024-11 requires repetitively checking the T/R blade abrasion strips and, depending on the results, replacing the T/R blade. Lastly, Transport Canada AD CF-2024-11 requires repetitively inspecting the T/R blade abrasion strips and, depending on the results, replacing the T/R blade or reapplying the marking. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine Transport Canada AD CF-2024-11 in the AD docket at *regulations.gov* under Docket No. FAA-2024-1466.

Related Material Under 1 CFR Part 51

The FAA reviewed ASB 429-24-63. For certain serial-numbered T/R blades P/N 429-016-101-105, this material specifies procedures for cleaning the T/R blade abrasion strip and, using a bright light, visually inspecting each side of the T/R blade abrasion strip for a chordwise crack. If there is a crack, this material specifies procedures for replacing the T/R blade. If there is not a crack, this material specifies procedures for marking the T/R blade with a paint marker. Following application of the marking, this material specifies procedures for visually checking each side of the T/R blade abrasion strip for a chordwise crack before each engine start and a longer-term repetitive visual inspection of the T/R blade abrasion strip for a chordwise crack and if necessary, reapplying the marking. If a crack is found as a result

of any check or longer-term visual inspection, this material specifies procedures for replacing the T/R blade.

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

These helicopters have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in its emergency AD and the material described 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.

AD Requirements

This AD requires accomplishing the actions specified in Transport Canada AD CF-2024-11, except as discussed under "Differences Between this AD and the Transport Canada Emergency AD."

This AD requires a check that the owner/operator (pilot) holding at least a private pilot certificate may perform and must enter compliance with the applicable paragraph of the AD into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform this check because it only involves using a flashlight and visually checking affected T/R blade abrasion strips for a crack. This action could be performed equally well by a pilot or a mechanic. This is an exception to the FAA's standard maintenance regulations.

Differences Between This AD and the Transport Canada Emergency AD

Regarding the initial inspection for a chordwise crack, this AD distinguishes requirements if there is or is not any coating (such as a protective tape or protective coating) over the T/R blade abrasion strip, whereas Transport Canada AD CF-2024-11 does not. This AD requires reporting certain information if any T/R blade abrasion strip has a crack, whereas Transport Canada AD CF-2024-11 does not. Transport Canada AD CF-2024-11 allows the installation of an affected T/R blade so long as it passes the inspection and is marked as required within, whereas this AD prohibits installing an affected T/R blade on any helicopter.

Interim Action

The FAA considers this AD 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 required the immediate adoption of Emergency AD 2024–07–51, issued on March 29, 2024, to all known U.S. owners and operators of these helicopters. The FAA found that the risk to the flying public justified waiving notice and comment prior to adoption of this rule because the affected components are part of an assembly that is critical to the control of a helicopter. Multiple T/R abrasion strip cracks have been reported, and investigation revealed that a manufacturing defect exists in some of the abrasion strips, which may lead to fatigue cracking and catastrophic T/R blade failure, which in turn can cause the destruction of the T/R gearbox and loss of directional control. At this time, the growth rate of the fatigue cracking has not been determined. For these reasons, the initial actions required by this AD must be accomplished within three days or prior to the second flight after the effective date of this AD, whichever occurs first. Thereafter, other actions required by this AD must be accomplished before the second and each subsequent flight. These conditions still exist, therefore, 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 forego notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (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 prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 145 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Actions required for a T/R blade abrasion strip with any coating could vary. The FAA has no data to determine the costs to accomplish these actions or the number of helicopters that may be affected by this requirement.

Cleaning and inspecting a T/R blade abrasion strip takes approximately 0.5 work-hour for an estimated cost of up to \$170 per helicopter (there are up to 4 affected T/R blades per helicopter) and \$24,650 for the U.S. fleet, per inspection cycle. Checking a T/R blade abrasion strip takes approximately 0.25 work-hour for an estimated cost of up to \$85 per helicopter and \$12,325 for the U.S. fleet, per check cycle. Marking a T/R blade takes approximately 0.25 work-hour with a nominal parts cost for an estimated cost of up to \$85 per helicopter and \$12,325 for the U.S. fleet for the initial application and per reapplication.

If required, replacing a T/R blade takes approximately 6 work-hours and parts cost approximately \$53,802 for an estimated cost of \$54,312 per T/R blade. Reporting information takes approximately 1 work-hour for an estimated cost of \$85 per T/R blade.

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 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 be 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, 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:

2024-07-51 Bell Textron Canada Limited:

Amendment 39-22752; Docket No. FAA-2024-1466; Project Identifier MCAI-2024-00205-R.

(a) Effective Date

The FAA issued Emergency Airworthiness Directive (AD) 2024-07-51 on March 29, 2024, directly to affected owners and operators. As a result of such actual notice, the emergency AD was effective for those owners and operators on the date it was provided. This AD contains the same requirements as the emergency AD and, for those who did not receive actual notice, is effective on June 10, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited Model 429 helicopters, serial number 57001 and subsequent, certificated in any category, with a tail rotor (T/R) blade part number 429-016-101-105 having a serial number identified in Table 1 of Bell Alert Service Bulletin 429-24-63, dated March 21, 2024 (ASB 429-24-63), installed.

(d) Subject

Joint Aircraft System Component (JASC) Code: 6410, Tail Rotor Blades.

(e) Unsafe Condition

This AD was prompted by multiple reports of T/R blade abrasion strip cracks. The FAA is issuing this AD to detect a cracked T/R blade abrasion strip. The unsafe condition, if not addressed, could result in severe imbalance, T/R blade failure, loss of the T/R gearbox, loss of directional control, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For each T/R blade identified in paragraph (c) of this AD, within three days or prior to the second flight after the effective date of this AD, whichever occurs first, accomplish the actions required by paragraph (g)(1)(i) or (ii) of this AD, as applicable.

(i) If there is any coating (such as a protective tape or protective coating) over the T/R blade abrasion strip, accomplish further actions in accordance with a method approved by the International Validation Branch, FAA; or Transport Canada; or Bell Textron Canada Ltd.'s Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(ii) If there is no coating over the T/R blade abrasion strip, clean the abrasion strip by following the Accomplishment Instructions, part I, paragraph 3, of ASB 429-24-63. Using a flashlight, visually inspect both sides of the T/R blade abrasion strip for a chordwise

crack in the area shown in Figure 1 of ASB 429-24-63. Figure 2 of ASB 429-24-63 shows an example of a T/R blade abrasion strip crack.

(A) As a result of the actions required by paragraph (g)(1)(ii) of this AD, if there is any chordwise crack, before further flight, remove the T/R blade from service and replace it with an airworthy T/R blade.

(B) As a result of the actions required by paragraph (g)(1)(ii) of this AD, if there is not a crack, before further flight, mark an "X" on the T/R blade with a paint marker as shown in Figure 1 of ASB 429-24-63, except do not use the color blue, orange, red, or green. The letter "X" must have a minimum height of 3 inches.

(2) For each T/R blade marked with an "X," accomplish the actions required by paragraph (g)(2)(i) and (ii) of this AD.

(i) Before the second flight after accomplishing the actions required by paragraph (g)(1)(ii)(B) of this AD, and thereafter before each subsequent flight, using a flashlight, visually check both sides of each abrasion strip for a chordwise crack. A chordwise crack runs from the direction of the leading edge to the trailing edge. A chordwise crack may be a straight or hairline crack. The owner/operator (pilot) holding at least a private pilot certificate may perform this check and must enter compliance with this paragraph of the AD into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(ii) As a result of the actions required by paragraph (g)(2)(i) of this AD, if there is any chordwise crack, before further flight, remove the T/R blade from service and replace it with an airworthy T/R blade.

(3) For each T/R blade marked with an "X," within 25 hours time-in-service after accomplishing the actions required by paragraph (g)(1)(ii)(B) of this AD and thereafter within intervals not to exceed 25 hours time-in-service, clean each abrasion strip by following the Accomplishment Instructions, part III, paragraph 2, of ASB 429-24-63. Using a flashlight, visually inspect each side of the T/R blade abrasion strip for a chordwise crack in the area shown in Figure 1 of ASB 429-24-63. Figure 2 of ASB 429-24-63 shows an example of a T/R blade abrasion strip crack. The actions required by this paragraph do not terminate the actions required by paragraph (g)(2)(i) of this AD.

(i) As a result of the actions required by the introductory text of paragraph (g)(3) of this AD, if there is any chordwise crack, before further flight, remove the T/R blade from service and replace it with an airworthy T/R blade.

(ii) As a result of the actions required by the introductory text of paragraph (g)(3) of this AD, if there is not a crack and the "X" marking is deteriorated or not clearly visible, before further flight, reapply the "X" marking on the T/R blade with a paint marker as shown in Figure 1 of ASB 429-24-63, except do not use the color blue, orange, red, or green. The letter "X" must have a minimum height of 3 inches.

(4) If there is any chordwise crack as a result of any action required by paragraph

(g)(1)(ii), (g)(2)(i), or (g)(3) of this AD, within 7 days after completing the action, report the information in Appendix 1 to this AD by email to OperationalSafety@faa.gov.

(5) As of the effective date of this AD, do not install a T/R blade that is identified in paragraph (c) of this AD on any helicopter.

(h) Alternative Methods of Compliance (AMOCs)

(1) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (i) of this AD or email to: 9-AVS-AIR-730-AMOC@faa.gov. If mailing information, also submit information by email.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Additional Information

For more information about this AD, contact Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (404) 474-5548; email william.mccully@faa.gov.

(j) Material Incorporated by Reference

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

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

(i) Bell Alert Service Bulletin 429-24-63, dated March 21, 2024.

(ii) [Reserved]

(3) For Bell material, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; phone 1-450-437-2862 or 1-800-363-8023; fax 1-450-433-0272; email productsupport@bellflight.com; or at bellflight.com/support/contact-support.

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

(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.

Appendix 1 to AD 2024-07-51

Report the following information for each cracked tail rotor blade abrasion strip by email to: OperationalSafety@faa.gov.

In the subject line of the email, include the text "AD 2024-07-51".

(1) Date of inspection or check that revealed a chordwise crack:

(2) Total hours time-in-service on the tail rotor blade(s) with a cracked abrasion strip:

(3) Date of previous inspection or check and total hours time-in-service on the tail rotor blade(s) at the date of previous inspection or check:

(4) Helicopter serial number:

(5) Helicopter N-number:

(6) Tail rotor blade serial number(s):

(7) Indicate if each chordwise crack is on one or both sides of the tail rotor blade. Provide the following information for each chordwise crack: Measurement of the location of each chordwise crack as measured from the tail rotor blade tip and measurement of the length of each chordwise crack as measured from the tail rotor blade leading edge.

(8) Describe in detail any information and findings, including any previous maintenance or modification of the cracked area, and, if possible, provide photos.

Issued on May 20, 2024.

James D. Foltz,

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

[FR Doc. 2024-11420 Filed 5-21-24; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-1997; Project Identifier MCAI-2023-00383-T; Amendment 39-22748; AD 2024-10-03]

RIN 2120-AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. This AD was prompted by the determination that reliance on design assurance level (DAL) D software for flight-critical fly-by-wire (FBW) rigging functions may result in undetected inaccurate positioning of the primary flight control surfaces. This AD requires the use of specific issues of the aircraft maintenance publication (AMP) for electrical rigging procedures, and an electrical rigging confirmation check of primary flight control surfaces for certain airplanes, as specified in a Transport Canada 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 June 28, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 28, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1997; 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 address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca; website [tc.canada.ca/en/aviation](https://www.tc.canada.ca/en/aviation).

- 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. It is also available in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1997.

FOR FURTHER INFORMATION CONTACT:

William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. The NPRM was published in the **Federal Register** on October 19, 2023 (88 FR 72008). The NPRM was prompted by AD CF-2023-15, dated March 2, 2023 (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that during the airplane design review, it was discovered that the FBW electrical rigging functions rely in part on the primary flight control computer maintenance partition, which was certified to DAL D. The reliance on DAL

D software for flight-critical FBW rigging functions may result in undetected inaccurate positioning of the primary flight control surfaces.

In the NPRM, the FAA proposed to require the use of specific issues of the AMP for electrical rigging procedures, and an electrical rigging confirmation check of primary flight control surfaces for certain airplanes, as specified in Transport Canada AD CF-2023-15. The FAA is issuing this AD to address a potential undetected inaccurate positioning of the primary flight control surfaces, which, in combination with an additional failure or extreme maneuvers, can lead to runway excursion or structure ultimate load exceedance.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1997.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from the Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

The FAA received additional comments from Delta Airlines (DAL). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Revise the Applicability Statement

DAL requested that the applicability of paragraph (c) of the proposed AD be revised to match the applicability of Transport Canada CF-2023-15. DAL noted that Part I of Transport Canada AD CF-2023-15 applies to all Model BD-500-1A10 and BD-500-1A11 airplanes. Delta asserted that Part I would not be required by the FAA's proposed AD. DAL stated that Part II of Transport Canada AD CF-2023-15 applies to a subset of the manufacturer serial numbers (MSNs) identified in the applicability of the FAA's proposed AD.

The FAA infers that DAL requests revising paragraph (c) of the AD to reflect the applicability of each Part of Transport Canada AD CF-2023-15. The FAA also notes that Delta incorrectly assumed that this FAA AD does not require the actions of Part I of Transport Canada AD CF-2023-15.

The overall applicability of an AD (paragraph (c) of this AD) includes all airplanes affected by any of the requirements of the AD. If the applicability of an individual requirement in an AD is a subset of the overall applicability, then that individual requirement would also

identify the airplanes affected by that requirement. Transport Canada AD CF–2023–15 identifies the airplanes affected by each Part. Since this AD requires all actions of Transport Canada AD CF–2023–15, including the actions in Part I, no additional exceptions are needed. The FAA has not changed this AD as a result of this comment.

Request To Clarify Compliance Time

DAL requested that a new exception be added to paragraph (h) of the proposed AD to state that where Transport AD CF–2023–15 refers to its effective date, operators should use the FAA’s effective date instead.

The FAA agrees that an exception should be added to clarify the starting point for the compliance time for Part I of Transport Canada AD CF–2023–15. This AD has been revised to add paragraph (h)(1) of this AD stating that the compliance period starts from the effective date of the FAA AD.

Request To Provide Relief From Re-Accomplishment of Certain Actions

DAL asserted that paragraph (h)(2) of the proposed AD requires re-accomplishment of the electrical rigging on airplanes on which the actions specified in Airbus Canada Limited Partnership Service Bulletin BD500–270016 were accomplished prior to the effective date of this AD, although such re-accomplishment is not required by Transport Canada AD CF–2023–15 or the service bulletin. DAL noted that because paragraph (f) of the proposed AD stated that the actions of the AD are required “unless already done,” those actions do not need to be re-accomplished after the effective date of this AD, since Part II of Transport Canada AD CF–2023–15 requires the electrical rigging procedure only once.

The FAA agrees with the request. Paragraph (h)(2) of the proposed AD incorrectly included provisions for airplanes on which the actions of SB BD500–270016 were already accomplished. And, as the commenter

noted, paragraph (f) of this AD specifies that required actions done before the effective date of the AD do not need to be repeated. Paragraph (h)(2) of this AD has been removed, and replaced with an exception changing “hours air time” to “flight hours.”

Request To Allow Use of Later-Approved Service Information

DAL also noted that Transport Canada AD CF–2023–15 allows the use of later revisions of the service bulletin, where the proposed AD is not specific as to which service bulletin revision is required.

The FAA provides the following clarification regarding later-approved service bulletin revisions in this AD. DAL noted that the proposed AD did not mention later-approved service bulletins, although Transport Canada AD CF–2023–15 allows the use of later revisions of the service bulletin. Because this AD automatically adopts this provision as part of the requirements of Transport Canada AD CF–2023–15, this AD also allows later-approved versions of the service bulletin.

Request To Clarify Reporting Requirements

DAL requested that the proposed AD be revised to state that no reporting is required. DAL stated that no reporting should be necessary if the operator is already recording in applicable airplane records accomplishment of the service information referenced in Transport Canada AD CF–2023–15. Furthermore, DAL declared reporting accomplishment does not provide any technical value, nor does it affect the airworthiness of the airplane.

The FAA finds that although reporting is not necessary to comply with this AD, there is no need to include an exception in this AD to explain this. A “reporting requirement” in an AD typically requests findings from an inspection to enable the manufacturer to learn more about the

cause of the AD and determine appropriate corrective actions. In this case, the service information referenced in Transport Canada AD CF–2023–15 merely requests that operators inform Airbus Canada of the completion of the service bulletin for their airplanes and does not specify submitting specific information such as test results. Therefore, no change is necessary to this AD.

Conclusion

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 reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

Transport Canada AD CF–2023–15 specifies using specific AMP versions for electrical rigging procedures for primary flight control surfaces, and, for certain airplanes, performing an electrical rigging confirmation check of primary flight control surfaces. 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.

Costs of Compliance

The FAA estimates that this AD affects 72 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
Up to 9 work-hours × \$85 per hour = \$765	\$0	Up to \$765	Up to \$55,080.

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,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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:

2024-10-03 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39-22748; Docket No. FAA-2023-1997; Project Identifier MCAI-2023-00383-T.

(a) Effective Date

This airworthiness directive (AD) is effective June 28, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes, certified in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

It is possible that the surface travel checks were not done after the electrical rigging of the ailerons, the elevators, and the rudder. If this occurs, it is possible that the ailerons, the elevators, and the rudder will not be able to reach their maximum travel or return to their neutral position. The FAA is issuing this AD to ensure accurate rigging of the aircraft primary flight control surfaces by adding physical travel and centering checks of primary flight control surfaces. The unsafe condition, if not addressed, could result in undetected inaccurate positioning of the primary flight control surfaces, which in combination with an additional failure or extreme maneuvers, can lead to runway excursion or structure ultimate load exceedance.

(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, Transport Canada AD CF-2023-15, dated March 2, 2023 (Transport Canada AD CF-2023-15).

(h) Exceptions to Transport Canada AD CF-2023-15

(1) Where Transport Canada AD CF-2023-15 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF-2023-15 refers to hours air time, this AD requires replacing those words with flight hours.

(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 International Validation Branch, send it to the attention of the person identified in paragraph (j)(1) 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 Transport Canada; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

(1) For more information about this AD, contact William Reisenauer, Aviation Safety

Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@faa.gov.

(2) For Airbus Canada Limited Partnership service information identified in this AD that is not incorporated by reference, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450-476-7676; email a220_crc@abc.airbus; website a220world.airbus.com.

(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) Transport Canada AD CF-2023-15 dated March 2, 2023.

(ii) [Reserved]

(3) For Transport Canada AD CF-2023-15, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca; website tc.canada.ca/en/aviation.

(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.html, or email fr.inspection@nara.gov.

Issued on May 8, 2024.

James D. Foltz,

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

[FR Doc. 2024-11410 Filed 5-23-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-0786; Airspace Docket No. 22-AWP-77]

RIN 2120-AA66

Modification of Class D and E Airspace; McClellan-Palomar Airport, Carlsbad, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D and Class E airspace designated as a surface area at McClellan-Palomar

Airport, Carlsbad, CA. Additionally, this action makes administrative modifications to update the airport's existing Class D and Class E airspace legal descriptions. These actions will support the safety and management of instrument flight rules (IFR) and visual flight rules (VFR) operations at the airport.

DATES: Effective 0901 UTC, September 5, 2024. The Director of the Federal Register approves this incorporation by reference under Title 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Drasin, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-2248.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would modify the Class D and Class E airspace to support IFR and VFR operations at McClellan-Palomar Airport, Carlsbad, CA.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2023-0786 in the **Federal Register** (89 FR 14788; February 29, 2024), proposing to modify the Class D and Class E airspace designated as a surface area at McClellan-Palomar Airport, Carlsbad, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Two comments were received, one of which supported the proposal, while the other raised some concerns that pertained to land use and traffic pattern altitudes.

The McClellan-Palomar Airport's (CRQ) airspace was reviewed as part of FAA's Class D biennial evaluation program. This review concluded: not all instrument flight procedures are fully contained within the existing Class D and E4 airspace; the northwest E4 extension's width can be reduced; and administrative changes are needed. The proposed Class D and E4 modifications are designed to contain the existing instrument flight procedures; therefore, no changes to aircraft operations will occur and there will be no impacts to land use. The requests to change the traffic pattern altitude and to upgrade and modernize the tower made in the dissenting comment are outside the scope of the project to update the airspace. Any requests to change the pattern altitude need to be addressed to the airport.

Subsequent to publication of the NPRM in the **Federal Register**, the FAA identified a discrepancy with the proposed Class E2 legal description. The airport name is removed from the description, as it is in the second line of the header and duplication is not necessary.

Incorporation by Reference

Class D and Class E4 airspace designations are published in paragraphs 5000 and 6004, respectively, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11 is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11H lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by modifying the Class D and Class E airspace designated as a surface area at McClellan-Palomar Airport, Carlsbad, CA.

The Class D airspace boundary should normally be based on the airport reference point (ARP) of the primary airport via FAA JO 7400.2, therefore all references to navigational aids are changed to ARP. The Class D surface area comprising a 3-mile radius around the airport, is modified to include a small extension centered on the airport's 259° bearing extending 0.3 miles beyond the existing radius to better contain arriving IFR operations below 1,000 feet above the surface on the Area Navigation (RNAV) (Global Positioning System [GPS]) Y Runway (RWY) 6 and RNAV (Required Navigation Performance [RNP]) Z RWY 6 approach procedures.

The Class E surface area extension east of the airport is realigned from the Palomar RWY 24 localizer east course to the 079° bearing from the airport and lengthened 0.2 miles to better contain arriving IFR operations below 1,000 feet above the surface on the RNAV (GPS) Y RWY 24 approach. The Class E surface area extension northwest of the airport is excessive and is realigned from the Oceanside (OCN) 134° radial to the 313° bearing from the airport and reduced from a width of 3.6 miles to 2.6 miles and a length of 4.5 miles reduced from 5.8 miles.

Finally, this action modifies the airport's legal descriptions. The airport name on line two of the text headers in both legal descriptions should be updated from, "Carlsbad, McClellan-Palomar Airport, CA" to "McClellan-Palomar Airport, CA", to comply with FAA Order 7400.2. The geographic coordinates located on line three of the text headers should be updated to match the FAA's database, and both legal descriptions should be updated to replace the outdated use of the phrases "Notice to Airmen" and "Airport/Facility Directory." These phrases should read "Notice to Air Missions" and "Chart Supplement," respectively, to align with the FAA's current nomenclature.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Additionally, it is non-controversial, and unlikely to result in adverse or negative comments. It,

therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:
Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 5000 Class D Airspace.
* * * * *

AWP CA D Carlsbad, CA [Amended]

McClellan-Palomar Airport, CA
(Lat. 33°07'42" N, long. 117°16'48" W)
That airspace extending upward from the surface to and including 2,800 feet MSL within a 3-mile radius of McClellan-Palomar Airport, and 1 mile each side of the airport's 259° bearing extending from the 3-mile radius to 3.3 miles west of the airport. This Class D airspace area is effective during the

specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.
* * * * *

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.
* * * * *

AWP CA E4 Carlsbad, CA [Amended]

McClellan-Palomar Airport, CA
(Lat. 33°07'42" N, long. 117°16'48" W)
That airspace extending upward from the surface within 1.8 miles each side of the airport's 079° bearing extending from the 3-mile radius to 6.7 miles east of the airport, and within 1.3 miles each side of the airport's 313° bearing extending from the 3-mile radius to 4.5 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.
* * * * *

Issued in Des Moines, Washington, on May 17, 2024.
B.G. Chew,
Group Manager, Operations Support Group
Western Service Center.
[FR Doc. 2024–11296 Filed 5–23–24; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97
[Docket No. 31546; Amdt. No. 4113]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments
AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight

operations under instrument flight rules at the affected airports.

DATES: This rule is effective May 24, 2024. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.
The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 24, 2024.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC, 20590–0001.
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. 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.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:
Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPs, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5

U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Air Missions (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the

affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC on May 10, 2024.

Thomas J Nichols,

Manager, Aviation Safety, Flight Standards Service, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 13 June 2024

Boston, MA, BOS, ILS OR LOC RWY 15R, Amdt 2B
Boston, MA, BOS, ILS OR LOC RWY 22L, Amdt 8E

Boston, MA, BOS, ILS OR LOC RWY 27, Amdt 3A
Boston, MA, BOS, ILS OR LOC RWY 33L, ILS RWY 33L (SA CAT I), ILS RWY 33L (CAT II), ILS RWY 33L (CAT III), Amdt 5G
Boston, MA, BOS, RNAV (GPS) RWY 4R, Amdt 3A
Boston, MA, BOS, RNAV (GPS) RWY 15R, Amdt 2A
Boston, MA, BOS, RNAV (GPS) RWY 27, Amdt 1B
Boston, MA, BOS, RNAV (GPS) RWY 32, Orig-H
Boston, MA, BOS, RNAV (GPS) X RWY 22L, Amdt 1F
Boston, MA, BOS, RNAV (GPS) Y RWY 22L, Orig-B
Boston, MA, BOS, RNAV (GPS) Z RWY 33L, Amdt 2F
Boston, MA, BOS, VOR–A, Amdt 1C, CANCELED
New Bedford, MA, EWB, RNAV (GPS) RWY 14, Orig-G
Bottineau, ND, D09, RNAV (GPS) RWY 13, Orig
Bottineau, ND, D09, RNAV (GPS) RWY 31, Amdt 1
Norwich, NY, OIC, RNAV (GPS) RWY 1, Amdt 1B

Effective 11 July 2024

Colusa, CA, O08, RNAV (GPS) RWY 32, Amdt 2
Colusa, CA, O08, RNAV (GPS)-B, Amdt 1
Colusa, CA, O08, Takeoff Minimums and Obstacle DP, Amdt 1
Colusa, CA, O08, VOR–A, Amdt 6
Delano, CA, DLO, RNAV (GPS) RWY 33, Amdt 2
Delano, CA, KDLO, Takeoff Minimums and Obstacle DP, Amdt 3B
Delano, CA, DLO, VOR RWY 33, Amdt 9
Key West, FL, EYW, NDB–A, Amdt 15D, CANCELED
Lake City, FL, LCQ, NDB RWY 28, Amdt 2A, CANCELED
Homerville, GA, HOE, NDB RWY 14, Amdt 3A, CANCELED
Parsons, KS, PPF, VOR RWY 17, Orig-B, CANCELED
Aurora, NE, AUH, VOR–A, Amdt 6C, CANCELED
Atlantic City, NJ, ACY, VOR RWY 13, Amdt 4C, CANCELED
Atlantic City, NJ, ACY, VOR/DME RWY 22, Amdt 6D, CANCELED
Bellefontaine, OH, EDJ, VOR RWY 25, Amdt 1
Harlingen, TX, HRL, ILS OR LOC RWY 18R, ILS RWY 18R (SA CAT I), ILS RWY 18R (SA CAT II), Amdt 1
Harlingen, TX, HRL, ILS OR LOC RWY 36L, ILS RWY 36L (SA CAT I), ILS RWY 36L (SA CAT II), Orig
Harlingen, TX, HRL, LOC/DME BC RWY 35L, Orig-A, CANCELED
Harlingen, TX, HRL, RNAV (GPS) RWY 18L, Amdt 3
Harlingen, TX, HRL, RNAV (GPS) RWY 36R, Amdt 1
Harlingen, TX, HRL, RNAV (GPS) Y RWY 13, Amdt 3
Harlingen, TX, HRL, RNAV (GPS) Y RWY 18R, Amdt 3
Harlingen, TX, HRL, RNAV (GPS) Y RWY 31, Amdt 4

Harlingen, TX, HRL, RNAV (GPS) Y RWY 36L, Amdt 3
 Harlingen, TX, HRL, RNAV (RNP) Z RWY 13, Amdt 1
 Harlingen, TX, HRL, RNAV (RNP) Z RWY 18R, Amdt 1
 Harlingen, TX, HRL, RNAV (RNP) Z RWY 31, Amdt 2
 Harlingen, TX, HRL, RNAV (RNP) Z RWY 36L, Amdt 1
 Harlingen, TX, KHRL, Takeoff Minimums and Obstacle DP, Amdt 1
 Harlingen, TX, HRL, VOR RWY 18L, Amdt 2
 Harlingen, TX, HRL, VOR RWY 18R, Amdt 1
 Harlingen, TX, HRL, VOR RWY 36L, Amdt 1
 Harlingen, TX, HRL, VOR Y OR TACAN RWY 31, Amdt 2
 Harlingen, TX, HRL, VOR Z RWY 31, Amdt 2

[FR Doc. 2024–11490 Filed 5–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31547; Amdt. No. 4114]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective May 24, 2024. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 24, 2024.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC, 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg 26, Room 217, Oklahoma City, OK 73099. Telephone: (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Air Missions (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and

Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT regulatory Policies and Procedures (44 FR 11034;

February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports,
Incorporation by reference, Navigation
(Air).

Issued in Washington, DC on May 10, 2024.

Thomas J Nichols,

Manager, Aviation Safety, Flight Standards Service, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * *Effective Upon Publication*

AIRAC date	State	City	Airport name	FDC No.	FDC date	Procedure name
13-Jun-24	GA	Jefferson	Jackson County	4/1481	4/17/2024	RNAV (GPS) RWY 17, Amdt 3.
13-Jun-24	MI	Boyne Falls	Boyne Mountain	4/5706	4/26/2024	RNAV (GPS) RWY 35, Orig-B.
13-Jun-24	GA	Jefferson	Jackson County	4/8141	5/6/2024	RNAV (GPS) RWY 35, Amdt 3.

[FR Doc. 2024–11491 Filed 5–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[Docket ID: DOD–2023–HA–0049]

RIN 0720–AB89

TRICARE; Removal of Certain Temporary Regulation Changes Made in Response to COVID–19

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs (ASD(HA)), Department of Defense (DoD).

ACTION: Direct final rule.

SUMMARY: The ASD(HA) is issuing this direct final rule to remove certain temporary regulation changes put in place in response to the coronavirus disease 2019 (COVID–19) pandemic that were automatically terminated by the end of the President's national emergency and the associated Health and Human Services (HHS) Public Health Emergency (PHE). This rule is being published as a direct final rule as the Department does not expect to receive any adverse comments. If such comments are received, and are significant, this direct final rule will be withdrawn and a proposed rule for comments will be published.

DATES: The rule is effective on August 2, 2024 unless comments are received that would result in a contrary determination. Comments will be accepted on or before July 23, 2024. If adverse comment is received, the DoD will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket number and/or Regulation Identifier Number (RIN) number and title, by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments.
- **Mail:** Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT:

Erica Ferron, 303–676–3626, erica.c.ferron.civ@health.mil.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statement of Need for This Rule

The ASD(HA) approved temporary modifications to TRICARE regulations in response to the COVID–19 pandemic and the President's national emergency for the COVID–19 outbreak (Proclamation 9994, 85 FR 15337). Two interim final rules (IFRs) implementing temporary changes to the TRICARE regulation were published on May 12, 2020 (85 FR 27921) and September 3, 2020 (85 FR 54914). These rules were finalized with changes in a final rule published June 1, 2022 (87 FR 33001), with one exception, which was the temporary coverage of the investigational drugs authorized by the Food and Drug Administration for treatment use for COVID–19 under expanded access programs. The temporary provisions in the IFRs, as modified by the final rule where applicable, were set to expire automatically, depending on the particular temporary provision, at: (1) the termination of the President's national emergency; (2) the termination of the associated HHS PHE; or (3) the termination of the Centers for Medicare and Medicaid Services' (CMS's) Hospitals Without Walls initiative. Public Law 118–3 was enacted on April 10, 2023, immediately terminating the President's national emergency¹ and on May 11, 2023, the HHS Secretary

¹ <https://www.govinfo.gov/content/pkg/PLAW-118publ3/pdf/PLAW-118publ3.pdf>.

announced the termination of the PHE.² When the PHE ended, the CMS Hospitals Without Walls initiative also terminated.³ The ASD(HA) followed these terminations with an announcement in the FR on June 12, 2023, that the temporary provisions associated with the COVID-19 pandemic as published in the two discussed IFRs and two other IFRs had terminated in both the U.S. and in overseas locations (88 FR 38038). Because the provisions in the first IFR and all but one provision in the second IFR were finalized in a previous final rule, this direct final rule is necessary to remove from the TRICARE regulation the temporary provisions that were not made permanent in the final rule. This change is being published as a direct final rule as the public already had opportunity to provide comments on each IFR with neither generating significant comments (all comments were responded to in the final rule) and because all provisions being removed from the TRICARE regulation have already been terminated. Removing from the TRICARE regulation language which is no longer in effect is not expected to be controversial; as such, it is appropriate to publish this rule as a direct final rule.

This rule is being published as a direct final rule as the Department does not expect to receive any significant adverse comments concerning the removal of these temporary TRICARE provisions. If such comments are received, this direct final rule will be withdrawn and a proposed rule for comments will be published. If no such comments are received, this direct final rule will become effective 10 days after the public comment period expires.

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 direct final rule will be ineffective or unacceptable without a change. In determining whether a significant adverse comment necessitates withdrawal of this direct final rule, the Department 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 without the addition.

B. Temporary Provisions Being Removed

The temporary provisions being removed by this rule are:

- 32 CFR 199.4(b)(3)(xiv): A temporary waiver of the requirement for a three-day prior hospital stay before admission to a skilled nursing facility.
- 32 CFR 199.6(b)(4)(i)(I): A temporary waiver of certain acute care hospital requirements for temporary hospitals and freestanding ambulatory surgery centers during the COVID-19 pandemic.
- 32 CFR 199.6(c)(2)(i): A temporary waiver of certain interstate and international licensing requirements for individual professional providers.
- 32 CFR 199.14(a)(1)(iii)(E)(2): Temporary adjustments to the diagnosis related group-based reimbursement amounts for patients diagnosed with COVID-19.
- 32 CFR 199.14(a)(9)(i): Temporary reimbursement of all long-term care hospitals (LTCHs) at the LTCH prospective payment system standard Federal rate.
- 32 CFR 199.17(l)(3)(iii): A temporary waiver of cost-shares and copayments associated with the use of telehealth services. This provision was ended by the final rule, but the language was not removed.

C. Legal Authority

The legal authority for this direct final rule is title 10, United States Code (U.S.C.), chapter 55. Within chapter 55, section 1071 creates the uniform program of medical benefits and dental care for uniformed Service members, former members and for their dependents, and section 1073 authorizes the Secretary of Defense to administer the TRICARE Program and to make decisions implementing the benefits. All referenced sections can be found in 10 U.S.C. chapter 55, available at: <https://uscode.house.gov/view.xhtml?path=/prelim@title10/subtitleA/part2/chapter55&edition=prelim>.

D. Applicability

This rule will have a positive, if minor, impact on TRICARE's beneficiaries, providers, and health care contractors as removing temporary provisions from the TRICARE regulation that are no longer in effect will reduce confusion surrounding the applicability of those provisions.

E. Regulatory History

Each of the sections under which TRICARE is administered are revised every few years to ensure requirements continue to align with the evolving health care field. The specific provisions of §§ 199.4, 199.6, 199.14, and 199.17 were most recently amended in the final rule that finalized the IFRs impacted by this direct final rule. The rule finalized without change several temporary COVID-19-related provisions that are being removed by this direct final rule, but also made permanent TRICARE coverage of telephonic office visits, modified the temporary waiver of certain acute care hospital requirements for the duration of the President's national emergency for COVID-19, terminated the temporary waiver of telehealth cost-sharing, and permanently adopted Medicare's Hospital Value Based Purchasing program and New Technology Add-on Payments (with TRICARE-specific modifications).

II. Impact of This Regulation

The ASD(HA) approved numerous temporary regulation changes in response to the COVID-19 pandemic. The purpose of these changes was to ensure access to care during the national emergency and associated PHE, and that providers were adequately reimbursed for services during the emergency. Both the President's national emergency and the HHS PHE have ended, actions which automatically ended each temporary COVID-19 flexibility not made permanent in the final rule.

Because each of the temporary provisions automatically ended at either the end of the President's national emergency for COVID-19 or the HHS PHE, all costs associated with the temporary provisions have already ended. As such, there is no monetary impact to removing the now-outdated language for these temporary provisions from the TRICARE regulation.

III. Regulatory Compliance Analysis

A. Executive Order 12866, "Regulatory Planning and Review," as Amended by Executive Order 14094, "Modernizing Regulatory Review" and Executive Order 13563, "Improving Regulation and Regulatory Review"

Executive Order 12866, as amended by 14094 (88 FR 21879, April 11, 2023), and Executive Order 13563 direct agencies to assess all costs, benefits and available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health,

² <https://www.hhs.gov/about/news/2023/05/11/hhs-secretary-xavier-becerra-statement-on-end-of-the-covid-19-public-health-emergency.html>.

³ <https://www.cms.gov/files/document/hospitals-and-cahs-ascs-and-cmhcs-cms-flexibilities-fight-covid-19.pdf>.

safety effects, distributive impacts, and equity). These Executive orders emphasize the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated not significant, under section 3(f) of Executive Order 12866, as amended by Executive Order 14094.

B. Congressional Review Act (5 U.S.C. 801 et seq.)

Pursuant to the Congressional Review Act, this rule has not been designated a major rule, as defined by 5 U.S.C. 804(2).

C. Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. 601)

The ASD(HA) certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

D. Sec. 202, Public Law 104–4, “Unfunded Mandates Reform Act”

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. This rule will not mandate any requirements for State, local, or Tribal governments, and will not affect private sector costs.

E. Public Law 96–511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)

It has been determined that this direct final rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

F. Executive Order 13132, “Federalism”

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. This rule will not have a substantial effect on State and local governments.

G. Executive Order 13175, “Consultation and Coordination With Indian Tribal Governments”

Executive Order 13175 establishes certain requirements that an agency must meet when it promulgates a rule

that imposes substantial direct compliance costs on one or more Indian tribes, preempts Tribal law, or effects the distribution of power and responsibilities between the Federal Government and Indian tribes. This rule will not have a substantial effect on Indian Tribal governments.

List of Subjects in 32 CFR Part 199

Administrative practice and procedure, Claims, Dental health, Fraud, Health care, Health insurance, Individuals with disabilities, Mental health programs, and Military personnel.

For the reasons stated in the preamble, the Department of Defense amends 32 CFR part 199 as follows:

PART 199—CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS)

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

§ 199.4 [Amended]

■ 2. Amend § 199.4 by removing the parenthetical sentence after the third sentence of paragraph (b)(3)(xiv).

§ 199.6 [Amended]

■ 3. Amend § 199.6 by removing the note to paragraph (b)(4)(i)(I) and the last two sentences of paragraph (c)(2)(i).

§ 199.14 [Amended]

■ 4. Amend § 199.14 by removing the last sentence of paragraph (a)(1)(iii)(E)(2) and the note to paragraph (a)(9)(i).

§ 199.17 [Amended]

■ 5. Amend § 199.17 by removing paragraph (l)(3)(iii).

Dated: May 17, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–11219 Filed 5–23–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2024–0257]

Safety Zone; Moosabec 4th of July Fireworks, Jonesport, ME

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Moosabec 4th of July Committee Fireworks on June 29, 2024, to provide for the safety of life on navigable waterways. Our regulations for safety zones for annually recurring marine events held in Coast Guard Northern New England Captain of the Port Zone identify the regulated area for this event. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Designated Representative or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.171 will be enforced from 9 p.m. until 9:30 p.m. on June 29, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email MSTC Zachary Wetzels, Sector Northern New England, U.S. Coast Guard; telephone 207–808–9137, email NNEWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone listed in 33 CFR 165.171 for the Moosabec 4th of July Committee Fireworks regulated area from 9 p.m. to 9:30 p.m. on June 29, 2024. This action is being taken to provide for the safety of life on navigable waterways during this one-day event, which will feature live fireworks. The regulation for marine events within the First Coast Guard District, § 165.171, specifies the location of the regulated area for the Moosabec 4th of July Committee Fireworks which encompasses portions of the Gulf of Maine. During the enforcement period, vessels in the regulated area must comply with directions from the Designated Representative or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Amy E. Florentino,

Captain, U.S. Coast Guard, Captain of the Port, Sector Northern New England.

[FR Doc. 2024–11474 Filed 5–23–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165****[Docket Number USCG–2023–0971]****RIN 1625–AA11****Regulated Navigation Area; NW Natural Gasco Sediment Site Field Pilot Study, Willamette River, Portland, Oregon****AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

SUMMARY: The Coast Guard is establishing a Regulated Navigation Area for certain waters of the Willamette River. This action is necessary to preserve the integrity of sampling ports at the NW Natural Gasco Sediments Site Project Area on these navigable waters near Portland, Oregon. This rule prohibits persons and vessels in the designated area from activities that could disturb or damage the sampling ports unless authorized by the Captain of the Port Sector Columbia River or a designated representative.

DATES: This rule is effective June 24, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0971 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 Charlie Gilligan, Sector Columbia River, U.S. Coast Guard; telephone 503–240–9319, email SCRWWW@USCG.MIL.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
COTP Captain of the Port Sector Columbia River
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

On September 26, 2023, an organization notified the Coast Guard that it would be requesting a Regulated Navigation Area (RNA) at the NW Natural Gasco Sediments Site Project Area located in the Willamette River in Portland, Oregon. This would preserve

the integrity of the In Situ Stabilization and Solidification (ISS) Field Pilot Study (FPS) post-construction sampling ports placed over the site as part of the U.S. Environmental Protection Agency (EPA) Superfund cleanup action. The Captain of the Port Sector Columbia River (COTP) determined that a regulated navigation area would mitigate potential hazards at this site.

In response, on March 24, 2024, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Regulated Navigation Area; NW Natural Gasco Sediment Site Field Pilot Study, Willamette River, Portland, Oregon (89 FR 20579). There we stated why we issued the NPRM and invited comments on our proposed regulatory action. During the comment period that ended April 24, 2024, we received no comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Columbia River (COTP) has determined that the potential for damage associated with the disturbance of the cap and testing ports could negatively impact the project. The purpose of this rule is to mitigate the risk of damage to the cap and installed testing ports.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published March 24, 2024. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a Regulated Navigation Area. The Regulated Navigation Area covers a 1,750 square foot area at river mile 6.5 on the Willamette River, Portland, OR. The duration of the zone is intended last in perpetuity or until the EPA and NW Natural agree to modify the footprint as part of a future final site remedy. No vessel or person is permitted to disturb (e.g., anchor, drag lines, trawling, motoring) the regulated navigation area without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

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.

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 and typical utilization of the 1,750 square foot 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 received no comments from the Small Business Administration on this rulemaking. 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 regulated navigation area 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 regulated navigation area that will last in perpetuity and would prohibit any vessel or person to disturb (e.g., anchor, drag lines, trawling, motoring) the regulated navigation area, a 1,750 square foot area on the Willamette River. It is categorically excluded from further review under paragraph L60a of appendix A, table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A 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.

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 165

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

For the reasons discussed in the preamble, the Coast Guard amends 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 § 165.0971 to read as follows:

§ 165.0971 Regulated Navigation Area; NW Natural Gasco Sediments Site Field Pilot Study, Willamette River, Portland, OR.

(a) *Location.* The following area is a regulated navigation area (RNA): All navigable waters of the Willamette River, from surface to bottom, adjacent to the NW Natural Portland Gas Manufacturing (PGM) site, encompassed by a line connecting the following points beginning at 45°34′45.65″ N, 122°45′21.73″ W; thence to 45°34′45.32″

N, 122°45′22.00″ W; thence to 45°34′45.39″ N, 122°45′21.09″ W; thence to 45°34′45.06″ N, 122°45′21.36″ W; and back to the beginning point. These coordinates are based on North American Datum 83 (NAD 83). Geographically this location starts on the west bank of the Willamette River at approximately river mile 6.5.

(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 Columbia River (COTP) in the enforcement of the safety zone.

(c) *Regulations.* In addition to the general RNA regulations in § 165.13, the following regulations apply to the RNA described in paragraph (a) of this section.

(1) Sediment disturbance activities including anchoring, drag lines, trawling and motoring are prohibited to ensure the treated sediment surface and sampling ports are not disturbed. The sampling ports must remain intact and undisturbed to avoid impacting the EPA-approved sampling. All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the riverbed in the designated area. Vessels may otherwise transit or navigate within this area.

(2) The prohibition described in paragraph (b)(1) of this section does not apply to vessels or persons engaged in activities associated with remediation efforts in the NW Natural Gasco Sediment Site, provided that the Coast Guard Captain of the Port Sector Columbia River (COTP) is given advance notice of those activities by the U.S. Environmental Protection Agency (EPA).

(d) *Contact information.* If you observe violations of the regulations in this section, you may notify the COTP by email, at SCRWWM@USCG.MIL, or by phone, 503–240–9319.

Dated: May 20, 2024.

Charles E. Fosse,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2024–11454 Filed 5–23–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 61 and 63****[EPA–R01–OAR–2022–0496; FRL–10522–02–R1]****Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants: Asbestos Management and Control; State of New Hampshire Department of Environmental Services****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting the New Hampshire Department of Environmental Services (NH DES) the authority to implement and enforce the state's amended Asbestos Disposal Site Rule in place of the National Emission Standard for Asbestos provisions for inactive waste disposal sites. NH DES's amended rule applies to all inactive waste disposal sites that ceased operation on or before July 9, 1981. This approval makes the NH DES amended Asbestos Disposal Site Rule federally enforceable. This action is being taken under the Clean Air Act (CAA).

DATES: This rule is effective on June 24, 2024. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 24, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2022–0496. 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, *i.e.*, CBI 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 at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Office, Office of Ecosystem Protection, Air Permits, Toxics and Indoor Programs Unit, 5 Post Office Square—Suite 100, Boston, MA. The EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Liam Numrich, Air Permits, Toxics, and

Indoor Programs Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, Boston, MA 02109–3912, tel: (617) 918–1307, email: numrich.liam@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

Table of Contents

- I. Background and Purpose
- II. Response to Comments
- III. Final Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background and Purpose

On January 12, 2023 (88 FR 2057), the EPA published a Notice of Proposed Rulemaking (NPR) that proposed approval of NH DES's amended rules in Env–Sw 2100, “Management and Control of Asbestos Sites Not Operated after July 9, 1981,” (Asbestos Disposal Site Rule) effective September 1, 2018, as a partial rule substitution for the National Emission Standard for Asbestos (Asbestos NESHAP).

Under CAA section 112(l), EPA may approve state or local rules or programs to be implemented and enforced in place of certain otherwise applicable Federal rules, emissions standards, or requirements. The Federal regulations governing EPA's approval of state and local rules or programs under section 112(l) are located at 40 CFR part 63, subpart E. *See* 58 FR 62262 (November 26, 1993), as amended by 65 FR 55810 (September 14, 2000). Under these regulations, a state air pollution control agency has the option to request EPA's approval to substitute a state rule for the applicable Federal rule (*e.g.*, the National Emission Standards for Hazardous Air Pollutants). Upon approval by EPA, the state agency is authorized to implement and enforce its rule in place of the Federal rule.

The EPA first promulgated standards to regulate asbestos emissions on April 6, 1973 (see 38 FR 8826). These standards have since been amended several times and recodified in 40 CFR part 61, subpart M. On June 28, 2002, NH DES submitted a partial rule substitution request to implement and enforce its regulation Env–Wm 3900 titled “Management and Control of Asbestos Disposal Sites Not Operated After July 9, 1981” in lieu of some sections of the Asbestos NESHAP as they apply to certain inactive waste disposal sites. On May 28, 2003, EPA approved the NH DES's earlier version of the Asbestos Disposal Site Rule as a partial rule substitution for the

provisions of the Asbestos NESHAP at 40 CFR 61.151, which apply to inactive waste disposal sites not operated after July 9, 1981 (see 68 FR 31611). On January 28, 2010, NH DES requested approval of its readopted and recodified rules pertaining to inactive waste disposal sites in New Hampshire. On January 11, 2013, EPA approved New Hampshire's readopted and recodified rules in Env–Sw 2100 titled “Management and Control of Asbestos Sites Not Operated After July 9, 1981,” effective as of February 16, 2010 (see 78 FR 2333).

NH DES enacted amendments to Env–Sw 2100 in 2018. The purpose of these amendments is to more effectively address large quantities of asbestos waste buried throughout Nashua and Hudson, NH on residential, commercial, and industrial properties. On December 29, 2021, NH DES requested EPA approval to implement its amended rules in Env–Sw 2100 as a partial substitute for 40 CFR 61.01 through 40 CFR 61.18 (Subpart A, General Provisions) and 40 CFR 61.151 (Subpart M provisions applicable to inactive asbestos disposal sites). NH DES seeks to have the 2010 substituted rule formally replaced with the 2018 amended Asbestos Disposal Site rule. EPA has reviewed the State's submission and determined that the amended Asbestos Disposal Site Rule is no less stringent than the provisions of the Asbestos NESHAP.

II. Response to Comments

We received two comments on the proposed action in favor of finalizing the proposal. The comments did not identify any concerns specific to this action. Therefore, the EPA will not provide any further responses to these comments.

III. Final Action

EPA is approving NH DES's revised Env–Sw 2100, “Management and Control of Asbestos Disposal Sites Not Operated After July 9, 1981,” effective September 1, 2018, in place of the Asbestos NESHAP provisions for inactive waste disposal sites not operated after July 9, 1981 as a partial rule substitution for the same provisions of 40 CFR 61.01 through 40 CFR 61.18 and 40 CFR 61.151.

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 New Hampshire Regulations at Env–Sw 2100:

“Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981,” effective September 1, 2018, which establishes requirements for managing asbestos disposal sites where asbestos exists on or in the ground due to dumping activities that ceased prior to July 10, 1981. The EPA has made, and will continue to make, these documents generally available at the EPA Region 1 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 has the authority to approve section 112(l) submissions that comply with the provisions of the Act and applicable Federal regulations. In reviewing section 112(l) submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the Clean Air Act and of EPA’s implementing regulations. 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 13563 (76 FR 3821, January 21, 2011);
- 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 an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- 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; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the 112(l) submission is not approved to apply on any Indian reservation land or in any other area where 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).

List of Subjects

40 CFR Part 61

Environmental protection, Air pollution control, Administrative practice and procedure, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Incorporation by reference, Intergovernmental relations, Mercury, Radioactive materials, Radon, Reporting and recordkeeping requirements, Uranium, Vinyl chloride.

40 CFR Part 63

Environmental protection, Air pollution control, Administrative practice and procedure, Business and industry, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 17, 2024.

David Cash,

Regional Administrator, EPA Region 1.

For the reasons set out in the preamble, title 40, CFR parts 61 and 63 of the Code of Federal Regulations is amended as follows:

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

- 1. The authority citation for part 61 continues to read as follows:

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

Subpart A—General Provisions

- 2. Amend § 61.04 by revising paragraph (c)(1)(i) to read as follows:

§ 61.04 Address.

* * * * *

(c) * * * (1) * * *

- (i) Inactive waste disposal sites not operated after July 9, 1981 within the

state of New Hampshire must comply with the New Hampshire Regulations at Env–Sw 2100 (incorporated by reference, see § 61.18).

* * * * *

- 3. Amend § 61.18 by revising and republishing paragraph (e)(1) to read as follows:

§ 61.18 Incorporation by reference.

* * * * *

(e) * * * (1) State of New Hampshire, New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, NH 03302–0095, (603) 271–3503, <https://www.des.nh.gov/>.

(i) New Hampshire Code of Administrative Rules: Chapter Env–Sw 2100, Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981, effective September 1, 2018, (including a letter from Robert R. Scott, Commissioner, Department of Environmental Services, State of New Hampshire, to David J. Alukonis, Director, Office of Legislative Services, dated October 23, 2018, certifying that the enclosed rule, Env–Sw 2100, is the official version of this rule), IBR approved for § 61.04(c). (ii) New Hampshire Code of Administrative Rules: Chapter Env–A 1800, Asbestos Management and Control, effective as of May 5, 2017 (certified with June 23, 2017 letter from Clark B. Freise, Assistant Commissioner, Department of Environmental Services, State of New Hampshire), as follows: Revision Notes #1 and #2; Part Env–A 1801–1807, excluding Env–A 1801.02(e), Env–A 1801.07, Env–A 1802.02, Env–A 1802.04, Env–A 1802.07–1802.09, Env–A 1802.13, Env–A 1802.15–1802.17, Env–A 1802.25, Env–A 1802.31, Env–A 1802.37, Env–A 1802.40, Env–A 1802.44, and Env–A 1803.05–1803.09; and Appendices B, C, and D; IBR approved for § 61.04(c).

* * * * *

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

- 4. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

- 5. Amend § 63.14 by revising paragraph (n)(6)(i) to read as follows:

§ 63.14 Incorporation by reference.

* * * * *

(n) * * *

- (6)(i) New Hampshire Regulations at Env–Sw 2100, Management and Control

of Asbestos Disposal Sites Not Operated after July 9, 1981, effective September 1, 2018, (including a letter from Robert R. Scott, Commissioner, Department of Environmental Services, State of New Hampshire, to David J. Alukonis, Director, Office of Legislative Services, dated October 23, 2018, certifying that the enclosed rule, Env–Sw 2100, is the official version of this rule),IBR approved for § 63.99(a).

* * * * *

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 6. Amend § 63.99 by revising paragraph (a)(30)(iii) to read as follows:

§ 63.99 Delegated Federal authorities.

- * * * * *
- (a) * * *
- (30) * * *
- (iii) Affected inactive waste disposal sites not operated after July 9, 1981 within New Hampshire must comply with New Hampshire Regulations Chapter Env–Sw 2100: Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981, effective September 1, 2018 (incorporated by reference, see § 63.14) as described in paragraph (a)(30)(iii)(A) of this section:
- (A) The material incorporated by reference from Chapter Env–Sw 2100, Management and Control of Asbestos Disposal Sites Not Operated after July 9, 1981, pertains to inactive waste disposal sites not operated after July 9, 1981 in the State of New Hampshire’s jurisdiction, and has been approved under the procedures in § 63.93 to be implemented and enforced in place of the Federal NESHAPs for Inactive Waste Disposal Sites (40 CFR 61.151).
- (B) [Reserved]
- * * * * *

[FR Doc. 2024–11422 Filed 5–23–24; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 541

[Docket No. FMC–2022–0066]

RIN 3072–AC90

Demurrage and Detention Billing Requirements

Correction

In rule document 2024–10515 appearing on page 41895 in the issue of Tuesday, May 14, 2024, make the following correction:

In the second column, starting in the twenty-eighth line, the **DATES** section is corrected to read:

DATES: This rule is effective on May 28, 2024. The amendments adding 46 CFR 541.6 (instruction 2) and 541.99 (instruction 3), published on February 26, 2024 (89 FR 14330), are effective on May 28, 2024.

[FR Doc. C1–2024–10515 Filed 5–23–24; 8:45 am]
BILLING CODE 0099–10–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 80 and 260

[Docket Number DOT–OST–2024–0006]

RIN 2105–AE69

Railroad Rehabilitation and Improvement Financing Program and Transportation Infrastructure Finance and Innovation Act Program Regulations

AGENCY: Office of the Secretary of Transportation, Department of Transportation.

ACTION: Final rule.

SUMMARY: In this final rule, the Department of Transportation (Department) amends the Railroad Rehabilitation and Improvement Financing and Transportation Infrastructure Finance and Innovation Act program regulations to implement provisions of the Infrastructure Investment and Jobs Act and make other necessary updates.

DATES: *Effective Date:* This rule is effective on June 24, 2024.

FOR FURTHER INFORMATION CONTACT: Morteza Farajian, Executive Director, National Surface Transportation and Innovative Finance Bureau, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–2300, email at BuildAmerica@dot.gov.

SUPPLEMENTARY INFORMATION:

- I. Introduction and Background
- II. Public Comments on the Notice of Proposed Rulemaking and DOT’s Responses
- A. Interest Rate Setting for TIFIA and RRIF Obligations With a Long Tenor
- B. Interest Rate Spread on RRIF Direct Loans and Loan Guarantees With a Positive CRP
- C. Inclusion in Transportation Plans and Programs
- III. Regulatory Review
- A. Executive Orders 12866, 13563, and 14094
- B. Paperwork Reduction Act
- C. Regulatory Flexibility Act
- D. Unfunded Mandates Reform Act of 1995
- E. Executive Order 12988
- F. Executive Order 13175
- G. Executive Order 13132

I. Introduction and Background

This final rule establishes additional policies and procedures for the Railroad Rehabilitation and Improvement Financing (RRIF) program authorized by title V of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (49 U.S.C. Ch. 224; the RRIF Act) and the Transportation Infrastructure Finance and Innovation Act (TIFIA) program authorized by the Transportation Infrastructure Finance and Innovation Act of 1998, as amended (23 U.S.C. Ch. 6; the TIFIA Act). The RRIF Act authorizes the Secretary of Transportation (Secretary) to make direct loans and loan guarantees for eligible projects that meet enumerated criteria, and the TIFIA Act authorizes the Secretary to issue secured loans, loan guarantees, and lines of credit for eligible projects that meet statutory factors.

On January 25, 2024, the Department published a notice of proposed rulemaking (89 FR 4880; NPRM) that proposed to amend the RRIF and TIFIA program regulations to implement provisions of the Infrastructure Investment and Jobs Act (IIJA) and make other necessary updates. Having considered all comments submitted to DOT in response to the NPRM, the Department is issuing this final rule that adopts the proposal without change.

II. Public Comments on the Notice of Proposed Rulemaking and DOT’s Responses

DOT received comments on the NPRM from nine interested parties. The Department carefully reviewed all comments it received. In sections II.A.–C. of the preamble to this final rule, the Department summarizes the areas of the NPRM on which it received public comment and discusses DOT’s responses to those comments.

A. Interest Rate Setting for TIFIA and RRIF Obligations With a Long Tenor

In the NPRM, DOT proposed to require an interest rate spread on any RRIF or TIFIA obligation if the United States Treasury does not post the yield for securities of a similar maturity on the date of execution of the loan agreement. The spread would be applied to any RRIF or TIFIA loan that has both: (1) a final maturity date more than 35 years after the date of substantial completion of the project; and (2) a loan term—the period beginning on the date of execution of the loan agreement and ending on the final maturity date—of more than 40 years. The interest rate would be equal to the rate on thirty-to-forty-year State

and Local Government Series (SLGS) securities plus one basis point plus an annual interest rate adjustment for any period of the loan term after year 40 through year 100, which would be cumulative.

Public Comments

Several commenters are supportive of the proposed methodology for setting the interest rate for obligations with a long tenor. One commenter supports the proposed rule but encourages DOT to provide more clarity on whether a project qualifies for the extended maturities authorized by the IIJA. (Pub. L. 117–58, sec. 12001(e)(2), 21301(d)(6) (2021).) Other commenters request specific terms for long-tenor loans.

The America Public Transportation Association (APTA), which represents a diverse membership of transportation entities, supports the proposed rule to set interest rates, but encourages DOT to increase transparency about the specific criteria a project would need to meet to qualify for a loan with a term longer than those authorized before the passage of the IIJA. In addition, APTA requests that the flexibility currently offered under the TIFIA and RRIF programs apply equally to long-tenor loans.

Rembe Urban Design + Development (Rembe) recommend a minimum 40-year amortization period, and ideally 60-year amortization period, for RRIF transit-oriented development (TOD) projects. In their view, this extended amortization period would increase feasibility for RRIF TOD projects and match “the 40-year fully amortizing non-recourse construction loan” provided by other Federal loan programs.

DOT Response

As mentioned in the NPRM, DOT administers the RRIF and TIFIA programs pursuant to their respective statutes and regulations, as well as additional criteria in notices of funding, which are issued and updated as necessary, and guidance¹ to applicants. The Department uses criteria in the statutes, regulations, notices of funding, and guidance to determine the loan tenor of all projects and will do the same to determine whether a project qualifies for a loan with a long tenor. Specifically, to qualify for a loan with a term longer than those authorized before passage of the IIJA, the project must meet the criteria of either 49 U.S.C. 22402(g)(1) or 23 U.S.C. 603(b)(5)(C). In addition, DOT must determine with a reasonable degree of

confidence that the loan is able to be repaid by the maturity date. Furthermore, each project undergoes an in-depth review of its creditworthiness and must satisfy applicable creditworthiness criteria. Using the above criteria, as well as relevant statutes, regulations, notices of funding, and guidance, DOT will assess each project individually to determine whether it qualifies for a loan with a long tenor.

RRIF loans or loan guarantees, including those for TOD projects, may be structured to allow for a 40-year, or longer, amortization period, if such amortization period complies with the requirements of the RRIF statute. As mentioned in the NPRM, the Secretary shall not make a RRIF direct loan or loan guarantee unless repayment of the obligation is made within a term that is not longer than the shorter of:

(A) 75 years after the date of substantial completion of the project;

(B) the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established, subject to an adequate determination of long-term risk; or

(C) for projects determined to have an estimated useful life that is longer than 35 years, the period that is equal to the sum of—

(i) 35 years; and

(ii) the product of—

(I) the difference between the estimated useful life and 35 years; multiplied by

(II) 75 percent.

(49 U.S.C. 22402(g)(1).) In addition, payment of the RRIF direct loan or loan guarantee must commence no later than 5 years after the date of substantial completion. (49 U.S.C. 22402(j)(1).) Because of the variable nature of the estimated useful life and substantial completion of RRIF projects, not all RRIF loans will be able to support a 40-year, or longer, amortization period, while complying with the requirements of 49 U.S.C. 22402(g)(1) and (j)(1). Therefore, the Department cannot establish a minimum 40-year amortization schedule for any type of RRIF project, including TOD projects. Instead, DOT will evaluate each project on a project-by-project basis to determine whether it qualifies for a loan with a long tenor.

B. Interest Rate Spread on RRIF Direct Loans and Loan Guarantees With a Positive CRP

DOT proposed to add a credit spread, equivalent to the rate needed to reduce the credit risk premium (CRP) to zero dollars, to the interest rate charged on any RRIF direct loan projected to have a positive subsidy cost. The additional interest would not qualify as a CRP

payment and would not be returned to the original source once the obligation is satisfied.

Public Comments

Multiple commenters are supportive of the proposal to add a credit spread to any RRIF obligation with a positive subsidy cost. One commenter supports the proposed rule but suggests that the CRP be waived or reduced for RRIF projects that meet certain criteria. Another commenter requests that the Department delay consideration of this proposal because the commenter believes the credit spread would prevent project sponsors from applying for RRIF loans.

The American Short Line and Regional Railroad Association (ASLRRRA), a non-profit trade association representing the interests of more than 600 short line railroads, notes that paying an upfront CRP payment can be a potential challenge to borrowers and states that the proposed rule will support lending to short line railroads by eliminating that payment.

Amtrak requests additional clarity on the implementation of the proposed rule, including explanations of the rate adjustment required to achieve zero CRP and how any future appropriations or statutory revisions would affect a RRIF loan with an interest rate adjustment.

APTA urges DOT to delay consideration of this part of the proposed rule because it would increase the cost of RRIF loans and limit demand in the RRIF program. APTA also states that the proposed rule would prevent project sponsors from applying for RRIF loans, in part because the expected credit spread was not discussed in the NPRM. Finally, APTA notes that the proposed rule may not align with Congress's intent, as enacted in 49 U.S.C. 22402(f)(7).

Rembe suggests that special consideration be given to RRIF projects considered catalytic and that CRP should be reduced or waived for certain projects. Specifically, Rembe suggests the reduction of CRP for RRIF projects that: (1) have a debt coverage ratio over 1.28; (2) provide multifamily or workforce housing; (3) have a market study that strongly supports the project; or (4) are public-private partnerships. Rembe also suggests that the DOT consider the size of a project and the project's ability to cover the interest rate spread in calculating that spread.

DOT Response

The Department will continue to determine the applicable CRP by estimating the total long-term cost to the Federal Government of the RRIF direct

¹ <https://www.transportation.gov/buildamerica/financing/program-guide>.

loan or loan guarantee. (49 U.S.C. 22402(f)(2).) To calculate the CRP for a RRIF obligation, the Department uses the criteria in 49 U.S.C. 22402(f), the regulations, notices of funding, and guidance, to determine the net present value of expected losses due to default or delinquency. This calculation is then reviewed and confirmed by the Office of Management and Budget (OMB). OMB either concurs with the CRP, as calculated, or advises DOT of changes needed to the calculation to fully capture the estimated cost to the government of providing the financial assistance.

In the NPRM, the Department proposed to add a credit spread to the interest rate charged on a RRIF direct loan where the calculated CRP is a positive amount. To determine this credit spread, the President's Budget rate would be adjusted to an interest level sufficient to bring the CRP down to zero dollars. The interest rate on the RRIF direct loan would then be adjusted to match the President's Budget rate credit spread. The interest rate will continue to be set on the date of the execution of the loan agreement for the RRIF direct loan or loan guarantee.

The NPRM provides that removal of the requirement that the Department return CRP payments would remove the requirement for the addition of a credit spread. As mentioned above, the interest rate, plus any credit spread, will be calculated on the date of execution of the RRIF loan agreement. Therefore, the removal of the credit spread would apply to any RRIF loans not yet entered into, but would not change the requirements of an existing RRIF obligation. Similarly, any future appropriation from Congress to cover subsidy cost would not change the terms of an existing RRIF loan agreement.

In the NPRM, DOT also addressed the fact that without an appropriation from Congress to cover the subsidy cost and with the requirement to return CRP payments, the cost of RRIF loans would increase and result in a CRP that would be cost prohibitive to borrowers. In initial calculations carried out with the assistance of the Department of Treasury and OMB, the Department found that the CRP would have to be sized to the face value of the direct loan to allow CRP payments, plus interest accrued, to be returned to the original source once the loan obligation is satisfied. Without an appropriation to cover the CRP, the Department calculated that a RRIF borrower would be required to pay a CRP payment equal to each loan disbursement, prior to such disbursement. DOT believes that such

high CRP payments would prevent project sponsors from applying for RRIF loans and severely limit demand in the RRIF program.

The Department proposed the credit spread to remove the barriers to utilization of the RRIF program created by the need to repay CRP, while ensuring proper accounting of the government's risk. The Department considered preserving optionality for borrowers and allowing each borrower to determine whether it is preferable to pay a high CRP, but have those payments returned upon satisfaction of the obligation, or to pay an interest rate premium. DOT determined, however, that the vast majority, if not all, borrowers could not afford to pay the face value of the RRIF direct loan to preserve repayment. This conclusion is supported by feedback from prospective RRIF applicants that the need to pay CRP contributed to their decision to not apply for a RRIF loan and the comment from the ASLRRRA that reiterates that paying the cost of the loan before the loan proceeds are disbursed to the borrower is a challenge to borrowers.

For these reasons, the Department has determined not to delay consideration of this portion of the proposal and is adopting it as proposed. In addition, the Department proposed to add a credit spread in the amount needed to result in a CRP of zero dollars. Given that the CRP will be \$0, DOT does not plan to waive or reduce the CRP further. Furthermore, the Department cannot waive or reduce the subsidy cost of a loan.

C. Inclusion in Transportation Plans and Programs

In the NPRM, the Department proposed to amend 49 CFR part 80 to delete outdated statutory language. With this change, a TIFIA project would only need to "satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under the TIFIA program." (23 U.S.C. 602(a)(3).)

Public Comments

The Airports Council International—North America (ACI-NA), representing local, regional, and state governing bodies that own and operate commercial airports in the United States and Canada, believes that FAA's Master Plan and Airport Layout Plan approval processes should be sufficient to enable airports to meet the requirements of 23 U.S.C. 602(a)(3) and requests that DOT clarify that airport projects included in a FAA-approved Airport Master Plan

and Airport Layout Plan do not also need to meet the requirements of 23 U.S.C. 134 and 135.

APTA supports the objective to revise the TIFIA regulations to comply with 23 U.S.C. 602(a)(3) but believes that this would be better accomplished by adding the statutory language to the rule. In addition, APTA notes that the rule should be implemented in a way that recognizes the unique characteristics of transit-oriented development projects.

LOCUS, Smart Growth America's coalition of triple bottom line real estate developers, recommends that the final rule explicitly exclude or exempt TOD projects from the requirements of 23 U.S.C. 602(a)(3).

DOT Response

The Department proposed to amend 49 CFR part 80 to align with 23 U.S.C. 602(a)(3) and has done so by replacing outdated statutory language with the requirement that a project comply with 23 U.S.C. 602(a)(3). The Department believes that the approach taken in the final rule addresses the concern raised by APTA in their comment suggesting that DOT include the language of the current statutory provision in the final rule at 49 CFR 80.13(a)(1). In addition, sections 134 and 135 of title 23 of the U.S.C., and the underlying regulations, are administered by the Federal Highway Administration and the Federal Transit Administration. The Department believes it is in the best interest of TIFIA borrowers to rely on the agencies with expertise in transportation planning and programming to determine which projects must satisfy the requirements of sections 134 and 135 of title 23 of the U.S.C.

The Department may consider in future rulemaking whether referring to this and other statutory requirements in the regulations assists in program administration.

III. Regulatory Review

A. Executive Order 12866, 13563, and 14094

This rule has been determined to not be a significant regulatory action under Executive Order (E.O.) 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993), as supplemented by E.O. 13563, "Improving Regulation and Regulatory Review," 76 FR 3821 (Jan. 21, 2011), and amended by E.O. 14094, "Modernizing Regulatory Review," 88 FR 21870 (Apr. 11, 2023). Accordingly, this action was not subject to review under that Executive order by the Office of Information and Regulatory Affairs

within the Office of Management and Budget.

B. Paperwork Reduction Act

According to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), no Federal agency may 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 National Surface Transportation and Innovative Finance Bureau (Bureau) received approval from OMB for use of forms for the RRIF and TIFIA program under OMB control number 2105–0569, with an expiration date of February 28, 2025. This rule does not change that collection of information or create any collection of information, and therefore, is not subject to the Paperwork Reduction Act requirements.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended, requires preparation of a final regulatory flexibility analysis for any final rule that by law must first be proposed for public comment, unless the Federal agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (August 16, 2002), DOT issued procedures and policies to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process and DOT has made its procedures and policies available on its website: <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities>.

The Bureau has evaluated the effects of this action on small entities and has determined that the rule would not have a significant economic impact on a substantial number of small entities. First, the Bureau does not expect to enter into loans with a substantial number of small entities. In the last five years, the Bureau has obligated almost 40 loans under both the RRIF and TIFIA programs, and no borrowers have been small entities. Given that zero percent of borrowers were small entities in the time period sampled, the Bureau does not expect that a large number of borrowers will be small entities in the future. Second, the Bureau doesn’t believe that this action would have a significant economic impact. The changes to 49 CFR part 80 related to inclusion in the transportation plans and programs will not have any

economic impact because the regulatory change merely updates the regulation consistent with existing statutory requirements. While the changes to 49 CFR parts 80 and 260 related to long-tenored obligations will raise interest rates for borrowers of long-tenored obligations, this impact can be avoided by a borrower opting for a loan term that is less than 40 years. A RRIF loan with a positive CRP will similarly have a higher interest rate, but the Bureau believes this economic impact is preferable to a CRP payment that is so large it is cost prohibitive.

The Department did not receive comments on its certification in the proposed rule and responds to comments on the economic impact of the rule in the preamble to the final rule.

For the reasons discussed in this section, the Department certifies that this action would not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final rule that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. The rule does not contain such a mandate; therefore, the analytical requirements of title II of the Act do not apply.

E. Executive Order 12988

Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (February 7, 1996), requires that Federal agencies promulgating new regulations or reviewing existing regulations take steps to minimize litigation, eliminate ambiguity and to reduce burdens on the regulated public. The Bureau has reviewed this rulemaking and has determined that this rulemaking action conforms to the applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988.

F. Executive Order 13175

Consistent with Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” 65 FR 67249 (Nov. 6, 2000), DOT ensures that Federally Recognized Tribes (Tribes) are given the opportunity to provide meaningful and timely input regarding proposed Federal actions that have the

potential to affect uniquely or significantly their respective Tribes. The Bureau has not identified any unique or significant effects, environmental or otherwise, on Tribes resulting from this rule.

G. Executive Order 13132

Executive Order 13132, “Federalism,” 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOT has examined this rule and has determined that it would not preempt State law and would 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. No further action is required by Executive Order 13132.

List of Subjects

49 CFR Part 80

Credit, Highways and roads, Loan programs—transportation, Mass transportation, Railroads.

49 CFR Part 260

Loan programs—transportation, Railroads.

Issued in Washington, DC, on May 16, 2024.

Peter Paul Montgomery Buttigieg,
Secretary, Department of Transportation.

For the reasons stated in the preamble, the Department of Transportation amends 49 CFR parts 80 and 260 as follows:

PART 80—CREDIT ASSISTANCE FOR SURFACE TRANSPORTATION

- 1. The authority citation for part 80 is revised to read as follows:

Authority: Secs. 1501 *et seq.*, Pub. L. 105–178, 112 Stat. 107, 241, as amended; 23 U.S.C. 601–611 and 315; 49 U.S.C. 116.

- 2. Amend § 80.13 by:

- a. In the introductory text of paragraph (a), removing the word “five” and adding in its place the word “four”;
- b. Revising paragraph (a)(1); and
- c. Removing paragraph (a)(5).

The revision reads as follows:

§ 80.13 Threshold criteria.

(a) * * *

(1) A project shall comply with 23 U.S.C. 602(a)(3).

* * * * *

■ 3. Add § 80.23 to read as follows:

§ 80.23 Loan terms.

(a) The interest rate on a secured loan will be not less than the rate on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of the execution of the loan agreement, except as provided in paragraph (b) of this section and 23 U.S.C. chapter 6.

(b) If, on the date of the execution of the loan agreement, the United States Treasury does not post the rate of securities of a similar maturity to the maturity of the secured loan, the interest rate on any secured loan with both a final maturity date that is more than 35 years after the date of substantial completion of the project, and a loan term that is more than 40 years, will be equal to not less than the rate on thirty-to-forty year Treasury securities plus an annual interest rate adjustment. The annual interest rate adjustment will be, cumulatively:

(i) 1.4 basis points for each year of the loan term after year 40 to, but not including, year 51;

(ii) 0.4 basis points for each year of the loan term from year 51 to, but not including, year 71; and

(iii) 0.2 basis points for each year of the loan term from year 71 to year 100.

(c) For purposes of this section, “loan term” means the period beginning on the date of the execution of the loan agreement and ending on the final maturity date.

PART 260—REGULATIONS GOVERNING LOANS AND LOAN GUARANTEES UNDER THE RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

■ 4. The authority citation for part 260 is revised to read as follows:

Authority: 49 U.S.C. 22401, 22402, 22403, 22404, 22405, 22406; 49 U.S.C. 116.

■ 5. Revise § 260.9 to read as follows:

§ 260.9 Loan terms.

(a) The interest rate on a direct loan will be not less than the rate on United States Treasury securities of a similar maturity of the direct loan on the date of the execution of the loan agreement, except as described in paragraph (b) of this section and in § 260.17(d).

(b) If, on the date of the execution of the loan agreement, the United States Treasury does not post the rate of securities of a similar maturity of the direct loan, the interest rate on any

direct loan with both a final maturity date that is more than 35 years after the date of substantial completion of the project, and a loan term that is more than 40 years, will be equal to not less than the rate on thirty-to-forty year Treasury securities plus an annual interest rate adjustment. The annual interest rate adjustment will be, cumulatively:

(i) 1.4 basis points for each year of the loan term after year 40 to, but not including, year 51;

(ii) 0.4 basis points for each year of the loan term from year 51 to, but not including, year 71; and

(iii) 0.2 basis points for each year of the loan term from year 71 to year 100.

(c) For purposes of this section, “loan term” means the period beginning on the date of the execution of the loan agreement and ending on the final maturity date.

■ 6. Amend § 260.17 by adding paragraph (d) to read as follows:

§ 260.17 Credit risk premium analysis.

* * * * *

(d)(1) Where the Credit Risk Premium determined pursuant to paragraph (a) of this section is a positive amount, the interest rate on the direct loan will be equal to not less than the rate set pursuant to § 260.9 plus an interest rate adjustment sufficient to result in a Credit Risk Premium of zero dollars.

(2) Paragraph (d)(1) of this section shall apply to a direct loan or loan guarantee only so long as the Act requires the Secretary to return Credit Risk Premiums paid on that loan or loan guarantee to the original source.

[FR Doc. 2024–11139 Filed 5–23–24; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919–0193; RTID 0648–XD871]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Angling Category Retention Limit Adjustment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; retention limit adjustment.

SUMMARY: NMFS has determined, based on consideration of the regulatory

determination criteria regarding inseason adjustments, that the Atlantic bluefin tuna (BFT) daily retention limit that applies to Highly Migratory Species (HMS) Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally for BFT) should be adjusted for the remainder of 2024. NMFS is adjusting the Angling category BFT daily retention limit from the default of 1 school, large school, or small medium BFT to: 2 school BFT and 1 large school/small medium BFT per vessel per day/trip for private vessels with HMS Angling permits; 3 school BFT and 1 large school/small medium BFT per vessel per day/trip for charter boat vessels with HMS Charter/Headboat permits when fishing recreationally; and 12 school BFT and 2 large school/small medium BFT per vessel per day/trip for headboat vessels with HMS Charter/Headboat permits when fishing recreationally. These retention limits are effective in all areas, except for the Gulf of Mexico, where targeted fishing for BFT is prohibited.

DATES: Effective May 23, 2024, through December 31, 2024.

FOR FURTHER INFORMATION CONTACT:

Anna Quintrell (anna.quintrell@noaa.gov) or Larry Redd, Jr. (larry.redd@noaa.gov) at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota, established by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25-mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the

Northeast Distant Gear Restricted Area). The Angling category baseline quota is 297.4 mt. This baseline quota is further subdivided into subquotas by size class (see Table 1) as follows: 134.1 mt for school BFT, 154.1 mt for large school/small medium BFT, and 9.2 mt for large medium/giant BFT. Large school and

small medium BFT traditionally have been managed as one size class, *i.e.*, a limit of one large school/small medium BFT (measuring 47 to less than 73 inches, 119 to less than 150 cm). Similarly, large medium and giant BFT traditionally have been managed as one size class that is also known as the

“trophy” class. Currently, the default Angling category daily retention limit of one school, large school, or small medium BFT is in effect and applies to HMS Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally for BFT) (§ 635.23(b)(2)).

TABLE 1—BFT SIZE CLASSES

Size class	Curved fork length
School	27 to less than 47 inches (68.5 to less than 119 cm).
Large school	47 to less than 59 inches (119 to less than 150 cm).
Small medium	59 to less than 73 inches (150 to less than 185 cm).
Large medium	73 to less than 81 inches (185 to less than 206 cm).
Giant	81 inches or greater (206 cm or greater).

Adjustment of Angling Category Daily Retention Limit

Under § 635.23(b)(3), NMFS may increase or decrease the Angling category retention limit for any size class of BFT after considering determination criteria provided under § 635.27(a)(7). Also under § 635.23(b)(3), recreational retention limits may be adjusted separately for specific vessel type, such as private vessels, headboats, or charter boats.

NMFS has considered all of the relevant determination criteria and their applicability to the change in the Angling category retention limit. After considering these criteria, NMFS has decided to adjust the Angling category retention limits as follows:

(1) For private vessels with HMS Angling permits, this action adjusts the limit upwards to two school BFT and one large school/small medium BFT per vessel per day/trip (*i.e.*, two BFT measuring 27 to less than 47 inches (68.5 to less than 119 cm) and one BFT measuring 47 to less than 73 inches (119 to less than 185 cm)).

(2) For charter boat vessels with HMS Charter/Headboat permits, this action adjusts the limit upwards to three school BFT and one large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.*, three BFT measuring 27 to less than 47 inches (68.5 to less than 119 cm) and one BFT measuring 47 to less than 73 inches (119 to less than 185 cm)).

(3) For headboat vessels with HMS Charter/Headboat permits, this action adjusts the limit upwards to 12 school BFT and 2 large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.*, 12 BFT measuring 27 to less than 47 inches (68.5 to less than 119 cm) and 2 BFT measuring 47 to less than 73 inches (119 to less than 185 cm)).

Regardless of the duration of a fishing trip, no more than a single day's retention limit may be possessed or retained at the end of the trip upon landing. For example, whether a private vessel (fishing under the Angling category retention limit) takes a two-day trip or makes two trips in one day, the day/trip retention limit of two school BFT and one large school/small medium BFT applies and may not be exceeded upon landing.

Consideration of the Determination Criteria

NMFS has considered all of the relevant determination criteria under § 635.27(a)(7) and their applicability to this inseason retention limit adjustment. These considerations include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(7)(i)), biological samples collected from BFT landed by recreational fishermen continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the Angling category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered recent catches of the Angling category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(7)(ii)). Specifically, NMFS considered Angling category landings in 2023, which were approximately 74 percent of the 297.4-mt annual Angling category quota in 2023, including landings of approximately 12 percent of the available school BFT quota (134.1 mt) in

2023, under similar daily retention limits as implemented in this action. Thus, the likelihood of closure of this segment of the fishery is highly unlikely if no adjustment is made. Rather, absent retention limit adjustment, NMFS anticipates that the available 2024 Angling category quota would not be harvested under the default retention limit.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP (§ 635.27(a)(7)(v) and (vi)). These retention limits would be consistent with established quotas and subquotas, which are implemented consistent with ICCAT recommendations (established in recommendation 22–10), ATCA, and the objectives of the 2006 Consolidated HMS FMP and amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and effects on the stock. These retention limits are in line with the established management measures and stock status determinations. It is also important that NMFS limit landings to the subquotas both to adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.*, fish caught at each age) that was assumed in the latest stock assessment, and these retention limits are consistent with those objectives. Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the available Angling category quota without exceeding the available quota, based on the objectives of the 2006 Consolidated HMS FMP and its amendments, including to achieve optimum yield on

a continuing basis and to allow all permit categories a reasonable opportunity to harvest available BFT quota allocations (related to § 635.27(a)(7)(x)).

In implementing this retention limit adjustment, NMFS considered that ICCAT recommendations and HMS implementing regulations limit the allowance for landings of school BFT to 10 percent of the U.S. baseline quota (*i.e.*, 134.1 mt), as well as input on recreational limits from the HMS Advisory Panel at its May and September 2023 meetings. The 2023 school BFT landings represented approximately 1.2 percent of the total U.S. quota for 2023, well under the ICCAT recommended 10-percent limit. NMFS is not setting higher school BFT limits than the adjustments listed due to the potential risk of exceeding the ICCAT tolerance limit on school BFT and other considerations, such as potential effort shifts to BFT fishing as a result of current recreational retention limits for New England groundfish and striped bass as well as high variability in BFT availability.

Given that the Angling category landings fell short of the available Angling category quota in 2023, even with the retention limit adjustments, and considering the regulatory criteria above, NMFS has determined that the Angling category retention limits applicable to HMS Angling and HMS Charter/Headboat permitted vessels should be adjusted upwards from the default levels.

NMFS has also concluded that implementation of separate limits for private, charter boat, and headboat vessels is appropriate, recognizing the different nature, social and economic needs, and recent landings results of the two components of the recreational BFT fishery. For example, charter operators historically have indicated that a retention limit greater than the default limit of one fish is vital to their ability to attract customers. In addition, Large Pelagics Survey estimates indicate that charter/headboat BFT landings averaged 26 percent of recent recreational landings for 2023, with the remaining 74 percent landed by private vessels. NMFS has further concluded that a higher limit for headboats (than charter boats) is appropriate, given the limited number of headboats participating in the BFT fishery.

NMFS anticipates that the BFT daily retention limits in this action will result in landings during 2023 that would not exceed the available subquotas. Lower retention limits could result in substantial underharvest of the Angling

category subquota, and increasing the daily limits further may risk exceeding the available quota, contrary to the objectives of the 2006 Consolidated HMS FMP and amendments.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. HMS Angling and HMS Charter/Headboat permitted vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or the end of each trip, by accessing <https://www.hmspermits.noaa.gov> or by using the HMS Catch Reporting app, or calling (888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access <https://www.hmspermits.noaa.gov>, for updates on quota monitoring and inseason adjustments.

HMS Angling and HMS Charter/Headboat permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the "Careful Catch and Release" brochure available at <https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure>.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond

to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment on this daily retention limit adjustment for the remainder of 2024 at this time is impracticable. NMFS could not have proposed this action earlier, as it needed to consider and respond to updated 2023 recreational landings data. If NMFS was to offer a public comment period or delay in effective date now, after having appropriately considered that information, it would preclude the fishery from harvesting BFT that are available on the fishing grounds that might otherwise become unavailable during a delay, and/or could result in selection of a retention limit inappropriately high or low for the amount of quota available for the period.

Fisheries under the Angling category daily retention limit are currently underway and thus prior notice would be contrary to the public interest. Delays in increasing daily recreational BFT retention limit would adversely affect those HMS Angling and HMS Charter/Headboat permitted vessels that would otherwise have an opportunity to harvest more than the default retention limit of one school, large school, or small medium BFT per day/trip and may exacerbate the problem of low catch rates and quota rollovers. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risk of exceeding the ICCAT-allocated quota. Taking this action does not raise conservation and management concerns, and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d), there is good cause to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: May 20, 2024.

Karen H. Abrams,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2024-11441 Filed 5-23-24; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 220919–0193]

RTID 0648–XD944

**Atlantic Highly Migratory Species;
Atlantic Bluefin Tuna Fisheries;
General Category and Harpoon
Category Retention Limit Adjustments**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; retention limit adjustment.

SUMMARY: NMFS is adjusting the General category bluefin tuna (BFT) daily retention limit from the default of one large medium or giant BFT to three large medium or giant BFT. This daily retention limit applies to Atlantic Tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT. This adjustment will be effective for the June through August subquota time period or until further modified. Additionally, NMFS is modifying the Harpoon category BFT daily retention limit from the default of no more than 10 large medium and giant BFT to 5 large medium or giant BFT. The incidental catch limit of two large medium BFT per vessel per day/trip remains unchanged. These retention limits apply to Atlantic Tunas Harpoon category permitted vessels for the remainder of the 2024 Harpoon category fishing season, which concludes on November 15, 2024, or until further modified.

DATES: The adjusted retention limit for the General category is effective June 1, 2024, through August 31, 2024 or until NMFS announces in the **Federal Register** another adjustment to the retention limit. The adjusted retention limit for the Harpoon category is effective from June 1, 2024, through November 15, 2024, or until NMFS announces in the **Federal Register** another adjustment to the retention limit.

FOR FURTHER INFORMATION CONTACT: Anna Quintrell (anna.quintrell@noaa.gov) or Larry Redd, Jr. (larry.redd@noaa.gov) at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the

2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota, established by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). The baseline quota for the General category is 710.7 mt. The baseline subquota for the June through August time period is 355.4 mt. The default General category daily retention limit is one large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip and applies to General category permitted vessels and to HMS Charter/Headboat permitted vessels (when fishing commercially for BFT) (§ 635.23(a)(2)).

The Harpoon category baseline quota is 59.2 mt. As described in § 635.23(d)(1), the overall default Harpoon category daily retention limit is no more than 10 large medium or giant BFT, combined, per vessel per day/trip. As described in § 635.23(d)(2), the incidental daily catch limit is no more than two large medium BFT (*i.e.*, measuring 73 inches to less than 81 inches (206 cm) CFL) per vessel per day/trip. If the vessel owner/operator retains two large medium BFT during a day/trip under these default retention limits, they may retain a maximum of 8 giant BFT on that same day/trip.

Adjustment of General and Harpoon Category Daily Retention Limits

NMFS may increase or decrease the General or Harpoon category daily retention limits after considering the

regulatory determination criteria under § 635.27(a)(7). For the General category, NMFS may adjust the daily retention limit of large medium and giant BFT over a range of zero to five BFT per vessel (see § 635.23(a)(4)). For the Harpoon category, NMFS may adjust the overall daily retention limit of large medium and giant BFT, combined, per vessel per day over a range of 5 to a maximum of 10 BFT per vessel per day (see § 635.23(d)(1)). NMFS may also adjust the incidental daily catch limit for the Harpoon category over a range of two to a maximum of four large medium BFT per vessel per day (see § 635.23(d)(2)).

NMFS has considered all relevant determination criteria for adjusting the BFT retention limits in both the General and Harpoon categories. For the General category, after evaluating these criteria, NMFS has decided to increase the daily retention limit from one to three large medium or giant BFT per vessel per day/trip. This adjustment would apply to the June through August time period or until NMFS announces in the **Federal Register** another adjustment to the retention limit.

For the Harpoon category, NMFS has decided to decrease the overall daily retention limit to no more than five large medium and giant BFT, combined, per vessel per day/trip (*i.e.*, BFT measuring 73 inches (185 cm) CFL or greater). This action maintains the incidental daily catch limit of two large medium BFT (*i.e.*, measuring 73 inches to less than 81 inches (206 cm) CFL) per vessel per day/trip. As such, if two large medium BFT are retained during a day/trip, no more than three giant BFT may be retained on the same day/trip. Similarly, if no large medium BFT are retained, then all five BFT could be giant BFT. This adjustment would apply from June 1 through the remainder of the 2024 Harpoon category fishing season, which concludes on November 15, 2024, or until NMFS announces in the **Federal Register** another adjustment to the retention limit.

Regardless of the duration of a fishing trip, no more than a single day's daily retention limit may be possessed or retained at the end of the trip for both the General and Harpoon category vessels. For example, whether a General category vessel takes a 2-day trip or makes two trips in 1 day during the June through August time period, the daily limit of three fish may not be exceeded upon landing. Similarly, a Harpoon category vessel cannot exceed the daily limit of five combined large medium and giant BFT, regardless of the trip's length or number of trips in a day. These retention limits are effective in all

areas, except for the Gulf of Mexico, where NMFS prohibits targeting fishing for BFT. The General category retention limit applies to vessels permitted in the General category and to those HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT, while the Harpoon category retention limit applies to those vessels permitted in the Harpoon category.

Consideration of the Determination Criteria

As described above, under § 635.23(a)(4) and (d)(1), NMFS may adjust the daily retention limit of large medium and giant BFT in the General and Harpoon categories after considering the regulatory determination criteria under § 635.27(a)(7). Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(7)(i)), biological samples collected from BFT landed by General or Harpoon category fishermen and provided by BFT dealers continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota to date and the likelihood of closure of the General category if no adjustment is made (§ 635.27(a)(7)(ii)). Commercial-size BFT are anticipated to migrate to the fishing grounds off the northeast U.S. coast by early June. Given the typically slow catch rates in early June in the General category, it is unlikely that increasing the retention limit from one BFT to three BFT per vessel for a short period of time would result in the subquota for the June through August time period being reached and a closure becoming necessary. If catch rates increase, NMFS could take another action to reduce the trip limit to ensure the fishery would remain open throughout the June through August time period. In 2023, NMFS took a similar action to increase the retention limit to three BFT per vessel in the first part of the June through August time period (88 FR 34454, May 30, 2023). When catch rates increased in late June, NMFS reduced the retention limit from three BFT per vessel back to the default limit of one BFT per vessel (88 FR 42272, June 30, 2023). NMFS found that when the retention limit was three BFT per vessel, the vast majority of successful trips (*i.e.*,

General or Charter/Headboat trips on which at least one BFT is landed under General category quota) landed only one or two BFT. Specifically, from June 1 through July 1, 2023, 90 percent of the trips landed one BFT; 8 percent landed two; and only 2 percent landed three. NMFS expects catch rates this year will be similar (*i.e.*, low in the first part of June and then increasing). In short, NMFS adjusts the retention limit throughout the season in such a way that NMFS believes, informed by catch rates in past seasons and the catch rates during the current season, increases fishing opportunities while also increasing the likelihood that the fishery will remain open throughout the subquota time period and year. NMFS also acknowledges and has taken into account a previously proposed rule, which, among other provisions, included proposed measures to designate restricted-fishing days for the General category from July through November 2024. Additionally, it proposed setting a default retention limit of three fish during June and one fish for all other open months (*i.e.*, January through March and July through December) (89 FR 13667, February 23, 2024). Upon its finalization, this rule will further enhance the probability of maintaining an open fishery throughout the subquota time period and year.

NMFS also considered the catches of the Harpoon category quota in recent years (*i.e.*, most recently in 2023). As mentioned above, commercial-size BFT are anticipated to migrate to the fishing grounds off the northeast U.S. coast by early June. Given the possibility of high catch rates in early June, decreasing the retention limit from a combined 10-fish limit to 5-fish per vessel/day would extend the quota throughout a greater portion of the fishing season. If catch rates are low with the adjusted daily trip limit, NMFS could take another action to increase the trip limit.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP (§ 635.27(a)(8)(v) and (vi)). Adjusting the retention limit for both of these categories would be consistent with established quotas and subquotas, which are implemented consistent with ICCAT recommendation 22–10, ATCA, and the objectives of the 2006 Consolidated HMS FMP and amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and

effects on the stock. Making these adjustments is in line with the established management measures and stock status determinations. It is also important that NMFS limit landings to the subquotas both to adhere to the subquota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.*, fish caught at each age) that was assumed in the latest stock assessment. Because this action is similar to past actions in previous years, these retention limit adjustments are consistent with those objectives.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the available General category and Harpoon category quota without exceeding the annual quota. This consideration is based on the objectives of the 2006 Consolidated HMS FMP and its amendments, and includes achieving optimum yield on a continuing basis and optimizing the ability of all permit categories to harvest available BFT quota allocations (related to § 635.27(a)(7)(x)). NMFS anticipates that General category participants will have opportunities to harvest their quota in 2024 through proactive inseason management, such as adjustments to retention limits and timing and amount of quota transfers, as feasible. During the June through August period, NMFS will closely monitor General category catch rates associated with various gear types and adjust the daily retention limit accordingly to enhance scientific data collection and ensure fishing opportunities align with respective subquotas. Similarly, for the Harpoon category, NMFS will actively monitor catch rates and adjust the daily retention limit as needed throughout the fishing season to facilitate scientific data collection and maintain fishing opportunities while preventing the exceedance of available quota.

A limit lower than three fish at the start of the June through August time period could result in diminished fishing opportunities for those General category vessels using harpoon gear, based on past fish behavior early in the season. Lower limits may also result in effort shifts from the General category to the Harpoon category, which could result in premature closure of the Harpoon category (related to § 635.27(a)(7)(iv)), and, potentially, additional inseason adjustments. General category harpoon landings have averaged less than 5 percent of the General category landings in recent years and these landings occur early in the season. A three-fish retention limit for an appropriate period of time will

provide a greater opportunity to harvest the June through August subquota with harpoon gear in the General category while maintaining equitable distribution of fishing opportunities for harpoon and rod and reel General category participants. For the Harpoon category, an overall 10 fish (combined) daily retention limit could result in diminished fishing opportunities, and the premature closure of the Harpoon category. A five fish (combined) daily retention limit for the remainder of the fishing season will provide a greater opportunity to harvest the Harpoon category quota while maintaining equitable distribution of fishing opportunities for Harpoon category participants.

Given these considerations, NMFS has determined that a three-fish retention limit for the General category and a five-fish (combined) retention limit for the Harpoon category are warranted for their respective parts of the fishing season. These retention limits would provide a reasonable opportunity to harvest the available U.S. BFT quota (including the expected increase in available 2024 quota based on 2023 underharvest), without exceeding it, while maintaining an equitable distribution of fishing opportunities; help optimize the ability of the General category and Harpoon category to harvest their available quotas; allow the collection of a broad range of data for stock monitoring purposes; and be consistent with the objectives of the 2006 Consolidated HMS FMP and amendments.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General category, Harpoon category, and HMS Charter/Headboat permitted vessel owners are required to report their own catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing <https://www.hmspermits.noaa.gov> or by using the HMS Catch Reporting app, or calling

(888) 872-8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access <https://www.hmspermits.noaa.gov> for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and opportunity to provide comment on this action, as notice and comment would be impracticable and contrary to this action for the following reasons. Specifically, the regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing prior notice and an opportunity for public comment on the change in the daily retention limits from the default level for the time periods that begin in June would be impracticable. Based on available BFT quotas, recent fishery performance, and the presence of BFT on fishing grounds, responsive adjustments to both the General and Harpoon category BFT daily retention limits from their default levels are warranted. These adjustments aim to enable fishermen to capitalize on the availability of fish and quota. NMFS could not have proposed these adjustments earlier as it needed to thoroughly assess updated data and information concerning fishery conditions and this year's landings. Offering a public comment period now, after appropriately considering this data, would prevent fishermen from

legally harvesting BFT in alignment with all regulatory criteria. Additionally, it could lead to the selection of a retention limit unsuitable to the available quota for the period.

Fisheries under the General and Harpoon category daily retention limit will commence on June 1 and thus prior notice would be contrary to the public interest. Delays in increasing these retention limits would adversely affect those General and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one BFT per day/trip and may result in low catch rates and quota rollovers. Analysis of available data shows that adjustment to the BFT daily retention limits from the default level would result in minimal risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on <https://www.hmspermits.noaa.gov>.

Adjustment of the General and Harpoon category retention limits needs to be effective June 1, 2024, or as soon as possible thereafter, to minimize any unnecessary disruption in fishing patterns, to allow the impacted sectors to benefit from the adjustment, and to not preclude fishing opportunities for fishermen in geographic areas with access to the fishery only during this time period. Reducing opportunities to harvest the respective quotas throughout the fishing season may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota within the time periods designated in the 2006 Consolidated HMS FMP and amendments.

For all of the above reasons, the AA finds that pursuant to 5 U.S.C. 553(d), there is also good cause to waive the 30-day delay in effective date.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: May 20, 2024.

Karen H. Abrams,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-11423 Filed 5-23-24; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 89, No. 102

Friday, May 24, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

[Docket ID: OPM–2024–0002]

RIN 3206–AO59

Postal Service Health Benefits Program: Additional Requirements and Clarifications

AGENCY: Office of Personnel
Management.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is issuing a notice of proposed rulemaking to clarify and establish additional requirements regarding the Postal Service Health Benefits (PSHB) Program, which was established pursuant to the Postal Service Reform Act of 2022. This proposed rule expands on previous regulations concerning the PSHB Program and is intended to provide greater detail and clarity necessary to properly implement PSHB in 2025 and beyond. In particular, this proposed rule includes details on: reconsideration of PSHB eligibility decisions, various applications of the Medicare Part B enrollment requirement, allocation of reserve credits, calendar year alignment of Government contribution requirements, financial reporting and actuarial calculations, premium payment prioritization from the Postal Service Retiree Health Benefits Fund, and Medicare Part D integration.

DATES: Comments must be received on or before June 24, 2024.

ADDRESSES: You may submit comments, identified by docket number or Regulation Identifier Number (RIN) and title, by the following method:

■ *Federal eRulemaking Portal:* <https://www.regulations.gov>.

Follow the instructions for submitting comments. All comments received must include the agency name and docket number or RIN for this document. The general policy for comments from members of the public is to make them

available for public viewing at <https://www.regulations.gov> without change, including any personal identifiers or contact information. However, OPM retains discretion to redact personal or sensitive information from comments before they are posted.

FOR FURTHER INFORMATION CONTACT:

Cameron Stokes, Senior Policy Analyst, at (202) 936–2847 or Cameron.Stokes@opm.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 101 of the Postal Service Reform Act of 2022 (PSRA), Public Law 117–108, added new section 8903c to 5 U.S.C. chapter 89 and directs OPM to establish the PSHB Program within the Federal Employees Health Benefits (FEHB) Program for Postal Service employees, Postal Service annuitants, and their eligible family members. OPM will administer the PSHB Program in accordance with 5 U.S.C. chapter 89 and implementing regulations (5 CFR parts 890 and 892, and 48 CFR chapter 16), including any amendments resulting from this rulemaking. Under 5 U.S.C. 8903c(c)(3), except as otherwise set forth in 5 U.S.C. 8903c, the provisions of chapter 89 “applicable to health benefits plans offered by carriers under section 8903 or 8903a shall apply to plans offered under” the PSHB Program.

On April 6, 2023, OPM issued an interim final rule (88 FR 20383) to establish the PSHB Program. The interim final rule became effective on June 5, 2023. On May 6, 2024, OPM published a final rule (89 FR 37061) that made minor changes to the regulations in response to public comments. (This notice of proposed rulemaking refers to the interim final rule and the final rule collectively as the “initial rulemaking.”) However, as program development and interagency coordination continued after publication of the interim final rule, OPM determined a need to provide additional specification on several topics that were beyond the scope of that initial rulemaking. While that initial rulemaking established the Program, this proposed rule further explains and expands on the implementation of the PSHB Program to provide clarity for PSHB Carriers, other agencies, and Postal Service employees and Postal Service annuitants before the program begins enrollment for 2025. In particular, OPM is proposing to provide

implementation details on several additional topics: reconsideration of initial decisions concerning PSHB eligibility; application of the Medicare Part B enrollment requirement and associated exceptions in specific scenarios; allocation of reserve credits; calendar year alignment of government contribution requirements; financial reporting and actuarial calculations; premium payment prioritization from the Postal Service Retiree Health Benefits Fund; and Medicare Part D integration.

Discussion of the Proposed Changes

Initial Decision and Reconsideration of PSHB Program Eligibility and Enrollment

The interim final rule at 5 CFR 890.1606(d) provided that standards for requesting reconsideration of an initial decision affecting enrollment in the PSHB Program will be the same as current FEHB standards at 5 CFR 890.104. However, on page 20401 of the preamble to that rule at 88 FR 20383 (April 6, 2023) noted that OPM was considering establishing PSHB-specific processes. With the establishment of a new enrollment system for the PSHB Program, OPM had to reevaluate how to process, address, and even adjudicate reconsideration requests, particularly how to distinguish between reconsideration requests concerning enrollment decisions versus eligibility decisions. Therefore, OPM is proposing a series of changes to incorporate existing FEHB reconsiderations standards and processes into the PSHB Program while also taking into account aspects of the PSHB Program that are unique from FEHB. These aspects include OPM’s responsibility to administer the enrollment system and receive information from source agencies regarding Medicare Part B exceptions.

OPM proposes to amend § 890.1602(c) by adding a definition of “Reconsideration” that parallels the definition at § 890.101 with respect to PSHB reconsiderations. The definition notes that reconsideration means the final level of administrative review of an initial decision by an employing office or OPM. Under existing regulations at § 890.1602, for purposes of this part, the United States Postal Service is the employing office for Postal Service employees, and the Retirement Services

office within OPM is the employing office for Postal Service annuitants. These changes reflect that OPM will retain authority under this Part to reconsider certain initial decisions and issue final agency decisions regarding enrollments and coverage of family members with respect to Postal Service employees and Postal Service annuitants in the PSHB Program. In making a final agency decision in response to a reconsideration request, OPM will consider facts submitted by an individual, including proof of family member eligibility, facts from a source agency pursuant to a data exchange and the opportunity for an individual to contest the data, and certain Medicare Part B exceptions, as discussed below.

OPM also proposes to define “source agency.” The definition notes that source agency means an agency that routinely provides information or data to OPM pursuant to an agreement under 5 CFR 890.1612 (regarding information sharing for Medicare Part B enrollment requirements and exceptions) or 5 U.S.C. 8903c(e)(3)(C) (regarding identification of individuals who reside abroad). As indicated in proposed § 890.1612(c), a source agency may also refer to other agencies routinely providing information as required by OPM.

OPM proposes to amend § 890.1606(d) to reflect that initial decisions and reconsiderations of PSHB eligibility or enrollment, as applicable, will be made pursuant to proposed § 890.1607, as discussed below in the preamble. Currently, there is a cross-reference to § 890.104, which will no longer be applicable to PSHB.

OPM proposes to add new § 890.1607 governing initial decisions and reconsiderations of PSHB eligibility or enrollment, as applicable. Proposed § 890.1607 would replace § 890.104 with respect to the PSHB Program. These changes reflect that in the PSHB Program, OPM may issue an initial decision regarding an individual’s eligibility for PSHB where that eligibility is conditioned on a source agency’s data or information that it sends to OPM pursuant to a data exchange, under § 890.1612, discussed below in this section of the preamble. Before OPM will issue such an initial decision under § 890.1607, OPM will provide notice, as described under § 890.1612(f), that information or data OPM has received from a source agency may render the individual ineligible for PSHB enrollment or coverage and will provide instructions on how the individual may contest that information or data with the source agency before OPM issues a decision. Under proposed

§ 890.1612(f), OPM would notify an individual that they may be ineligible for PSHB enrollment or coverage based on information provided to OPM by a source agency. In that notice, OPM would provide the individual with the source agency’s contact information on how the individual may contest the accuracy of the information used to determine PSHB eligibility. Paragraph (f) would also provide an explanation of the associated processes and timeframes to contest the provided evidence and to demonstrate that the individual is so engaged in such a contest with the source agency. Proposed § 890.1612(g) provides an individual who would be disenrolled or removed from the PSHB Program based on information from a source agency with information on their reconsideration rights. Section 890.1607 cross references § 890.1612, which accounts for provision of such notice and establishes a process under which an individual may dispute data OPM relies on from a source agency, over which OPM does not maintain authority and cannot independently verify.

Proposed § 890.1607 would include standards and processes for reconsideration requests concerning PSHB eligibility. First, in paragraph (a), OPM proposes that reconsiderations will be the responsibility of the employing agency (the Postal Service or retirement system) or OPM whereas only the employing agency or retirement system are responsible for reconsiderations in § 890.104(a). Second, in paragraph (b), OPM proposes to delineate which initial decisions are made by employing offices (see paragraph (b)(1)) rather than by OPM as the administrator of the PSHB Program (see paragraph (b)(2)), and that OPM will make an initial decision when it is based on information that OPM receives from a source agency only after the notice process is complete, as described in § 890.1612 and discussed below (see paragraph (b)(3)). OPM invites comment on the delineation of responsibilities for initial decisions.

Third, paragraph (c) gives an individual a right to reconsideration.

Fourth, paragraph (d) explains the time limits for requesting reconsideration, and the circumstances under which the time limit may be extended, similar to § 890.104(d).

Fifth, in paragraph (e), OPM proposes that after reconsideration, the employing agency (the Postal Service or retirement system) or OPM will issue a final decision.

OPM proposes to amend § 890.1608 regarding PSHB disenrollment and removal from coverage by adding new paragraphs (b)(5)(iii) and (b)(6) through

(b)(9), which would allow for reconsideration after OPM’s disenrollment of a Postal Service Medicare covered annuitant or removal of a Medicare covered family member from the PSHB, as applicable. Reconsideration in such circumstances is modeled after § 890.308(f)(4)–(6). OPM invites comment on this proposed approach.

OPM proposes to amend the information sharing provisions at § 890.1612 by adding paragraphs (f) and (g). Proposed paragraph (f) details the information that OPM would provide in a written notice before issuing an initial decision on eligibility for PSHB enrollment or coverage when OPM receives data from a source agency through an information sharing agreement which establishes a basis that the individual may be ineligible for PSHB enrollment or coverage. The notice would include the specific data impacting the individual’s PSHB enrollment or coverage, PSHB enrollment requirements, the source agency’s contact information to dispute the data, and the process and timeframe for providing OPM with evidence that the individual is engaged in a dispute with the source agency. The notice would also provide that the individual will remain enrolled while engaging in the dispute, but that OPM may issue an initial decision to disenroll or remove the individual from PSHB within 60 days if the individual does not provide OPM with sufficient evidence of engagement in the dispute with the source agency, or if the source agency’s data does not establish a basis for the individual’s PSHB eligibility, notwithstanding evidence of a dispute with the source agency. OPM invites comments on the approach set forth in proposed paragraph (f), which details the notice process that OPM will follow prior to issuing an initial decision on eligibility for PSHB enrollment or coverage based on data received from a source agency which establishes a basis that the individual may be ineligible for PSHB enrollment or coverage.

Proposed paragraph (g) of § 890.1612 would provide that if OPM issues an initial decision to remove or disenroll the individual based on the information or data from the source agency, the individual will have reconsideration rights pursuant to § 890.1607 and that such reconsideration is limited to the source agency’s data that was before OPM at the time it made the initial decision.

Correction of Errors

OPM proposes to amend § 890.1614(a) about correction of errors. These

changes are proposed to reflect OPM's central role in administering the PSHB enrollment process. Currently, § 890.1614(a) cross-references § 890.103. Corrections will be made pursuant to § 890.1614, and not according to § 890.103. Proposed § 890.1614(a) would expand the role of OPM in making correction of errors. Specifically, proposed § 890.1614(a)(1) would clarify that OPM may also make prospective or retroactive corrections of administrative errors at any time, whereas § 890.103(a) only allows employing offices to make such corrections. Similarly, proposed § 890.1614(a)(2) would allow OPM to make, in addition to ordering an employing office to make, a correction of an administrative error for purposes of equity and good conscience as is the case under § 890.103(b). Proposed § 890.1614(a)(3) would allow OPM to make retroactive corrections of enrollee enrollment code errors instead of the employing office. Proposed § 890.1614(a)(4) would adopt the same standards in § 890.103(d) and add a reference to PSHB. Proposed § 890.1614(a)(5) would note that retroactive corrections are subject to withholdings and contributions under the provisions of both §§ 890.502 and 890.1613, whereas § 890.103(c) cross-references only § 890.502. OPM invites comments on the proposed changes to § 890.1614(a), which states that a correction of error under the PSHB will be made pursuant to 890.1614 and not 890.103, expands OPM's role in the correction of errors, and would clarify that OPM may also make prospective or retroactive corrections of administrative errors at any time and allow OPM to make a correction of an administrative error for purposes of equity and good conscience.

Court Review

OPM proposes to add a new paragraph (f) to § 890.107. Proposed paragraph (f) would establish that PSHB enrollment-related lawsuits concerning Postal Service annuitants and their family members, where OPM's decision was based on data it received under agreements with source agencies, but with respect to which OPM lacks authority or means to attain independent verification, may not be brought later than December 31 of the 3rd year after the year in which the enrollment action was effectuated. For example, if the enrollment action at issue is effectuated for the 2025 plan year, a lawsuit may not be brought after December 31, 2028. This timeline is consistent with existing § 890.107(d) and (e), which state that an action to

recover on a claim for health benefits and suits seeking equitable relief, respectively, may not be brought later than December 31 of the 3rd year after the year in which the care or service was provided.

This paragraph would also limit the review of OPM's final decision, based on data obtained by OPM under such agreements, to the administrative record before OPM when OPM effectuated the enrollment action. Limiting review to this record is consistent with current § 890.107(d)(3) regarding actions to recover on a claim for health benefits under § 890.107(c). OPM invites comments on this approach, including the time limit that is modeled after § 890.107(d) and (e).

Disenrollment and Removal Due to Non-Enrollment in Medicare Part B After Notice of Mandatory Enrollment

OPM proposes to amend § 890.1608(b) by adding language to reflect that where a Postal Service Medicare covered annuitant or Medicare covered family member is enrolled or covered in a PSHB plan but is not enrolled in Medicare Part B and does not qualify for an exception to the Part B enrollment requirement, that individual will be permitted to stay enrolled in or covered by PSHB if they enroll in Medicare Part B within a limited period.

In the proposed regulatory text, OPM has proposed specifying that the period would end at the end of the individual's next Medicare enrollment period, which may be the next Medicare General Enrollment Period. (See 42 CFR part 407.) Under this approach, OPM would require an individual to enroll at their earliest opportunity, including any Special Enrollment Periods for which they are eligible. OPM could require an individual to attest to their earliest enrollment opportunity. OPM would also consider, in a final rule, adopting another method of establishing this limited period. For example, OPM could establish a fixed deadline such as March 31, which is the end of the Medicare General Enrollment Period. One potential challenge of this approach would be determining the deadline when an individual is eligible for two different enrollment periods at the same time. For example, a person's Initial Enrollment Period could run concurrently with and extend beyond Medicare's General Enrollment Period. Another option would be to establish the deadline as 30 days after the end of an applicable enrollment period for coverage to become effective. OPM is interested in providing some flexibility to allow individuals to transition to Medicare Part B, given that it is a new

requirement, but also recognizes that individuals who are eligible for Medicare Part B must be enrolled in Part B to remain eligible for coverage under PSHB. Furthermore, the PSHB program will realize cost savings with prompt enrollment in Medicare Part B. Conversely, OPM recognizes that disenrollment from retirement health benefits under the PSHB program is a permanent loss of eligibility. OPM solicits comments on how these proposals, or other suggested options, would impact the program, enrollees, and carriers. (See also the discussion in "Medicare Part B Exception for Postal Service Annuitants, their Family Members, and Survivor Annuitants Who Reside Outside the United States" regarding the time period for enrollment for individuals returning to the U.S. from living abroad.)

The proposed rule clarifies that this opportunity to remain in a PSHB plan by enrolling in Medicare Part B at the next enrollment opportunity is a one-time privilege. OPM also proposes to amend § 890.1608(b) to provide that if the Postal Service Medicare covered annuitant or eligible Medicare covered family member does not enroll in Medicare Part B during the next enrollment period, they will be disenrolled or removed from their PSHB plan and, in the case of a Postal Service annuitant, will have no further opportunity to re-enroll in a PSHB plan. Disenrollment of a Postal Service annuitant will also result in the removal of covered family members from PSHB coverage. OPM proposes to move the concept of allowing an individual to enroll in Medicare Part B at the next opportunity in order to retain PSHB coverage from § 890.1608(b)(2) with respect to Postal Service annuitants into § 890.1608(b) in order to give this one-time opportunity to any individual who may not be enrolled in, or who disenrolls from, Medicare Part B, but is required to be so enrolled in order to maintain PSHB enrollment or coverage. Individuals who successfully enroll in Medicare Part B during their next Medicare enrollment opportunity to maintain their PSHB coverage will be responsible for any Medicare Part B late enrollment penalty, if applicable.

OPM proposes in § 890.1608(b)(5) that in any case where a Postal Service Medicare covered annuitant is disenrolled from a PSHB plan for non-enrollment in Medicare Part B, except in the case of fraud or intentional misrepresentation of material fact, OPM will treat this removal as a termination. A termination, in contrast with a cancellation, is prospective and confers rights to a 31-day temporary extension

of coverage and rights to conversion for the enrollee and covered family members. In a case of fraud or intentional misrepresentation of material fact, the individual's coverage will be terminated retroactively, as applicable, and rights associated with termination will not be available.

In § 890.1608(b)(6), OPM proposes that a disenrollment or removal from coverage under PSHB is effective as of the date that OPM becomes aware of the Medicare Part B non-enrollment, subject to a 31-day temporary extension of coverage.

OPM proposes in § 890.1608(b)(8) that a family member may be reinstated after removal from PSHB enrollment after failing to enroll or non-enrollment in Medicare Part B, so long as the Postal Service annuitant's enrollment under which they are covered is still effective, and proof of the family member's Medicare Part B enrollment is provided to OPM. In § 890.1608(b)(9), OPM proposes the timeframes for reinstatement when a family member gains coverage under Medicare Part B, which aligns with OPM's qualifying life event rules (see paragraph (b)(9)(i)). Proposed § 890.1608(b)(9) would specify that the reinstatement may be prospective or, if the family member can show uninterrupted enrollment in Medicare Part B from the time of their removal from PSHB enrollment, retroactive, at the option of the Postal Service annuitant who may cover the family member, when the requirements under the paragraph are met. OPM invites comment on the proposed changes to § 890.1608(b), which clarifies the opportunities to remain in a PSHB by enrolling in Medicare Part B at their next enrollment opportunity, provides that disenrollment from PSHB with be treated as a termination in certain circumstances, and provides reinstatement opportunities for family members.

Survivor Annuitants and the Requirement To Enroll in Medicare Part B

Under §§ 890.1603 and 890.1604, the eligibility of survivor annuitants for enrollment or continued enrollment in the PSHB Program will generally follow the current eligibility requirements for enrollment or continued enrollment in the FEHB Program but will include, as applicable, the requirement to enroll in Medicare Part B. Under certain circumstances, however, requiring a survivor annuitant to enroll in Medicare Part B in order to enroll or continue enrollment in the PSHB Program would be inequitable if the survivor annuitant had relied upon the Part B enrollment

exception of the Postal Service annuitant while they were a covered family member to establish their own exception to Part B enrollment while the Postal Service annuitant was alive. Inequities may be presented upon the Postal Service annuitant's death, unless the survivor annuitant could establish their own exception to the Part B enrollment requirement (such as enrollment in Veterans Affairs (VA) health care benefits). The covered Medicare individual survivor annuitant could be required to enroll in Part B, perhaps years after their initial enrollment opportunity and may be required to pay a Part B late enrollment penalty reflecting years of non-enrollment in Part B.

OPM proposes to amend § 890.1604 to provide that a survivor annuitant under 5 U.S.C. 8901(3)(B) of a Postal Service annuitant may continue enrollment in a PSHB plan without enrolling in Part B if, at the time of the Postal Service annuitant's death, the Postal Service annuitant had not been required to enroll in Part B because of an exception under § 890.1604.

Individuals who may continue enrollment as survivor annuitants may also have their own exception to the Part B enrollment requirement if they qualify for one (reside outside the United States, are enrolled in VA health care benefits, or are eligible for health services provided by the Indian Health Service) under § 890.1604(c).

The following examples are provided to illustrate when the amended provision may apply to a survivor annuitant:

Example 1. A spouse is married to a Postal Service annuitant who is not required to enroll in Part B as a condition of eligibility to enroll in a PSHB plan under § 890.1604(c)(1)(i) (as of January 1, 2025, the Postal Service annuitant was not both entitled to Part A¹ and enrolled in Part B). The spouse, who is eligible for Medicare, is also not required to enroll in Part B as their Postal Service annuitant spouse has an exception to Part B enrollment. If the Postal Service annuitant dies and the surviving spouse becomes a survivor annuitant, the surviving spouse will not be required to enroll in Part B to continue enrollment in a PSHB plan.

Example 2. A spouse is married to a Postal Service annuitant who is not required to enroll in Part B as a

condition of eligibility to enroll in a PSHB plan under § 890.1604(c)(1)(iv) (enrolled in VA health care benefits). The spouse is not eligible for Medicare because they are not yet 65. If the Postal Service annuitant dies before the surviving spouse becomes eligible for Medicare and the surviving spouse becomes a survivor annuitant, the surviving spouse will not be required to enroll in Part B to continue enrollment in a PSHB plan when becoming eligible for Medicare.

Medicare Part B Exception for Postal Service Annuitants, Their Family Members, and Survivor Annuitants Who Reside Outside the United States

For Postal Service Medicare covered annuitants, Medicare covered family members, and survivor annuitants who demonstrate residency outside of the United States, the Medicare Part B exception under § 890.1604 applies with respect to the PSHB plan year, prospectively, commencing the first day of the month coinciding with or following the month in which they reside outside the United States. As a result, an individual who demonstrates residency outside the United States any time during the period January 1 through December 31 is not required to be enrolled in Medicare Part B for the remainder of that PSHB plan year (through December 31 of that year). If an individual who resides outside of the United States subsequently resides in the United States at any time before the following PSHB plan year and continues to reside in the United States in that following year, they must be enrolled in Medicare Part B by the end of the General Enrollment Period of that following year.

For example, an individual who is covered under PSHB, entitled to Medicare Part A and eligible for Medicare Part B but not enrolled in Part B, and resides outside of the United States on February 1, 2025 through September 30, 2025, is not required to be enrolled in Part B starting on February 1, 2025 (which coincides with commencement of residing outside the United States) in order to continue their PSHB coverage for the remainder of the 2025 PSHB plan year. If the individual subsequently resides in the United States on October 1, 2025, through December 31, 2025, and still resides in the United States on January 1, 2026, they are excepted from the Part B enrollment requirement for the remainder of the 2025 PSHB plan year. In order to remain covered for the 2026 PSHB plan year, however, they must enroll in Part B by the end of their next enrollment opportunity which may be

¹ Under 5 U.S.C. 8903c(a)(1), as adopted by reference in 5 CFR 890.1602(b), the definition of a Medicare covered individual excludes those eligible to enroll pursuant to sections 1818 and 1818A of the Social Security Act. All references to Medicare Part A should be read to exclude those enrolled under these sections.

the 2026 Medicare General Enrollment Period, from January 1 through March 31, 2026. Failure to enroll in Part B may result in termination of PSHB coverage as described in § 890.1608. Because 5 U.S.C. 8903c(e)(3)(iii) provides that the exception from Medicare Part B for individuals residing abroad remains valid for the remainder of the PSHB contract year, OPM is proposing that individuals moving back to the U.S. must enroll in Medicare Part B not later than the end of the Medicare General Enrollment Period beginning January 1 of the following calendar year. (Compare with discussion in Disenrollment and Removal Due to Non-enrollment in Medicare Part B After Notice of Mandatory Enrollment.)

Methodology for Crediting PSHB Program Plan Reserves

OPM administers the contingency reserve as described in § 890.503. The contingency reserve will be administered the same under the PSHB Program. OPM is proposing to add § 890.1615, titled “Crediting separate reserves for PSHB,” to establish a formula for the one-time allocation of reserves from 2024 FEHB plans with Postal Service employee and Postal Service annuitant enrollees (collectively Postal Service enrollees) to 2025 PSHB plans.

In the interim final rule, OPM implemented the statutory requirement at 5 U.S.C. 8903c(j)(1)(A) that OPM maintain separate reserves, including a separate contingency reserve, for each PSHB Plan. OPM codified this requirement at § 890.1610(a)(4).

The law further requires at 5 U.S.C. 8903c(j)(1)(D) that each PSHB plan “shall be credited with a proportionate amount of the funds in the reserves for health benefits plans offered by the carrier.” As soon as practicable on or after January 1, 2025, OPM proposes to credit each PSHB reserve with the proportionate Reserve Credit. The methodology that OPM proposes to use to credit reserves from FEHB plans to PSHB plans will be based on the 2024 premium income attributable to the Postal Service enrollee population as a percentage of the 2024 FEHB premium income. In general, the requirement to credit reserves will apply to all 2024 FEHB carriers.

Because FEHB enrollees pay premiums based on the plan option of the health benefits plan in which they are enrolled, OPM proposes to apply its Reserve Credit methodology on an Option level. First, OPM would determine a Postal Service Percentage, which refers to the 2024 premium attributable to Postal Service enrollees

divided by the 2024 premium attributable to both Postal Service and non-Postal Service enrollees, for each 2024 FEHB Option. OPM would apply that percentage to the amounts available in the 2024 FEHB Option’s reserves (generally, amounts not needed for payment of Runout claims and expenses incurred but not paid, described below) for each 2024 FEHB Option as of December 31, 2024. OPM would credit the resulting reserve amount to the PSHB plans for 2025.

OPM proposes to define the term Corresponding PSHB Option as the PSHB Option into which Reserve Credits will flow from a 2024 FEHB Option that had Postal Service enrollees. Corresponding PSHB Option means a 2025 PSHB Option that is in the same geographic area and has equivalent benefits and cost-sharing as a 2025 FEHB Option, and that 2025 FEHB Option was also offered in 2024.

Under OPM’s proposal, the amount of the Reserve Credits to be allocated to PSHB options is not based on an enrollee’s enrollment action, or any automatic enrollments that may occur during the transitional open season under § 890.1605(b). OPM proposes to allocate 2025 PSHB Option Reserve Credits into the PSHB Contingency Reserve and PSHB Letter of Credit Account, as applicable to experience-rated and community-rated PSHB Options, as follows:

i. If a Carrier offers an FEHB Plan with one, two, or three Options in 2024 and offers the same number of Corresponding PSHB Options in 2025, the Reserve Credits for those Options will be allocated to the Corresponding PSHB Options’ reserves.

ii. If a Carrier offers an FEHB Plan with two or three Options in 2024 and offers only one Corresponding PSHB Option in 2025, the Reserve Credits attributable to all the 2024 FEHB Plan’s Options will be allocated to that Corresponding PSHB Option’s reserve.

iii. If a Carrier offers an FEHB Plan with three Options in 2024 and offers only two Corresponding PSHB Options in 2025, the Reserve Credits attributable to the two FEHB Options that have Corresponding PSHB Options will be allocated to those two Corresponding PSHB Options’ reserves. The Reserve Credit from the third FEHB Option (that does not have a Corresponding PSHB Option) will be allocated to one of the two Corresponding PSHB Plan Options that has the lowest self only premium and is not a High Deductible Health Plan (HDHP).

iv. If a Carrier offers an FEHB Plan in 2024 and offers no FEHB Plan in 2025, but offers at least one 2025 PSHB

Option with similar benefits and cost sharing and in the same geographic area as the Carrier’s 2024 FEHB plan, as determined by OPM, the Reserve Credit(s) attributable to that FEHB Plan will be credited to the reserves of the Carrier’s 2025 PSHB Options as described in (i) through (iii) as if the 2025 PSHB Option(s) were a Corresponding PSHB Option.

v. If a Carrier offers an FEHB Plan in 2024, and offers that FEHB Plan in 2025, but offers no Corresponding PSHB Options for that 2025 FEHB Plan, the Reserve Credit(s) attributable to that FEHB Plan will be credited to the reserves of the PSHB Options offered in 2025, proportionately, consistent with 5 U.S.C. 8903c(j)(2) where the subscription charges paid are the 2024 Postal Service Premium.

vi. If a Carrier offers a 2025 PSHB Option for which no 2024 Postal Service Premium is attributable, then that 2025 PSHB Option will receive no Reserve Credit.

OPM seeks comment on this proposed Methodology for Crediting PSHB Program Plan Reserves, and also seeks comment on any situation that would not be covered under scenarios i. through vi.

Under 5 U.S.C. 8903c(c)(2), a carrier’s 2025 PSHB plan must have equivalent benefits and cost sharing to the carrier’s 2025 FEHB plan; however, the law does not require a 2025 FEHB plan to have equivalent benefits and cost sharing to the 2024 FEHB plans, so OPM proposes to credit the Reserve Credit(s) attributable to that FEHB Plan to the reserves of the carrier’s 2025 PSHB Options as if the 2025 PSHB Option(s) were a Corresponding PSHB Option. Therefore, generally, where a carrier offers a 2024 FEHB plan and offers that plan in FEHB in 2025 along with an equivalent 2025 PSHB plan, the Reserve Credits will be allocated to the 2025 PSHB plan options in accordance with § 890.1615(c)(5)(i) through (iii).

The “Coverage with Equivalent Benefits and Cost-Sharing” requirement in 5 U.S.C. 8903c(c)(2) does not apply where a carrier offers a 2024 FEHB plan and offers a 2025 PSHB plan but does not offer a 2025 FEHB plan. OPM proposes to ensure that a carrier’s 2025 PSHB plan receives an equitable proportion of reserves attributable to that carrier’s 2024 FEHB plan, and that the expectation of the carriers and enrollees that a PSHB plan reserves will be funded, and to closely follow Congress’ intent under the PSRA. OPM further intends for the PSHB Program to have continuity within the FEHB Program. Therefore, OPM has determined that the reserves from a

2024 FEHB plan where the carrier does not offer a 2025 FEHB plan will be allocated to the carrier's 2025 PSHB plan where OPM has determined, in its discretion, that the benefits and cost sharing are similar between the 2025 PSHB plan and that carrier's 2024 FEHB plan. Under this rulemaking, generally, for 2024 FEHB plans covering mostly Postal Service enrollees where the carrier chooses to not offer a 2025 FEHB plan, and offers only a PSHB plan in 2025, then § 890.1615(c)(5)(iv) will apply.

For 2024 FEHB Carriers that do not offer a PSHB plan in 2025, any Reserve Credits attributable to the carrier's 2024 Postal Service premium will be distributed proportionately into the Contingency Reserves for each PSHB Option offered in 2025, consistent with 5 U.S.C. 8903c(j)(2). Distributing FEHB Reserve Credits to the PSHB Program in this way is consistent with OPM's distribution of the reserves of an FEHB plan that is discontinuing as described under 5 U.S.C. 8909(e), as described in § 890.1615(c)(5)(v).

Where a carrier offers a 2025 PSHB plan that has no 2025 FEHB plan with equivalent benefits and cost sharing, and there is no 2024 FEHB plan with similar benefits and cost sharing, as determined by OPM, no reserves will be allocated to the carrier's 2025 PSHB plan as described in § 890.1615(c)(5)(vi).

Runout refers to the estimated amount, as of December 31, 2024, needed to pay claims and expenses incurred but not paid for periods on or before December 31, 2024, for an FEHB experience-rated Option, considering any income attributable to periods on or before, but not yet received by, December 31, 2024. OPM will estimate the Runout amount.

Each experience-rated 2024 FEHB Option will have a separate Runout account. This Runout account will be credited with the Runout amount, will be available to pay Postal Service and non-Postal Service claims and expenses incurred but not paid prior to January 1, 2025, and will receive any income attributable to periods on or before, but not yet received by, December 31, 2024.

Any remaining funds in an FEHB Option's Runout account after all pre-2025 claims and expenses are paid will be allocated to the FEHB Option and PSHB Options' reserves by applying the Reserve Credit methodology described in this rulemaking. If an FEHB Option's Runout account becomes depleted before all pre-2025 claims and expenses are paid, a reallocation of funds from the applicable FEHB and PSHB reserves to the Runout account will be necessary. In such circumstance, OPM will

estimate the amount of additional funding needed in the Runout account to pay all remaining pre-2025 claims and expenses. OPM will determine the estimated amount of additional funding to be credited to the Runout account by applying the Reserve Credit methodology set forth in this rule to determine the proportion of additional funds that come from the applicable FEHB and PSHB options.

Each experience-rated FEHB Option will continue to maintain its separate FEHB Letter of Credit Account to pay non-Postal Service claims and expenses incurred on or after January 1, 2025 and to receive any income attributable to periods on or after January 1, 2025. Each experience-rated PSHB Option will have a separate PSHB Letter of Credit Account to pay Postal Service claims and expenses incurred on or after January 1, 2025 and to receive any income attributable to periods on or after January 1, 2025.

Any funds OPM receives under 5 U.S.C. 8909(b) for premiums attributable to periods on or before, but not yet received by, December 31, 2024, will be credited to PSHB Options' and FEHB Options' Contingency Reserves using the Reserve Credit methodology set forth in this rulemaking. OPM annually distributes end-of-year Contingency Reserve adjustments, including earned interest and distribution of FEHB discontinued Plan funds, to Contingency Reserves in the Spring of the following year. For the initial PSHB contract year, these end-of-year 2024 adjustments will be allocated between FEHB Options and PSHB Options using the Reserve Credit methodology set forth in this rule.

Clarification of One-Year Application of Automatic Enrollment

OPM is proposing to amend § 890.1605 "Enrollment in the initial contract year" to clearly delineate the process in which individuals will be automatically enrolled into a PSHB plan if they do not select a plan during the transitional Open Season. OPM is clarifying that the standards and processes are specific to the transition into PSHB plans in 2025, from FEHB plans in 2024. These proposed amendments identify the FEHB plan on December 31, 2024 as the plan from which individuals will be automatically enrolled into a PSHB plan. The PSHB plan and option into which individuals will be automatically enrolled will generally be offered by the same carrier and have equivalent benefits and cost sharing, however there are exceptions, and the proposed regulatory text addresses the potential scenarios. OPM

invites comment on this process. OPM also invites comment on whether the proposed regulatory text clearly specifies the PSHB plan and option into which an individual will be automatically enrolled.

Aligning the Government Contribution Requirements With the January 1–December 31 Plan Year

Under § 890.1610(a)(5), PSHB Carriers are required to begin coverage on January 1 of each year. The PSHB plan year is from January 1 through December 31 each year starting in 2025. Section 890.1606(e) provides that PSHB enrollments, changes of enrollment, or reenrollments made during Open Season take effect on January 1 of the next year. A PSHB plan year is different from a FEHB plan year in that under an enrollment in an FEHB plan, coverage under a plan elected during Open Season begins on the first day of the first pay period that starts on or after January 1.

For PSHB plans, however, coverage begins on January 1st of each year regardless of whether the individual continues enrollment or coverage in that PSHB plan or whether the PSHB plan was selected during Open Season, including when the individual is automatically enrolled in the PSHB plan during the transitional Open Season.

For most years, January 1st is not the first day of the first pay period of the year, which means that in the PSHB Program the new premium for the new plan year will become effective during a pay period that overlaps calendar years. Under 5 U.S.C. 8906(b)(1), for an employee, the Government contribution for the new plan year's premiums begins on the first day of the employee's first pay period of each year. If section 8906(b)(1) applied to Postal Service employees enrolled in the PSHB Program, the employee would be responsible for the difference between the total premium for the new plan year less the Government share of premium for the prior plan year for the period of time between January 1st and the beginning of the first full pay period in the new plan year. In other words, by being responsible for that difference, Postal Service employees would end up paying a higher portion of premium in the overlapping pay period than would be paid pursuant to the statutory formula for all other pay periods in the plan year.

Therefore, for Postal Service employees, as defined in 5 U.S.C. 8903c(a)(9), OPM is proposing in § 890.1606(e) that the Government contribution for Postal Service employees starts on January 1st of each

year. This ensures that the Government contribution is calculated in a manner that is consistent with the intent of the statute, accounting for the premiums for the employee's plan and plan type that is effective for the entire plan year, here under PSHB, from January 1st through December 31st of each year. As a result, when January 1 is not the first day of the first pay period of the year, employee premiums and the Government's share of premiums for that pay period will be calculated to account for the number of days in the pay period that occur in the prior plan year, and the number of days in the pay period that occur in the new plan year in which the change is effective, to account for the different premiums respectively.

To ensure that Government contributions for PSHB plan premiums are adjusted and applied starting on January 1 of each year, OPM is proposing to amend § 890.1613(a) to clarify how 5 U.S.C. 8906(b)(1), which governs the Government contribution adjustment, applies to Postal Service employees under the PSHB Program.

Financial Reporting and Actuarial Calculations

Section 102 of the PSRA ("The USPS Fairness Act"), makes changes to how OPM will calculate payments to the Postal Service Retiree Health Benefits Fund (PSRHB) trust fund, as well as changes to how OPM will perform calculations for purposes of financial reporting. OPM is proposing to amend § 890.1613 "Contributions and Withholdings" to clarify the elements of the statutory financial reporting calculations that OPM is required to complete yearly under the PSRA.

Under 39 U.S.C. 3654(b), the Postal Service is required to file a report with the Postal Regulatory Commission, indicating the funded status of the Postal Service's pension obligations under the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) and its post-retirement health obligations under the FEHB Program. OPM is responsible for computing the amounts. The pension obligations of the Postal Service are governed by 5 U.S.C. chapters 83 and 84, while its post-retirement health obligations are governed by 5 U.S.C. 8909a. Section 102 of the PSRA adds section 8909a(e), which provides that these figures must be based on economic and actuarial methods and assumptions consistent with the methods and assumptions associated with determining the Postal Service surplus and supplemental liability.

Section 8909a(e) states that "any computation" required under 39 U.S.C.

3654(b) is to be based on "the net present value of the future net claims costs" of current Postal Service annuitants and active Postal Service employees who would be eligible to retire under 5 U.S.C. 8901(3)(A)(i) or (ii). In accordance with OPM's actuarial funding methods applied under 5 U.S.C. 8348(h), that population includes current and future Postal Service annuitants as of the end of the fiscal year ending on September 30 of the relevant reporting year. In this proposed amendment, OPM further clarifies the population on which the calculations under 39 U.S.C. 3654(b) are based. OPM is also proposing to remove the word "future" from before "net claim costs" in § 890.1613(e)(1) to clarify the equivalence in terms is between "net claims costs" and "estimated net claims costs."

Prioritizing Premium Payments From the Postal Service Retiree Health Benefits Fund

The interim final rule explained that the Postal Service will pay any applicable Medicare Part B late enrollment penalty for Postal Service Medicare covered annuitants and their Medicare covered family members who enroll during the 6-month Special Enrollment Period in 2024 established by section 1837(o) of the Social Security Act (42 U.S.C. 1395p). The Postal Service may direct OPM to pay these late enrollment penalties out of the PSRHB established under 5 U.S.C. 8909a until those funds are depleted. If at any time the PSRHB is depleted, 5 U.S.C. 8903c(i)(4) states that USPS shall pay late enrollment penalties out of its funds established under 39 U.S.C. 2003. OPM proposes, under its administrative responsibilities granted in 5 U.S.C. 8909a(a), to prioritize the payment of health benefit premiums for individuals described in 5 U.S.C. 8906(g)(2)(A) from the PSRHB, over payment of the late enrollment penalties as proposed in § 890.1613(c). The prioritization of premium payments from the PSRHB will not impact the Postal Service's ability to pay late enrollment penalties for those that enroll during the SEP.

Medicare Part D Enrollment for Postal Service Annuitants and Family Members Who Are Eligible for Part D

Section 8903c(h) of 5 U.S.C. mandates that OPM require PSHB plans to provide Medicare Part D prescription drug benefits to Postal Service annuitants and family members who are eligible to enroll in Part D, as defined in section 1860D–1(a)(3)(A) of the Act, and receive coverage offered under for Medicare Part D through employment-based

retiree health coverage through a prescription drug plan as defined in section 1860D–41(a)(14) of [the] Act) or "contracts between such a [PSHB] plan and PDP sponsor, as defined in section 1860D–41(a)(13) of [the] Act, of such a prescription drug plan." Individuals who are not eligible to enroll in Part D, will receive prescription drug benefits through their PSHB plan coverage.

Under chapter 89, carriers are required to offer plan options with uniform benefits and premium rates. See 5 U.S.C. 8902 and 8903; 5 CFR 890.201 (a)(6). This means that two individuals enrolled in a particular plan option and enrollment type (self only, self plus one, or self and family) will receive the same benefit package at the same premium rate. Under the PSHB Program within chapter 89, an individual who is eligible to receive benefits under a Medicare Part D plan will receive the same benefits under a Part D plan option as an individual who is not eligible to enroll in a Part D plan who is enrolled in the same option and enrollment type. As such, OPM is proposing at § 890.1616 that a PSHB Carrier must, to the extent necessary to integrate the Medicare Part D prescription drug benefits coverage required under 5 U.S.C. 8903c, ensure that the prescription drug benefit offered under its Medicare Part D EGWP is equal to or better than the PSHB plan's prescription drug benefit. OPM will retain the authority to determine what is necessary for the carrier to effectuate Medicare Part D integration.

OPM's proposals in this rulemaking regarding Medicare Part D EGWPs provided under the PSHB Program should not be construed to affect an individual's ability to enroll in a Medicare Part D plan outside of health benefits plans offered under chapter 89. This means an individual may purchase a Medicare Part D plan, at their own expense, outside of their PSHB plan. An individually purchased Medicare Part D plan will not provide EGWP benefits.

OPM invites comment on these proposals concerning integration of Medicare Part D prescription drug benefits into the PSHB Program.

Group Enrollment of Eligible Individuals Into Part D EGWPs

An employer has the option to enroll individuals who are covered under the employer's group health plan, as described in section 1860D–22(c)(3)(A) of the Social Security Act, and who are eligible to receive benefits under Medicare Part D, into a Part D EGWP. This process is called "group enrollment." Group enrollment avoids requiring each individual to submit

enrollment forms in order to enroll in the Part D EGWP offered by their employer-based plan. Recognizing that prescription drug benefits are a fundamental component of an employment-based retiree group health plan, and that most individuals enrolled in such a plan want to receive prescription drug benefits through that plan, group enrollment provides administrative simplicity and ensures that all retirees have access to prescription drug benefits that meet their needs.

OPM, as the administrator of the PSHB Program, can require PSHB Carriers to automatically group enroll individuals eligible to enroll in Part D, and OPM is planning to operationalize Part D enrollment through group enrollment to support a seamless Part D EGWP enrollment process for eligible Postal Service annuitants and family members. Group enrollment provides a simplified process for enrollment into Medicare Part D and limits the potential for error on the part of an individual who might otherwise fail to enroll in Medicare Part D. It is also consistent with the experience of individuals who were previously covered by an FEHB plan where a single enrollment afforded both medical and prescription drug coverage.

An individual cannot enroll in more than one Medicare Part D plan at a time. As a result, the group enrollment process, which enrolls all individuals regardless of whether or not they have obtained or are seeking coverage elsewhere, may create an additional burden for some individuals. For example, an individual may prefer to maintain or receive Part D coverage under a Part D plan outside of the PSHB plan, through a standalone Part D plan, or as a covered family member receiving prescription drug coverage under the employment-based retiree group health plan of a spouse. If that retiree does not want prescription drug benefits under their own employer-based plan's Part D EGWP, they may "opt out" of group enrollment. For this reason, this rule proposes in § 890.1616(d) to require PSHB Carriers to group enroll eligible individuals into the Medicare Part D EGWP provided by their PSHB plan carrier by default but allow them to opt out of group enrollment if they choose.

OPM proposes in § 890.1616(e) that an individual who opts out of group enrollment into their PSHB plan's EGWP or declines the Part D EGWP coverage under the PSHB plan, will no longer be group enrolled into the Part D EGWP for each next consecutive plan year under that PSHB plan but may request enrollment into a PSHB plan's

Part D EGWP at the individual's next enrollment opportunity described under § 890.1606. While remaining in an opt-out status, the individual will not be automatically group enrolled into a PSHB plan's Part D EGWP so long as they remain in the PSHB plan. Should they choose a different plan during a later enrollment opportunity, they will be group enrolled into that plan's Part D EGWP unless they request to opt out. In this way, the decision to opt out of the Part D EGWP does not follow the individual when they change plans, and they must elect to opt out anew.

Individual Impact of Non-Enrollment in Part D EGWP

Section 8903c(h) of title 5 U.S.C. requires that PSHB Carriers provide Medicare Part D coverage to Part D eligible individuals within the PSHB program. Under this proposed rule, Medicare Part D eligible individuals are not required to be enrolled in Medicare Part D as a condition of enrollment in a PSHB plan. Instead, this rule would allow Postal Service annuitants and their family members to decline Medicare Part D coverage provided under their PSHB plan, by either opting out of group enrollment into the Part D plan under the PSHB plan or disenrolling from Part D under the PSHB plan. Declining to enroll in a PDP EGWP or MAPD EGWP offered through the PSHB plan would eliminate coverage of prescription drug benefits for the individual under the PSHB plan but would not result in a reduction of premium. The individual would continue to pay the same premium for the PSHB plan charged to all similarly situated enrollees in that option and enrollment tier. Postal Service annuitants and their family members would retain all of the other benefits under their PSHB plan. Should the individual wish to reenroll in the Part D EGWP at a later date, they may be subject to a Medicare Part D late enrollment penalty.

OPM is proposing this approach because it views it as most consistent with the PSRA statutory language. The PSRA did not establish an express requirement for Postal Service annuitants and their family members to enroll in Medicare Part D. This proposal provides Postal Service annuitants and their family members with flexibility for enrollment in Medicare Part D while creating incentives to be enrolled in the Medicare Part D EGWP offered by their carrier, which is expected to lead to cost savings for the PSHB program. This proposal is also consistent with the voluntary nature of the Medicare Part D program.

This approach would permit Postal Service annuitants and their family members with a higher income who are subject to an Income Related Monthly Adjustment Amount (IRMAA) (which would require these individuals to pay an extra amount for Medicare Part D) to decline Part D and forgo prescription drug coverage under the PSHB plan. Permitting individuals to decline Part D may present a risk that individuals may fail to enroll in, or inadvertently disenroll from the Part D EGWP (which includes either a PDP EGWP or MAPD EGWP, if offered), which would result in loss of access to prescription drug benefits under the PSHB plan while paying the full premium. This approach, however, would not prevent an individual from enrolling in a stand-alone Medicare Part D plan outside the PSHB Program, at the individual's own expense. This approach also does not prevent an individual from suspending PSHB coverage while enrolled in a Medicare Advantage plan. Affirmatively declining enrollment in the Medicare Part D EGWP provided by the PSHB plan would result in an individual's loss of prescription drug benefits under a PSHB plan until the next PSHB enrollment opportunity, as described in § 890.1606, which could be the next open season. We seek comment on how best to mitigate the risk of inadvertent disenrollment and educate Part D-eligible individuals about the PSHB Program requirements.

OPM recognizes that the mandatory integration of Medicare Part D benefits into PSHB plans under the PSRA is a significant shift from requirements for FEHB carriers, which offer plans with prescription drug benefits and are not required to provide Medicare Part D EGWPs. Annuitants who are not Postal Service annuitants and who are enrolled in FEHB plans receive comprehensive, creditable drug coverage if they elect an FEHB plan that does not offer Medicare Part D benefits. It is possible for a Postal Service annuitant or the Postal Service annuitant's family member to fail to recognize that declining to enroll in or disenrolling from the Part D prescription drug benefits under their PSHB plan will result in the loss of prescription drug benefits under the PSHB plan. Moreover, it is possible individuals may not understand that declining Part D coverage will not result in a lower PSHB premium, as their PSHB premiums include the cost to the plan of prescription drugs covered under the Part D EGWP and that portion of the premium is not severable.

Carriers must ensure a seamless, customer-friendly approach for affected enrollees and their family members to

opt out of group enrollment into the Medicare Part D EGWP portion of the PSHB plan. Carriers may not complicate the opt-out process by requiring enrollees or their family members to take actions such as including a wet signature or sending a physical copy of opt-out documents through the mail. Carriers must comply with all requirements for group enrollment contained within Centers for Medicare & Medicaid Services (CMS) guidance including the Medicare Prescription Drug Benefit Manual and the PDP Enrollment and Disenrollment Guidance. OPM is also clarifying that a carrier must follow all CMS requirements with regard to individuals who disenroll from an MAPD EGWP under its PSHB plan.

OPM expects very few PSHB enrollees and family members to opt out of or decline coverage from their PSHB plan's Part D EGWP, as (1) the vast majority of individuals eligible for Part D will be better off retaining their PSHB drug coverage, (2) there will be seamless coordination between the PSHB plan and Medicare, and (3) the cost of the Part D EGWP will be included in their PSHB premium either way. Those who choose to opt out of group enrollment into the PSHB plan's EGWP or decline enrollment once effectuated will be doing so after receiving notice regarding the loss of prescription drug coverage under the PSHB plan.

A retiree's enrollment in an employment-based retiree health plan that includes a Medicare Part D EGWP ensures that the prescription drug benefits will be coordinated by the plan. When a Part D eligible individual covered under a PSHB plan elects to opt out of group enrollment in the PSHB plan's Part D EGWP, or if the individual disenrolls at any time from the EGWP, the individual loses all prescription drug benefits under the PSHB plan, which includes coordination of care that would have been afforded between the prescription drug benefits of the Part D EGWP and the PSHB plan.

Expected Impact of Proposed Changes

Statement of Need

This proposed rulemaking follows an initial rulemaking implementing sections 101 and 102 of the PSRA, which directed OPM to establish the PSHB Program for Postal Service employees, Postal Service annuitants, and their eligible family members. The PSHB Program is contained within 5 U.S.C. chapter 89, which governs the FEHB Program generally.

While developing and implementing the regulatory provisions found in the

initial rulemaking, OPM determined that a number of topics associated with the PSHB Program needed further refinement, development, or clarification. For example, in the initial rulemaking, OPM enacted procedures for handling requests for reconsideration of initial decisions affecting enrollment in the PSHB Program. After further consideration, OPM determined that specific changes were needed to distinguish the different relationship between employing offices and OPM as it relates to the PSHB Program versus the FEHB Program. Similarly, several regulatory changes to the PSHB Medicare Part B requirement are necessary to make the transition from FEHB, where there is no Medicare Part B requirement, to PSHB as consumer friendly as possible and to provide policies for certain scenarios that were not contemplated when the interim final rule was initially developed. As an example, public comments received on the interim final rule concerning survivor annuitants as it relates to the Medicare Part B requirement indicated a need to provide clear regulation of the treatment of this group and informed the proposal in this rulemaking.

In addition, some issues required more development time and were not able to be included in the initial rulemaking. Those issues include reconsiderations of PSHB eligibility decisions, various applications of the Medicare Part B enrollment requirement, allocation of reserves credits, calendar year alignment of Government contribution requirements, financial reporting and actuarial calculations, premium payment prioritization from the Postal Service Retiree Health Benefits Fund, and Medicare Part D integration.

Because the PSRA included a statutory deadline for OPM to publish regulations for the program, OPM reserved for this rulemaking those more complex issues that required more time than the interim final rule timeframe allowed. For example, determining a methodology for allocation of reserve credits required more development time. This rulemaking provides an additional vehicle for a more comprehensive regulatory scheme before the PSHB Program begins operation in 2025.

OPM's proposals regarding reconsideration in this rulemaking would ensure that policies and procedures related to eligibility decisions in the PSHB Program properly account for aspects that are unique to the PSHB Program. Without these clarifications, there would be confusion

among agencies as to their responsibilities when faced with a PSHB reconsideration request. These PSHB-specific reconsiderations regulations also account for the use of a centralized enrollment system, which is not used for enrollment in FEHB plans.

OPM is further clarifying Medicare Part B requirements and exceptions in this rulemaking. The Medicare Part B exceptions included in this rulemaking are specific scenarios that OPM either received questions about during the development of the PSHB Program or were raised internally during the that process. While the most common Part B exception scenarios are provided in the PSRA and largely clarified in detail through OPM's initial rulemaking, the scenarios addressed in this proposed rulemaking were beyond the scope of the initial rulemaking. Confusion or inequitable treatment among current or future Postal Service annuitants and their family members could result if OPM does not address these scenarios before PSHB enrollment begins.

Several of the proposals found in this rulemaking are necessary to properly operationalize financial aspects of the PSHB Program before it begins in 2025. The inclusion of the methodology for the allocation of reserve credits from 2024 FEHB plans, with Postal Service employee and Postal Service annuitant enrollees, to 2025 PSHB plans is necessary to implement the calculations of this one-time allocation that is required in order create the reserves for PSHB plans. Implementing requirements that align the government contribution adjustment for Postal Service employees with the calendar year is necessary to ensure the adjustment aligns with the PSHB plan year, which is also on a calendar-year basis. Regulations regarding financial reporting and actuarial calculations are necessary to align PSRA financial requirements of both OPM and USPS with current actuarial methods. Finally, the proposed rules regarding payment prioritizing premium payments from the Postal Service Retiree Health Benefit Fund and thereafter Medicare Part B late enrollment penalty payments establishes an order of priority for funds. Without this section, it would be unclear how OPM prioritizes payments statutorily allowed from the PSRHBF at times when the fund may be depleted.

Finally, the integration of Medicare Part D benefits into the PSHB Program, which is a significant aspect of the PSRA, requires further regulation, particularly as it relates to group enrollment into the Part D EGWP as well as how an individual may decline

Part D coverage and the consequences of doing so. This clarification is necessary to fully implement the Part D integration sections of the PSRA in compliance with Medicare regulations and requirements. In the absence of this rulemaking, carriers' plans are required to provide prescription drug benefits to any Postal Service annuitant and member of family of such annuitant who is a part D eligible individual (as defined in section 1860D-1(a)(3)(A) of the Social Security Act) through employment-based retiree health coverage (as defined in section 1860D-22(c)(1) of such Act) through (A) a prescription drug plan (as defined in section 1860D-41(a)(14) of such Act); or (B) contracts between such a Program plan and PDP sponsor, as defined in section 1860D-41(a)(13) of such Act, of such a prescription drug plan. Alternatively, in the absence of this rulemaking, OPM could provide unenforceable guidance interpreting this provision. OPM agrees that the default for this issue is unclear based on the initial rulemaking, which is why this rulemaking is vital.

Impact

This rulemaking proposes additional requirements and clarifications for the operations and management of the PSHB Program. Based on OPM's estimates, OPM does not believe that this proposed regulation will have a large impact on the broader health insurance market. In 2022, Postal premiums accounted for about 22% of the total FEHB premiums, meaning that Postal Service employees, Postal Service annuitants, and their family members make up about one fifth of health insurance carriers' overall FEHB books of business. OPM seeks general comments on the impact of this proposed rule.

As with the interim final rule, this proposed rule is intended to help promote the financial stability and long-term viability of the Postal Service by implementing the PSHB Program as effectively as possible. The largest potential impact from this rule is found in the regulatory proposals addressing reserves. OPM estimates that \$4.7 billion of the estimated \$22 billion in total FEHB reserves is attributable to the Postal population. In addition, OPM estimates that the vast majority of PSHB enrollees will remain with the same carrier during the move from FEHB to PSHB. In this scenario, the move of funds from FEHB to PSHB reserves will have no economic impact—the money will remain with the same carrier, still overseen by OPM. Based on 2023 enrollment and expected carrier

participation in the PSHB, OPM estimates that the total reserves that will be transferred between carriers will not exceed \$100 million.

The other changes in the proposed rule are not expected to be economically significant. The reconsideration process largely mirrors that in the FEHB Program, except to the extent the PSHB Program requires incorporation of verification of the requirement to enroll in Medicare Part B. Discussions of the application of various Part B exceptions are clarifications rather than deviations from the status quo. To the extent there are impacts from the various proposals, they are discussed below.

A. Impacts on PSHB Carriers

The reserves policies addressed in this proposed rule will result in a shift of funds from FEHB plan reserves to PSHB plan reserves based on the proportion of enrollment attributable to PSHB between 2024 and 2025. However, in large part we expect these funds to shift between plans within the same carrier, as we expect many PSHB enrollees to remain with their current FEHB carrier to the extent possible.

B. Impacts on PSHB Enrollees

The proposed rule provides clarification on several situations concerning Medicare Part B enrollment requirements and exceptions under the PSHB Program. Because each enrollee's circumstances are unique, it is not possible to expressly regulate every scenario that could arise under the program. However, the rule does clarify treatment of survivor annuitants and Postal Service annuitants and family members returning to the U.S. after living abroad and qualifying for that PSHB Program exception regarding Medicare Part B enrollment. These clarifications benefit affected enrollees and family members by providing greater certainty relating to an affected individual's rights or responsibilities concerning Part B enrollment as they remain enrolled in the PSHB Program. They also allow affected enrollees and family members to plan ahead when making Medicare enrollment decisions upon reaching Medicare eligibility.

This proposed rule also reiterates the policy first included in the interim final rule at 88 FR 20387 and codified at 5 CFR 890.1608(b)(2) that individuals who are required under the PSRA to enroll in Medicare Part B in order to enroll in the PSHB program will be given the opportunity to correct a non-enrollment in Part B if OPM discovers the discrepancy after the individual is enrolled in the PSHB program. This policy is intended only to allow for

good-faith corrections of mistakenly missing Part B coverage and should apply to a very small number of individuals. This proposed rule clarifies that this opportunity is a one-time benefit, and any subsequent instances where the individual lacks required Medicare Part B enrollment will result in PSHB termination. OPM expects the number of individuals who face two good-faith instances of missing Medicare Part B enrollment to be negligible, so the impact will be very small.

The right to request reconsideration of PSHB Program eligibility and enrollment decisions is important to enrollees and family members. The FEHB Program has a robust reconsideration process, and the PSHB Program incorporates FEHB Program rights and processes where appropriate. However, this rulemaking is necessary to clarify differences due to several unique aspects of the PSHB Program. Without these clarifying regulations, enrollees could face confusion over which agency should receive their reconsideration request and how they may challenge an adverse PSHB determination that is not covered by the reconsideration process related to FEHB plan eligibility and enrollment. Most notably, the PSHB Program contains a Medicare Part B enrollment requirement for many Postal Service annuitants, which does not exist for annuitants eligible for enrollment in FEHB plans. OPM will receive information from various source agencies that have the ability to verify certain information about an individual upon which OPM can determine PSHB eligibility and compliance with Medicare Part B requirements.

C. Impacts on Employing Agencies

Under this proposed rule, employing agencies (USPS for Postal Service employees or OPM, as the agency with the authority to approve payment of annuity, etc., for Postal Service annuitants) will have similar responsibilities when addressing reconsideration requests for the PSHB Program as they do for the FEHB Program. With the Medicare Part B requirement for most Postal Service annuitants and eligible family members in order to be covered under the PSHB Program, there will be additional verification for affected Postal Service annuitants and family members. In addition to performing verification checks where appropriate, an adverse outcome for enrollees may increase the number of eligibility reconsideration requests made by individuals seeking coverage.

This proposed rule would also ensure that the government contribution adjustment for PSHB premiums aligns with the January 1 to December 31 PSHB plan year already set out in the initial rulemaking. Changing the effective date for the government contribution adjustment to align with the PSHB plan year will have a slight impact on employing agencies, that are responsible for ensuring that funds are correct, and that may need to adapt procedures for timing the adjustment. Because the changes to the plan year and government contribution adjustment date only apply to the PSHB Program, the overall impact is limited to USPS and OPM.

OPM's proposed policy of prioritizing PSHB premium payments over Medicare Part B late enrollment penalties payments from the PSRHBFB will not result in increased costs for USPS, regardless of the extent to which Postal Service annuitants take advantage of the PSRA Medicare Part B Special Enrollment Period. Should the PSRHBFB be depleted at any time and OPM is unable to pay Part B late enrollment penalties out of the fund, the Part B late enrollment penalties will be paid directly by USPS' general operating fund, as described in the PSRA. The status of the PSRHBFB will not jeopardize USPS' ability to pay these penalties on behalf of their Postal Service annuitants.

Finally, the proposed policy relating to Medicare Part D benefit integration, which allows Part D eligible individuals to opt out of a PSHB Part D EGWP, will likely have little impact on the program overall. Very few individuals are expected to opt out given that they will lose PSHB prescription drug coverage and will see no reduction in monthly premiums. Carriers will account for the small number of expected opt-outs in calculating overall premiums, although the effect of opt-outs on premiums is expected to be insignificant. The impact for enrollees who retain their Part D coverage through the PSHB plan will likewise be negligible. However, the impact for any Part D eligible individual who opts out will be large. They will pay an identical premium but receive no prescription drug benefit through PSHB. In the event that they opt out erroneously or due to not understanding the negative implications of doing so, the financial penalty could be severe. Out-of-pocket drug costs can be very high, particularly for name brand drugs, and should an individual later choose to opt back into the Part D EGWP, they may be faced with a Part D late enrollment penalty from Medicare. In an effort to ensure that all PSHB enrollees

understand the consequences of opting out of Medicare Part D under the PSHB plan, OPM and USPS will provide education regarding the consequences of opting out of Part D benefits and what effect that will have on their prescription drug benefits. This education will be provided in addition to a detailed notice that all PSHB enrollees will receive, as required by CMS regulations. OPM is seeking to ensure education about Part D and that the implications of opting out are as clear as possible and is looking to ensure that any individual who opts out is doing so under full information. OPM invites comment on ways to most effectively mitigate these concerns.

Costs

OPM does not anticipate that this regulatory action will result in any significant or quantifiable economic costs. The proposals related to reserves are strictly distributional and are not expected to result in any costs. Discussions of the application of the various PSHB program Medicare Part B exceptions are clarifications of the requirements established in the interim final rule. Thus, while costs may be incurred as a result of specific, individual scenarios, these costs were addressed in the interim final rule and will not be significantly impacted by the clarifications provided by this proposed rule.

In particular, this proposed rule would clarify the interim final rule provision related to PSHB enrollees who are belatedly discovered to be ineligible based on their non-enrollment in Part B by limiting the exception to a one-time privilege, thus minimizing the potential costs to agencies. To the extent that these scenarios result in additional costs, OPM anticipates that these would be negligible, given the number of eligibility checks, and would be impossible to quantify. Because enrollees who use this one-time privilege may be responsible for a Part B late enrollment penalty, there remains a financial incentive to enroll in Part B when first eligible. Because this privilege is only available once, the number of enrollees who utilize the exception will likely be limited.

Benefits

OPM does not expect this proposed rule to result in any significant economic benefits. As with the interim final rule, this proposed rule is intended to promote the financial stability and long-term viability of the Postal Service by implementing the PSHB Program as effectively as possible. The resulting societal benefits associated with these

outcomes were appropriately discussed in the interim final rule and are not expected to be significantly impacted by the clarifications proposed.

Distributional Effects

OPM estimates that \$4.7 billion of the projected \$22 billion in 2024 FEHB reserves will be attributable to PSHB enrollees, based on 2023 enrollment, and will therefore be reallocated to PSHB plans in 2025. Despite the size of funds being reallocated, OPM does not expect these transactions to result in an economically significant transfer, as defined in OMB Circular A-4, for several reasons.

First, although allocated to individual plans, unobligated reserves ultimately belong to the FEHB and PSHB programs upon the carrier's exit. Payments or transfers from the contingency reserves are regulated, as outlined in 5 CFR 890.503 and in 48 CFR chapter 16, the Federal Employees Health Benefits Program Acquisition Regulation (FEHBAR) at 48 CFR 1632.770, and balances are closely monitored by OPM to ensure compliance with minimum balance standards. Further, if an existing plan is discontinued or elects not to participate in the FEHB program, the reserve balances credited to that plan are redistributed to the remaining plans and carriers.

Second, OPM estimates that more than 97% of the fund transfers will be attributed to FEHB carriers that plan to offer PSHB plans. In these cases, reserve funds will remain with the carrier and will be reallocated from FEHB plans to the PSHB plans, as outlined in the proposed methodology (scenarios a-c). Thus, to the degree that reserve funds afford any monetary benefit, the aggregated benefit afforded to the carrier, across the entire portfolio of plans offered, would remain the same.

Third, OPM estimates that less than 3% of the funds transferred will be attributed to FEHB carriers that *do not* plan to offer PSHB plans. In these cases, a portion of the reserve funds for each FEHB plan will be redistributed across the PSHB Options based on the percentage of 2024 premiums attributable to Postal enrollees, as described in the proposed methodology (scenario d). To the degree that reserve funds afford any monetary benefit, these transfers would result in a net change in the aggregated benefit afforded to each carrier. Based on 2023 enrollments and anticipated carrier participation in the PSHB program, OPM estimates that the total amount of these between-carrier transfers will not exceed \$100M, well below the \$200M threshold for economic significance.

Alternatives

This proposed rule provides that individuals eligible for Medicare Part D *may* opt out of group enrollment or disenroll from the Part D EGWP associated with their PSHB plan. As a result of opting out or disenrolling from their PSHB plan's Part D EGWP, the individual *will not* receive prescription drug benefits under the Part D EGWP or under the PSHB plan. OPM considered this policy and several alternatives extensively and ultimately decided on the policy as written considering enrollee and family member interests, cost saving intent of the PSRA and OPM's obligations under Medicare regulations, and the text of the PSRA itself.

One alternative approach would have been to prohibit Part D eligible individuals from opting out of the Part D EGWP associated with their PSHB plan. Construing Medicare Part D as an eligibility requirement would promote the goals of the PSRA by promoting enrollment in Part D which OPM views Congress intended to promote access to high quality drug coverage and result in savings to the PSHB Program. Enrollment in Part D as an eligibility requirement for PSHB would result in maximum enrollment of Part D eligible individuals ensuring maximum access to prescription drug coverage and result in maximum cost saving as intended by Congress. This approach combined with the group enrollment feature of Medicare EGWPs would limit inadvertent failure to enroll or inadvertent disenrollment from Medicare Part D and provide administrative simplicity for OPM and carriers. Requiring Medicare Part D as an eligibility requirement, however, would create a burden for those who may have an alternative Part D plan or for those who cannot access Part D benefits, such as individuals living abroad. It would require a host of exceptions to a Part D enrollment requirement. This approach would also require carriers to communicate with OPM and Postal Service annuitants and family members to ensure that they are aware that disenrolling or failing to enroll in Part D would result in loss of not only access to prescription drug coverage but also result in loss of PSHB coverage. For Postal Service annuitants, PSHB coverage in retirement cannot be reinstated once it is terminated. As established in the PSRA, the requirement to provide Medicare Part D through a PDP EGWP rests with the carrier. There is no equivalent requirement placed on a Postal Service annuitant or their family member to

enroll in Medicare Part D, which is a voluntary program. The PSRA does not expressly require Postal Service annuitants to enroll in Part D. While OPM identified several benefits of this approach, OPM has declined to require enrollment in Part D as an eligibility requirement as it is not the most intuitive interpretation of the statute.

Another alternative OPM considered was to allow Part D eligible individuals to opt out of the Part D EGWP and receive prescription drug benefits through their PSHB plan. This approach is consistent with the current requirement in the FEHB program, which does not require carriers to offer Medicare Part D EGWPs. Annuitants who are not Postal Service annuitants and who are enrolled in FEHB plans receive comprehensive drug coverage through their FEHB plan without a need to enroll in a Medicare Part D plan. However, OPM finds this approach inconsistent with the PSRA. Congress expressly mandated the integration of Medicare Part D in the PSHB Program to coordinate benefits between PSHB plans and Medicare Part D prescription drug coverage. Congress intended to achieve cost savings to USPS through this coordination, while providing prescription drug coverage to Postal Service annuitants and their family members. OPM finds that any alternative approach that would provide individuals with the ability to opt out of or otherwise decline Part D coverage under the PSHB plan and then receive PSHB prescription drug benefits would be counter to these cost-savings goals.

As a result, OPM considers the policy included in this proposed rulemaking the most consistent with the PSRA statutory language and Congressional intent. This proposal provides Postal Service annuitants and their family members with flexibility for enrollment in Medicare Part D while creating incentives to enroll in the Medicare Part D EGWP offered by their carrier, which are expected to lead to cost savings for the program. This proposal is also consistent with the voluntary nature of the Medicare Part D program. OPM views this approach to be the most customer centric because it avoids the potential for loss of PSHB eligibility for failing to enroll in Medicare Part D. This approach strikes a balance between Congress' intent to save costs under the PSHB Program and the prescription drug coverage needs of Postal Service annuitants and their family members.

Treatment of survivor annuitants under the Program as it relates to the requirement for Medicare Part B enrollment is another area where OPM considered alternatives approaches.

OPM considered whether a Medicare eligible family member of a Postal Service annuitant could lose their exception to the Part B requirement upon the death of that Postal Service annuitant in a case where the family member does not have their own Part B exception. The rationale for this approach is that the family member's exception is derived from the Postal Service annuitant's status, and with the Postal Service annuitant no longer on the enrollment there is no Part B exception to apply to the family member. However, this alternative approach was deemed inequitable for the family member who relied on their Postal Service annuitant's exception in making decisions on their own Medicare enrollment options. To provide the most consumer-friendly approach, OPM decided to propose the policy in this rulemaking that a family member of a Postal Service annuitant will receive that Postal Service annuitant's Part B exception permanently, so that if they become a survivor annuitant who was entitled to a Part B exception due to the status of their former Postal Service annuitant, that exception remains with them going forward.

Administrative Procedure Act

OPM is adopting a 30-day comment period to balance the need for public input with operational considerations for carriers and Postal Service employees, Postal Service annuitants, and their eligible family members affected by this rulemaking. OPM is already working with carriers on their plan benefit proposals, and individuals who will be enrolled in the PSHB Program as of January 1, 2025, have begun receiving information regarding the transition. In addition, OPM previously published an interim final rule that established the PSHB Program and a final rule that considered comments received on the interim final rule. This rulemaking provides further clarification on issues related to implementation of the Program and is based, in part, on issues commenters raised in the prior rulemaking. In addition, this rulemaking considers feedback received during the initial implementation and administration of the Program. Accordingly, this proposed rule is narrow in scope. OPM believes that a 30-day comment period provides sufficient time for public comments on this proposed rule and facilitates the issuance of a final rule before Open Season begins on November 11, 2024.

These proposed provisions are also time-sensitive, as they will address the remaining issues needed to finalize the

Program. For example, with respect to the Medicare Part B enrollment requirement for Medicare eligible Postal Service annuitants and covered family members, OPM needs to provide regulatory certainty to Postal Service employees, Postal Service annuitants, and eligible family members regarding coverage before they select their health benefits plans in November 2024 during the transitional Open Season. Similarly, Postal Service employees, Postal Service annuitants, and eligible family members need to have complete information regarding PSHB plan coordination with Medicare Part D. In particular, Postal Service Medicare covered annuitants need information about their rights so that they can make informed decisions about prescription medication coverage during the transitional open season. For each of these issues, the statute and OPM's initial rulemaking provided a framework, but OPM needs to codify the specifics of how these provisions will impact individuals in different circumstances.

As with the individuals eligible for coverage under the PSHB Program, carriers also need information about the interactions between the PSHB Program and Medicare Parts B and D. Similarly, carriers need final details about how insurance reserves will be allocated in the transition from FEHB plans to PSHB plans. OPM must transfer these funds as soon as practicable on or after January 1, 2025.

Recognizing that the majority of the PSHB Program has been addressed through a prior rulemaking, OPM has determined that a 30-day comment period will provide the public with a meaningful opportunity to comment on the few, discrete topics presented in this proposed rule. OPM believes that the trade-off of a longer comment period is outweighed by the value to affected parties of having complete information to make informed decisions. OPM aims to review public comments on this proposed rule and make any necessary modifications expeditiously to provide as much advance notice to the affected parties as possible.

For the forgoing reasons, OPM plans to make the final rule effective upon publication. See 5 U.S.C. 553(d)(3). Generally, the delay in the effective date of a final rule provides regulated parties with some time to make adjustments to come into compliance with the new regulation. For this rule, the requirements are all prospective in the sense that the PSHB Program will not be fully operational until January 1, 2025. Nonetheless, carriers have long been developing their proposals and plans for coverage and will benefit from this rule

being finalized as early as possible. Similarly, the individuals eligible for coverage under the PSHB Program will not need to take action in response to the finalization of the rule but will benefit from the rule becoming final as early as possible.

Severability

OPM proposes that, if any of the provisions of this proposed rule as finalized is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, it shall be severable from the remaining sections and shall not affect the remainder thereof or the application of the provision to other persons not similarly situated or to other dissimilar circumstances. For example, if a court were to invalidate any portions of this proposed rule as finalized regarding non-enrollment in Medicare Part B, the other portions of the rule—including the provisions regarding non-enrollment in Medicare Part D—would independently remain workable and valuable. Similarly, the portions of this proposed rule providing procedures for challenging enrollment decisions can and would function independently of any of the other portions of this proposed rule.

Regulatory Review

OPM has examined the impact of this rule as required by Executive Orders 13563, 12866, and 14094, which direct agencies to assess all 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). The Office of Management and Budget (OMB) has designated this rulemaking as a “significant regulatory action” under section 3(f) of Executive Order 12866, as supplemented by Executive Orders 13563 and 14094.

Regulatory Flexibility Act

The Director of OPM certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Federalism

OPM examined this rulemaking in accordance with Executive Order 13132, Federalism, and determined that it will not have any negative impact on the rights, roles and responsibilities of State, local, or Tribal governments.

Civil Justice Reform

This rulemaking meets the applicable standard set forth in Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rulemaking will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB Control Number.

The information collection for form SF-2809 (OMB Control Number 3206-0160) is currently approved with an estimated public burden of 9,000 hours. OPM notes that there is a corresponding health benefits election form for retirees, OPM-2809. The information collection request (OMB control number 3206-0141) associated with that information collection is currently approved with an estimated public burden of 11,667 hours. A list of routine uses associated with these forms can be found in the Privacy Act System of Records Notice (SORN), OPM/CENTRAL 1 Civil Service Retirement and Insurance, available at <https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-central-1-civil-service-retirement-and-insurance-records.pdf>.

On May 6, 2024, OPM published “Submission for Review: Revision and Consolidation of Two Existing Information Collections Related to Health Benefits Election Forms” (89 FR 37269). This publication provides a 60-day notice for an extension of this information collection and proposes categorizing the SF-2809 as a “common form.” OPM is proposing changes to the SF-2809 and the OPM-2809 for clarity, ease of use, and implementation of the PSHB Program. OPM has provided copies of the revised drafts of the SF-2809 and OPM-2809 forms for public review in the docket at <https://www.regulations.gov/docket/OPM-2024-0011/document>. While OPM is not currently proposing to consolidate the

SF–2809 and the OPM–2809 into a single form, we are proposing to combine the two information collections and manage the two forms under a single information collection, OMB Control No. 3206–0160, going forward. The comment period on this notice ends on July 5, 2024.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Postal Service employees, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Kayyonne Marston,
Federal Register Liaison.

Accordingly, OPM proposes to amend 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

■ 1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.102 also issued under sections 11202(f), 11232(e), and 11246 (b) of Pub. L. 105–33, 111 Stat. 251; Sec. 890.111 also issued under 36 U.S.C. 5522; Sec. 890.112 also issued under 2 U.S.C. 2051; Sec. 890.113 also issued under section 1110 of Pub. L. 116–92, 133 Stat. 1198 (5 U.S.C. 8702 note); Sec. 890.301 also issued under 26 U.S.C. 9801; Sec. 890.302(b) also issued under 42 U.S.C. 300gg–14; Sec. 890.803 also issued under 50 U.S.C. 3516 (formerly 50 U.S.C. 403p) and 22 U.S.C. 4069c and 4069c–1; subpart L also issued under section 599C of Pub. L. 101–513, 104 Stat. 2064 (5 U.S.C. 5561 note); subpart M also issued under 10 U.S.C. 1108 and 25 U.S.C. 1647b; and subpart P issued under 5 U.S.C. 8903c.

Subpart A—Administration and General Provisions

■ 2. Amend § 890.107 by adding paragraph (f) to read as follows:

§ 890.107 Court review.

* * * * *

(f) A suit to compel enrollment or for equitable relief, from an adverse enrollment action founded on 5 U.S.C. chapter 89, that is based on information received by OPM pursuant to an agreement with a source agency as defined at § 890.1602, to determine whether Postal Service annuitants or family members of such annuitants satisfy the enrollment requirements set forth in 5 U.S.C. 8903c, may not be brought later than December 31 of the 3rd year after the year in which the enrollment action was effectuated, and will be limited to the record that was

before OPM when it effectuated the enrollment action.

Subpart P—Postal Service Health Benefits Program

■ 3. Amend § 890.1602 by adding in alphabetical order the definitions “Reconsideration” and “Source agency” to paragraph (c) to read as follows:

§ 890.1602 Definitions and deemed references.

* * * * *

(c) * * *

Reconsideration means the final level of administrative review of an initial decision by an employing office or OPM, as applicable.

Source agency means an agency that periodically provides information or data to OPM pursuant to an agreement under § 890.1612.

* * * * *

■ 4. Amend § 890.1604, as amended May 6, 2024, at 89 FR 37061, effective July 5, 2024, by adding paragraphs (c) and (d)(3) and revising (f) to read as follows:

§ 890.1604 Medicare enrollment requirement for certain Postal Service annuitants and eligible family members.

* * * * *

(c) *Survivor annuitant.* (1) A Postal Service annuitant’s member of family who is an annuitant as defined in 5 U.S.C. 8901(3)(B) and who is entitled to Medicare Part A, must be enrolled in Medicare Part B to continue enrollment in a health benefits plan under this subpart, except as otherwise provided by paragraph (d)(3) of this section;

(2) A Postal Service employee’s member of family who is an annuitant as defined in 5 U.S.C. 8901(3)(B) and who is entitled to Medicare Part A, must be enrolled in Medicare Part B to continue enrollment in a health benefits plan under this subpart, except as provided in paragraphs (d)(3)(ii) through (iv) of this section.

* * * * *

(d) * * *

(3) To a survivor annuitant, as described in paragraph (c) of this section, who:

(i) At the time of becoming a survivor annuitant the Postal Service annuitant was subject to an exception under (d)(1) of this section;

(ii) Resides outside the United States (which includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands), provided that the individual demonstrates such residency;

(iii) Is enrolled in health care benefits provided by the Department of Veterans

Affairs (VA) under 38 U.S.C. chapter 17, subchapter II, including individuals who are not required to enroll in the VA’s system of patient enrollment referred to in 38 U.S.C. 1705(a), subject to the documentation requirements in paragraph (e)(2) of this section; or (iv) Is eligible for health services from the Indian Health Service, subject to the documentation requirements in paragraph (e)(3) of this section.

* * * * *

(f) *Notification of non-enrollment in Medicare Part B.* A Postal Service Medicare covered annuitant, a Medicare covered member of family, or a survivor annuitant, as described in paragraph (c) of this section, who is required to be enrolled in Medicare Part B must promptly notify OPM or the Postal Service, in writing, if they choose not to enroll in or to disenroll from Medicare Part B as described in § 890.1608(e).

■ 5. Amend § 890.1605 by revising paragraph (c) to read as follows:

§ 890.1605 Enrollment in the initial contract year.

* * * * *

(c) *Automatic enrollment.* Each Postal Service employee or Postal Service annuitant who is enrolled in an FEHB plan on December 31, 2024, and does not make an enrollment action during the transitional open season under § 890.1605(b), will be automatically enrolled in the PSHB Program as follows:

(1) *Into same plan.* Individuals enrolled in a carrier’s 2024 FEHB plan where the carrier offers the same plan in 2025 in FEHB and offers a 2025 PSHB plan with at least one option that has equivalent benefits and cost sharing and in the same geographic area as the 2025 FEHB plan, will be enrolled in that 2025 PSHB plan and into an option as follows:

(i) *Equivalent option.* Individuals enrolled in a carrier’s 2024 FEHB option where the carrier offers that option in 2025 in FEHB and also offers a 2025 PSHB option with equivalent benefits and cost sharing as the 2025 FEHB option, as determined by OPM, will be automatically enrolled into that 2025 PSHB option; or

(ii) *No equivalent option.* Individuals enrolled in a carrier’s 2024 FEHB option where the carrier does not offer a 2025 PSHB option that meets the criteria in (1)(i), will be automatically enrolled into the lowest-cost option of the 2025 PSHB plan, that is not a High Deductible Health Plan (HDHP) and does not charge an association or membership fee, except that if the only option is an HDHP, then the individual will be enrolled in that HDHP option.

(2) *Into a 2025 PSHB plan where the carrier offers no 2025 FEHB plan.* Individuals enrolled in a carrier's 2024 FEHB plan where the carrier offers no 2025 FEHB plan and offers a 2025 PSHB plan with at least one option with similar benefits and cost sharing and in the same geographic area as the 2024 FEHB plan, as determined by OPM, will be enrolled in that 2025 PSHB plan and into an option as follows:

(i) *Similar option.* Individuals enrolled in a carrier's 2024 FEHB option where the carrier offers a 2025 PSHB option with similar benefits and cost sharing as the 2024 FEHB option, as determined by OPM, will be automatically enrolled into that 2025 PSHB option; or

(ii) *No similar option.* Individuals enrolled in a carrier's 2024 FEHB option where the carrier does not offer a 2025 PSHB option that meets the criteria in paragraph (c)(2)(i) of this section, will be automatically enrolled into the lowest-cost option of the 2025 PSHB plan, or in the case where the 2025 PSHB plan has two or more options, into the lowest-cost option that is not a High Deductible Health Plan (HDHP) and does not charge an association or membership fee.

(3) *Into different plan.* Individuals enrolled in a carrier's 2024 FEHB plan where paragraphs (c)(1) and (2) of this section do not apply will be enrolled in the lowest-cost nationwide PSHB option, consistent with § 890.301(n).

(4) *Same enrollment type.* Individuals automatically enrolled under this section will be automatically enrolled into the same enrollment type as the individual's 2024 enrollment type.

* * * * *

■ 6. Amend § 890.1606 by revising paragraphs (c) and (d) to read as follows:

§ 890.1606 Opportunities to enroll, change enrollment, or reenroll; effective dates.

* * * * *

(c) Reinstatement of enrollment in accordance with § 890.305 is permitted in a PSHB plan.

(d) Initial decisions and reconsiderations of PSHB eligibility or enrollment will be made pursuant to § 890.1607.

* * * * *

■ 7. Add § 890.1607 to read as follows:

§ 890.1607 Initial decision and reconsideration.

(a) *Who may file.* An individual may request the employing agency or OPM, as applicable, to reconsider the employing office's or OPM's initial decision denying eligibility for, or enrollment in, or coverage under, the PSHB Program. Individuals subject to

§ 890.1112 are not entitled to reconsideration as used in this subpart.

(b) *Initial decision.* An employing office's or OPM's initial decision must be in writing and state the right to an independent level of review (reconsideration).

(1) Except as otherwise provided in this subpart, employing offices are responsible for initial decisions concerning PSHB eligibility for Postal Service employees or Postal Service annuitants.

(2) OPM is responsible for initial decisions concerning:

(i) Verification that an individual is an eligible member of family under § 890.302;

(ii) Postal Service annuitants or their family members who are not required to enroll in VA's system of patient enrollment referred to in 38 U.S.C. 1705(a), and who must provide documentation from the VA under § 890.1604(d)(2) indicating they satisfy the requirements for an exception described in § 890.1604(c)(1)(iv) or (c)(2)(iii); and

(iii) Postal Service annuitants or their family members who must provide documentation from the Indian Health Service under § 890.1604(d)(3) indicating they satisfy the requirements for an exception described in § 890.1604(c)(1)(v) or (2)(iv).

(3) OPM is responsible for initial decisions regarding enrollment actions made based on information received from source agencies with which OPM has an information sharing agreement established pursuant to § 890.1612. An initial decision under this paragraph will be issued only after the notice process under § 890.1612 is completed.

(c) *Reconsideration.* (1) A request for reconsideration must be made in writing, must include the claimant's name, address, date of birth, Social Security number or other unique identifier, name of the carrier, reason(s) for the request, documentary evidence in support of the request, if any, and, if applicable, retirement claim number.

(2) The reconsideration review must be an independent review designated at or above the level at which the initial decision was rendered.

(d) *Time limit.* A request for reconsideration of an initial decision must be filed with the employing agency or OPM, as applicable, within 30 calendar days from the date of the written decision stating the right to a reconsideration. The time limit on filing may be extended, at the discretion of the employing office or OPM, when the individual shows that they were not notified of the time limit and were not otherwise aware of it, demonstrates a

good faith effort to obtain the documentation as described under paragraph (b)(2)(ii) or (iii) of this section, or that they were prevented by circumstances beyond their control from making the request within the time limit. The employing agency's or OPM's decision in response to a request for reconsideration of an employing office's initial decision is a final decision as described in paragraph (e) of this section.

(e) *Final decision.* After reconsideration, the employing agency or OPM, as applicable, must issue a final decision within 30 days of the request for reconsideration, which must be in writing and must fully set forth the findings and conclusions.

■ 8. Amend § 890.1608 by revising paragraphs (a), (b) introductory text, and (b)(2) and (5) and adding paragraphs (b)(6) through (9) to read as follows:

§ 890.1608 Disenrollment, removal, termination, cancellation, and suspension.

* * * * *

(a) *Enrollment in FEHB plan terminates prior to the initial PSHB contract year.* For individuals who are eligible to enroll under this subpart pursuant to § 890.1603(a), enrollment in an FEHB plan and coverage of the enrollee and covered family members under that FEHB plan will terminate at the end of the contract year preceding the initial contract year.

(1) Coverage under a FEHB plan will remain available for an eligible family member who is or becomes covered as a member of family of a FEHB plan enrollee who is not eligible for a PSHB plan pursuant to § 890.1603(a)(1) or (2).

(2) Coverage as a family member under a FEHB plan will remain available for a Postal Service employee or Postal Service annuitant who is or becomes covered under their family member's FEHB enrollment. A Postal Service annuitant's or Postal Service employee's family member who meets the eligibility requirements for their own enrollment in an FEHB plan will remain eligible to enroll in an FEHB plan.

(3) Individuals whose coverage is terminated under this paragraph (a) are not eligible for temporary continuation of coverage under subpart K of this part pursuant to § 890.1103(b).

(b) *Disenrollment and removal from enrollment: Postal Service Medicare covered annuitants and Medicare covered members of family not enrolled in Medicare Part B.* An individual who is required to be enrolled in Medicare Part B and is not enrolled in Medicare Part B will not be disenrolled or removed from PSHB coverage

immediately and will be given one opportunity to remain enrolled in or covered by PSHB if they enroll or re-enroll in Medicare Part B during their next available Medicare enrollment period, which may be the next Medicare General Enrollment Period, except that an individual who was excepted from the Medicare Part B requirement pursuant to § 890.1604(d)(1)(iii) or (d)(2)(ii) must enroll not later than the end of the Medicare General Enrollment Period beginning January 1 of the following calendar year. Failure to enroll or re-enroll in Medicare Part B at the next enrollment period may result in disenrollment from PSHB or removal from coverage under a PSHB enrollment. If disenrolled, a Postal Service annuitant will not be permitted to re-enroll in PSHB, as described in paragraph (b)(5) of this section, and a family member who is removed from coverage under a PSHB enrollment, may have their PSHB coverage reinstated only as described in paragraph (b)(9) of this section.

* * * * *

(2) A Postal Service Medicare covered annuitant will not be disenrolled from PSHB and a Medicare covered member of family will not be removed from PSHB coverage in a case where that individual was not informed of their obligation to enroll in Medicare Part B, or it would be against equity and good conscience to remove the individual.

* * * * *

(5) Disenrollment of a Postal Service Medicare covered annuitant from a PSHB plan under this section shall be considered a termination with entitlement of the enrollee and their covered family members to a 31-day temporary extension of coverage and the right of conversion under § 890.401, except as provided at paragraph (b)(5)(ii) of this section.

(i) A Postal Service annuitant will have no further opportunity to re-enroll in a PSHB plan. Disenrollment of a Postal Service annuitant will also result in the removal of covered family members from PSHB coverage.

(ii) Disenrollment or removal from coverage under an enrollment will be prospective in all cases except where fraud or intentional misrepresentation of material fact is found, in which case the individual's coverage will be terminated retroactively, as applicable, and no right to a 31-day temporary extension of coverage or to conversion under § 890.401 will be available.

(iii) Disenrollment or removal under this section will occur only after a notice process under § 890.1612, if applicable, is completed and an initial

decision to disenroll or remove, subject to reconsideration under § 890.1607(b), is issued.

(6) An individual who is disenrolled from Medicare Part B, where the individual is required to be enrolled in Medicare Part B and does not have an exception under this subpart, will be issued an initial decision disenrolling them from PSHB or removing from them coverage under a PSHB enrollment at the time OPM becomes aware of the Medicare disenrollment. Individuals disenrolled or removed from PSHB coverage will be entitled to a 31-day temporary extension of coverage and rights to conversion.

(7) Within 60 days of OPM's initial decision, a Postal Service Medicare covered annuitant or Medicare covered member of family, as applicable, may request reconsideration of OPM's initial decision to disenroll or remove the individual from PSHB coverage. OPM will notify the carrier when a request for reconsideration of the decision to disenroll or remove the individual from the enrollment is made. The time limit for filing may be extended as noted in § 890.1607.

(8) If the Postal Service Medicare covered annuitant provides acceptable proof of PSHB eligibility subsequent to disenrollment which renders the disenrollment inappropriate, the enrollment shall be reinstated retroactively so that there is no gap in enrollment, as appropriate. A Postal Service Medicare covered annuitant's PSHB enrollment cannot be reinstated after disenrollment from a PSHB plan based on failure to enroll in, disenrolling from, or being disenrolled from Medicare Part B, except that a one-time opportunity as set forth at § 890.1608(b) may be available if the Postal Service annuitants has not previously invoked and used it.

(9) If the Postal Service Medicare covered member of family, who is required to be enrolled in Medicare Part B and is removed from a Postal Service Medicare covered annuitant's PSHB enrollment because the family member failed to enroll in, disenrolls from, or is disenrolled from Medicare Part B, the family member's PSHB coverage may be reinstated. Reinstatement of the family member's PSHB coverage will be permitted only if the Postal Service Medicare covered annuitant's PSHB enrollment continues, and only if proof of the family member's Medicare Part B enrollment which renders the removal inappropriate, is provided by the Postal Service Medicare covered annuitant or Medicare covered member of family, as applicable. The family member's PSHB coverage will be reinstated upon request

by the Postal Service Medicare covered annuitant to reinstate the family member's PSHB coverage subsequent to removal, at the Postal Service Medicare covered annuitant's option, as follows:

(i) Prospectively, within 60 days of the Medicare covered family member gaining coverage under Medicare Part B, or

(ii) Retroactively to the date of termination of PSHB coverage, so that there is no gap in coverage, provided that the proof demonstrates the family member was continuously enrolled in Medicare Part B since that date and subsequent to removal, as appropriate.

* * * * *

■ 9. Amend § 890.1612 by adding paragraphs (f) and (g) to read as follows:

§ 890.1612 Information sharing.

* * * * *

(f) If a source agency has provided information or data, regarding a Postal Service Medicare covered annuitant or Medicare covered member of family, which establishes a basis that the individual may be ineligible for PSHB enrollment or coverage, OPM will provide the individual with written notice that will contain at a minimum:

(1) An explanation of the PSHB enrollment requirements and exceptions described in § 890.1604 and the specific information or data provided to OPM from the source agency that was the basis for the notice;

(2) The source agency's contact information where the individual may ask questions or contest the accuracy of the information or data on which OPM based the notice;

(3) An explanation of the required process and timeframe(s) for providing OPM with evidence that the individual is engaged in a dispute with the source agency identified in the notice for the purposes of seeking the source agency's correction of the information or data, affecting the individual's PSHB eligibility, provided to OPM pursuant to the agreements described in this section;

(4) That the individual will remain enrolled or covered under PSHB while the individual is engaged in disputing the information or data with the source agency, as described in paragraph (f)(2) of this section;

(5) That the individual will be disenrolled or removed from PSHB, as described in § 890.1608 and subject to reconsideration, within 60 days of the date of the notice if the individual does not provide sufficient evidence, in the discretion of OPM, as described in paragraph (f)(3) of this section; and

(6) That the individual will be disenrolled or removed from PSHB, as described in § 890.1608 and subject to

reconsideration, within 60 days of the notice, notwithstanding evidence of a dispute, if the information or data OPM receives from the source agency continues to provide no basis for OPM to establish that the individual satisfies PSHB enrollment requirements.

(g) OPM will issue an initial decision in accordance with § 890.1607(b)(3). If an individual will be disenrolled or removed from PSHB based on the information or data from the source agency, in paragraph (f) of this section, the individual will be notified in writing that the disenrollment or removal, as applicable, is subject to reconsideration pursuant to § 890.1607, and that such reconsideration is limited to a review of the source agency's data or information, received pursuant to an agreement under this section or 5 U.S.C. 8903c(e)(3)(C) that was before OPM at the time it effectuated the disenrollment or removal action.

■ 10. Amend § 890.1613 by revising the section heading and paragraphs (a), (c), and (e) to read as follows:

§ 890.1613 Postal Service contract year beginning date, Medicare late enrollment penalty, calculations for the Postal Service Retiree Health Benefits Fund, and clarification of statutory terms.

(a) *In general.* The calculations for contributions and withholdings for coverage under this subpart will be made in the same manner as 5 U.S.C. 8906 and subpart E of this part. For purposes of this subpart, the subscription charge and the Government contribution under 5 U.S.C. 8906(b) will begin on January 1 of each year for Postal Service employees and Postal Service annuitants.

* * * * *

(c) *Medicare late enrollment penalty.* Upon request by the Postal Service, and only until the Postal Service Retiree Health Benefits Fund established under 5 U.S.C. 8909a is depleted, OPM will pay out of such Fund any late enrollment penalties required under section 1839(e)(1) of the Social Security Act for individuals who enrolled during the special enrollment period established under section 1837(o) of the Social Security Act (42 U.S.C. 1395p). If at any time the PSRHB is depleted, USPS shall pay late enrollment penalties out of its funds established under 39 U.S.C. 2003. In making such late enrollment penalty payments, OPM, as administrator of the Fund under 5 U.S.C. 8909a(a), will prioritize the payment of health benefit premiums for individuals described in 5 U.S.C. 8906(g)(2)(A), over the late enrollment penalties.

* * * * *

(e) *Clarification of statutory terms.* (1) OPM has determined that “net claims costs” in the calculation in 5 U.S.C. 8909a(e)(1) is equivalent to “estimated net claims costs” as defined in 5 U.S.C. 8909a(g).

(2) The computations for post-retirement health obligations computed under 39 U.S.C. 3654(b) shall be performed using an aggregate entry-age normal cost method described in 5 U.S.C. 8331(17) and in accordance with 8348(h).

(3) In accordance with 5 U.S.C. 8348(h), for purposes of computing the amounts described in 39 U.S.C. 3654(b), this includes:

(i) Current annuitants as described in 5 U.S.C. 8909a(e)(1)(A) means individuals who are Postal Service annuitants on September 30 of the relevant reporting year described in 5 U.S.C. 8909a(d); and

(ii) Current employees as described in 5 U.S.C. 8909a(e)(1)(B) means individuals who are Postal Service employees on September 30 of that year.

■ 11. Amend § 890.1614 by revising paragraph (a) to read as follows:

§ 890.1614 Other administrative provisions.

(a) *Correction of errors.* (1) Except as otherwise provided in this section, the employing office or OPM may make prospective or retroactive corrections of administrative errors at any time. Retroactive corrections may not apply retroactively beyond the initial contract year.

(2) OPM may order or make, as applicable, a correction of an administrative error upon a showing satisfactory to OPM that it would be against equity and good conscience not to do so.

(3) OPM may make retroactive correction of enrollee enrollment code errors if the enrollee reports the error by the end of the pay period following the one in which they received the first written documentation (*i.e.*, pay statement or enrollment change confirmation) indicating the error.

(4) OPM may order the termination of an enrollment in any comprehensive medical plan described in 5 U.S.C. 8903(4) and permit the individual to enroll in another PSHB plan for purposes of this subpart, upon a showing satisfactory to OPM that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between a patient and the comprehensive medical plan's affiliated health care providers.

(5) Retroactive corrections are subject to withholdings and contributions

under the provisions of §§ 890.502 and 890.1613.

■ 12. Add §§ 890.1615 and 890.1616 to read as follows:

§ 890.1615 Crediting separate reserves for PSHB.

(a) *Definitions.* For purposes of this section concerning crediting separate reserves from FEHB Options to PSHB Options, and for these purposes only, the following definitions apply:

2024 FEHB Option premium means, for a 2024 FEHB Option, the 2024 premium attributable to both Postal Service and non-Postal Service enrollees.

2024 Postal Service premium means, for a 2024 FEHB Option, the 2024 premium attributable to Postal Service employees and Postal Service annuitants as defined under 5 U.S.C. 8903c(a).

Amounts available means:

(1) With respect to experience-rated 2024 FEHB Options, the sum of the balances in the Option's Contingency Reserve Account and Letter of Credit Account less the Runout as of December 31, 2024; and

(2) With respect to community-rated 2024 FEHB Options, the Option's Contingency Reserve Account balance as of December 31, 2024.

Corresponding PSHB option means a 2025 PSHB Option that is in the same geographic area and has equivalent benefits and cost-sharing as a 2025 FEHB Option, and that 2025 FEHB Option was also offered in 2024 by the same carrier.

Option means a level of benefits offered by a carrier to self only, self plus one, and self and family enrollees in a specific geographic area, with a unique set of premiums.

Plan means all Options offered by a carrier within a defined geographic area under a single contract.

Runout means the amount estimated by OPM, as of December 31, 2024, needed to pay claims and expenses incurred but not paid for periods on or before December 31, 2024, for an experience-rated FEHB Option, considering any income attributable to periods on or before, but not yet received by, December 31, 2024.

(b) *Reserve credits.* As soon as practicable on or after January 1, 2025, OPM will credit each PSHB Option's reserves according to the method described in paragraph (c) of this section.

(c) *Reserve credit methodology.* OPM will determine the Reserve credit for each 2024 FEHB Option and allocate it to the PSHB.

(1) OPM will determine the 2024 Postal Service premium by multiplying

a 2024 FEHB Option's self only, self plus one, and self and family 2024 premiums by the number of Postal Service enrollments of that Option in each enrollment type and taking the sum of these three amounts.

(2) OPM will determine the 2024 FEHB Option premium by multiplying each 2024 FEHB Option's self only, self plus one, and self and family premiums by the number of total enrollments (inclusive of both Postal Service and non-Postal Service enrollments) in each enrollment type for that Option and taking the sum of these three amounts. OPM will use its March 2024 enrollment reports to determine the total enrollments.

(3) OPM will calculate the Postal Service Percentage for each 2024 FEHB Option by dividing the 2024 Postal Service Premium by 2024 FEHB Option Premium.

(4) OPM will calculate the Reserve Credit by multiplying the Postal Service Percentage for each 2024 FEHB Option by the Amounts Available for that Option.

(5) OPM will reallocate the Reserve Credit for each 2024 FEHB Option into a PSHB Contingency Reserves and Letter of Credit Account, as applicable, as follows:

(i) If a carrier offers an FEHB Plan with one, two, or three Options in 2024 and offers the same number of Corresponding PSHB Options in 2025, the Reserve Credits for those Options will be allocated to the Corresponding PSHB Options' reserves.

(ii) If a carrier offers an FEHB Plan with two or three Options in 2024 and offers only one Corresponding PSHB Option in 2025, the Reserve Credits attributable to all the 2024 FEHB Plan's Options will be allocated to that Corresponding PSHB Option's reserve.

(iii) If a carrier offers an FEHB Plan with three Options in 2024 and offers only two Corresponding PSHB Options in 2025, the Reserve Credits attributable to the two FEHB Options that have Corresponding PSHB Options will be allocated to those two Corresponding PSHB Options' reserves. The Reserve Credit from the third FEHB Option (that does not have a Corresponding PSHB Option) will be allocated to one of the two Corresponding PSHB Plan Options that has the lowest self only premium and is not a High Deductible Health Plan (HDHP).

(iv) If a carrier offers an FEHB Plan in 2024 and offers no FEHB Plan in 2025, but offers at least one 2025 PSHB Option with similar benefits and cost sharing and in the same geographic area as the carrier's 2024 FEHB Plan, as determined by OPM, the Reserve

Credit(s) attributable to that FEHB Plan will be credited to the reserves of the carrier's 2025 PSHB Options as described in paragraphs (c)(5)(i) through (iii) of this section as if the 2025 PSHB Option(s) were a Corresponding PSHB Option.

(v) If a carrier offers an FEHB Plan in 2024, and offers that FEHB Plan in 2025, but offers no Corresponding PSHB Options for that 2025 FEHB Plan, the Reserve Credit(s) attributable to that FEHB Plan will be credited to the reserves of the PSHB Options offered in 2025, proportionately, consistent with 5 U.S.C. 8903c(j)(2) where the subscription charges paid are the 2024 Postal Service Premium.

(vi) If a carrier offers a 2025 PSHB Option for which no 2024 Postal Service Premium is attributable, then that 2025 PSHB Option will receive no Reserve Credit.

§ 890.1616 Medicare Part D.

(a) *Carrier requirement to offer Medicare Part D prescription drug benefits.* (1) A carrier that offers a PSHB plan must provide prescription drug benefits to any Postal Service annuitant and member of family of such annuitant who is a Part D eligible individual (as defined in section 1860D–1(a)(3)(A) of the Social Security Act) through a Medicare Part D EGWP as described as employer-based retiree health coverage under 1860D–22(b), (c)(1), and (3)(A) of such Act.

(2) A carrier must provide Medicare Part D coverage through a prescription drug plan (PDP), as defined in section 1860D–41(a)(14) of such Act, or through contracts between the PSHB plan and a PDP sponsor, as defined in section 1860D–41(a)(13) of such Act, of such a prescription drug plan.

(3) A carrier may, in addition to offering a PDP required under (a)(2) and subject to OPM's approval, offer a Medicare Advantage plan with prescription drug coverage (MAPD), as defined in section 1860D–1(a)(3)(C) of such Act.

(b) *Prescription drug coverage under a PSHB plan through Medicare Part D.* A Postal Service annuitant and a member of family of such annuitant who is a Part D eligible individual must be enrolled in a PSHB plan's Part D EGWP in order to receive prescription drug coverage under the PSHB plan. Prescription drugs are not covered under a PSHB plan for a Part D eligible individual who is not enrolled in the PSHB plan's Part D EGWP.

(c) *PSHB plan enrollment or disenrollment and Medicare EGWPs.* Changes to enrollment during open season under § 890.301(f) or because of

a qualifying life event as defined in part 892 of this chapter apply with respect to changes to PSHB plans, that include a Medicare Part D EGWP.

(d) *Carrier requirements for group enrollment into Medicare EGWPs.* A carrier must comply with all applicable CMS requirements regarding Part D eligible individual group enrollment into Medicare EGWPs, including all applicable CMS notice requirements. Nothing in this section shall be construed as affecting an individual's ability to select a PSHB plan pursuant to § 890.1606.

(1) *PDP EGWP.* Annually at the conclusion of open season under § 890.301(f), or when an enrollee makes a change to their PSHB enrollment because of a qualifying life event under § 892.101 of this chapter, a carrier must automatically group enroll a Part D eligible individual, who is covered by the carrier's PSHB plan, into the PSHB plan's PDP EGWP, unless the individual:

(i) Elects to enroll or is enrolled in the PSHB plan's MAPD EGWP described in paragraph (d)(2) of this section; or

(ii) Has previously opted out of group enrollment in the PSHB plan's PDP EGWP or MAPD EGWP and has not subsequently requested to be reenrolled.

(2) *MAPD EGWP.* Annually, at the conclusion of open season under § 890.301(f), or when an enrollee makes a change to their PSHB enrollment because of a qualifying life event, a carrier must automatically enroll a Part D eligible individual who is covered by the carrier's PSHB plan into the carrier's PSHB plan's MAPD EGWP if the individual elects to enroll in the carrier's MAPD EGWP. During the transitional open season, a carrier must automatically enroll a Part D eligible individual into the carrier's 2025 PSHB plan's MAPD EGWP if the individual is covered by that carrier's 2024 FEHB plan's MAPD EGWP, and if the individual elects the carrier's 2025 PSHB plan or is automatically enrolled into the carrier's 2025 PSHB plan under § 890.1605.

(3) *Notice.* In addition to the CMS notice requirements, each year, not less than 30 calendar days prior to the start of open season under § 890.301(f), a carrier must send written notice to Part D eligible individuals who are enrolled in the carrier's PSHB plan that they will be group enrolled into the PDP EGWP offered under the carrier's PSHB plan. In addition, when an enrollee makes a change because of a qualifying life event, a carrier must send such written notice to the Part D eligible individuals covered under the enrollment. The notice shall state:

(i) The carrier intends to enroll the individual in the carrier's Medicare Part D PDP EGWP as described under paragraph (d)(1) of this section, or MAPD EGWP as described under paragraph (d)(2) of this section as applicable, during open season under § 890.301(f), or as a result of a qualifying life event, as applicable;

(ii) The individual may affirmatively opt out of group enrollment;

(iii) Opting out of group enrollment means that the individual is deciding not to be enrolled in the PSHB plan's PDP EGWP, or MAPD EGWP if applicable;

(iv) The date by which the individual must opt out of group enrollment, if the individual chooses to opt out;

(v) The procedure for how an individual affirmatively opts out of group enrollment;

(vi) The individual will not receive prescription drug coverage under the PSHB plan if the individual is not enrolled in the PSHB plan's PDP EGWP, or MAPD EGWP if applicable; and

(vii) That no adjustment will be made to the enrollee's share of the PSHB plan option premium.

(4) *Additional requirements for PSHB plans providing an MAPD EGWP.* If a PSHB plan offers an MAPD EGWP, the carrier must comply with all applicable Medicare requirements and the carrier must also provide the notices as described in (d)(3) of this section. In addition, such notice must state how the individual can enroll in the PSHB plan's PDP EGWP if the individual is opting out of group enrollment or disenrolling from a PSHB plan's MAPD EGWP during open season or as a result of a qualifying life event, the date by which the individual must enroll in the PDP EGWP, and must state that if the individual is required to be enrolled in Medicare Part B in order to maintain eligibility for PSHB plan coverage and does not qualify for an exception under § 890.1604, the individual must remain enrolled in Part B.

(5) *Notices to be shared with OPM.* A carrier must provide OPM with the notices under this section and the notices that CMS requires regarding PDP EGWP and MAPD EGWP group enrollment each year, at the time the carrier submits its benefit and rate proposal.

(e) *Effect of opting out of group enrollment into or disenrolling from a Medicare EGWP.* (1) By opting out of group enrollment in a PSHB plan's Medicare PDP EGWP or MAPD EGWP, as applicable, the individual will not receive prescription drug coverage under the PSHB plan unless, during the open season or pursuant to the

qualifying life event in which the individual opted out of group enrollment, the individual elects to enroll in a Part D EGWP under their PSHB plan.

(2) A Part D eligible individual may enroll in a PDP EGWP or, if eligible, an MAPD EGWP, under a PSHB plan, under the same conditions that govern enrollment in a PSHB plan during open season or pursuant to a qualifying life event.

(3) An individual may disenroll from their PSHB plan's Part D EGWP at any time during the plan year which means they will not receive prescription drug coverage under the PSHB plan.

(f) *EGWP prescription drug benefits.* A carrier must provide the same prescription drug benefits to Part D eligible individuals under a PSHB plan's PDP EGWP, and, if applicable, the plan's MAPD EGWP, as the prescription drug benefits provided to individuals covered under the PSHB plan who are not eligible for Part D and not enrolled in the PSHB plan's PDP EGWP, or, if applicable, MAPD EGWP, except to the extent necessary, as determined by OPM, to integrate the Medicare Part D prescription drug benefit coverage required under 5 U.S.C. 8903c and this section.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-1475; Project Identifier MCAI-2024-00062-T]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, and -153N airplanes; A320 series airplanes; and A321-211, -212, -213, -231, -232, -251N, -252N, -253N, -271N, -272N, -251NX, -252NX, -253NX, -271NX, and -272NX airplanes. This proposed AD was prompted by a determination that a damage-tolerance and fatigue reassessment of nose landing gear (NLG) repairs is necessary for certain parts

fitted on airplanes approved for operation in the Commonwealth of Independent States (CIS). This proposed AD would require repair and replacement of all affected parts, and introduces restrictions for the installation of affected parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by July 8, 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-2024-1475; 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 NPRM, 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 EASA material, 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. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1475.

- 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.

FOR FURTHER INFORMATION CONTACT:

Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone 206-231-3667; email timothy.p.dowling@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2024–1475; Project Identifier MCAI–2024–00062–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, 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 proposal 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*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

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 Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone 206–231–3667; email timothy.p.dowling@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 AD 2024–0022, dated January 23, 2024 (EASA AD 2024–0022) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A319–111, A319–112, A319–113, A319–114, A319–

115, A319–131, A319–132, A319–133, A319–151N, A319–153N, A320–211, A320–212, A320–214, A320–215, A320–216, A320–231, A320–232, A320–233, A320–251N, A320–252N, A320–253N, A320–271N, A320–272N, A320–273N, A321–211, A321–212, A321–213, A321–231, A321–232, A321–251N, A321–251NX, A321–252N, A321–252NX, A321–253N, A321–253NX, A321–271N, A321–271NX, A321–272N, and A321–272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that a design review led to a determination that a damage-tolerance and fatigue reassessment of NLG repairs is required for certain parts fitted on airplanes approved for CIS operation. The EASA AD addresses the reassessment of these repairs. The unsafe condition, if not addressed, could lead to damage or failure of the affected parts and the NLG, and possible damage to the airplane and injury to occupants, following modifications for CIS operations.

Different runway standards in CIS countries have resulted in the need for specific landing gear modifications or repairs on those modified landing gears. The landing gear components modified for CIS runway conditions may be inadequate for continued operation. While it is possible there are few or no U.S. airplanes subject to the repair and replacement requirements of this AD, the FAA has determined that this AD is necessary to identify airplanes with affected parts and confirm the need for any follow-on actions.

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

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1475.

Related Service Information Under 1 CFR Part 51

EASA AD 2024–0022 specifies procedures for reporting, repair, and replacement, as applicable, of the affected parts. EASA AD 2024–0022 also limits the installation of affected parts under certain conditions. 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 **ADDRESSES**.

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 NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0022 described previously, except for any differences identified as exceptions in the regulatory text of this proposed 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, the FAA proposes to incorporate EASA AD 2024–0022 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0022 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0022 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 AD 2024–0022. Service information required by EASA AD 2024–0022 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1475 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,680 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	\$0	\$85	Up to \$142,800.

The FAA has received no definitive data on which to base the cost estimates for the repairs or replacements specified in this proposed AD. The cost of parts could be as high as \$5,620 per airplane.

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

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 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:

Airbus SAS: Docket No. FAA–2024–1475; Project Identifier MCAI–2024–00062–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 8, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (3) of this AD, certificated in any category.

(1) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(2) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes.

(3) Model A321–111, –112, –131, –211, –212, –213, –231, –232, and –271N airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Unsafe Condition

This AD was prompted by a determination that a damage-tolerance and fatigue reassessment of nose landing gear (NLG) repairs is necessary for certain parts fitted on airplanes approved for operation in the Commonwealth of Independent States (CIS). The FAA is issuing this AD to address the reassessment of these repairs. The unsafe condition, if not addressed, could lead to damage or failure of the affected parts and the NLG, and possible damage to the airplane and injury to occupants.

(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, EASA AD 2024–0022, dated January 23, 2024 (EASA AD 2024–0022).

(h) Exceptions to EASA AD 2024–0022

(1) Where EASA AD 2024–0022 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the “Remarks” section of EASA AD 2024–0022.

(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 Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 817–222–5102; email timothy.p.dowling@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) AD 2024–0022, dated January 23, 2024.

(ii) [Reserved]

(3) For EASA AD 2024–0022, 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 AD 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 May 16, 2024.

Suzanne Masterson,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–11214 Filed 5–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0225]

RIN 1625–AA00

Safety Zones; Aerial Drone Displays, Hudson and East Rivers, New York, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish specific areas of the Hudson and East Rivers where safety zones will be enforced on the navigable waters beneath aerial drone shows. This action is necessary to protect personnel, vessels, and the marine environment from potential hazards created by aerial drone displays. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector New York or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 24, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–

2024–0225 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.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST1 Melanie Hughes, Sector New York Waterways Management Division, U.S. Coast Guard; 718–354–4352, melanie.a.hughes1@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, Purpose, and Legal Basis

Since November of 2022, U.S. Coast Guard Sector New York has received 11 requests for drone shows within the Captain of The Port’s (COTP) area of responsibility. Of those 11 requests, eight have either taken place or were planned to take place in areas above the Hudson and East Rivers. In all cases, the sponsors of the drone shows have requested safety zones beneath the drones’ flight path. The request for safety zones is driven by Federal Aviation Administration (FAA) regulation that drones cannot safely fly over human beings. It is becoming increasingly more common to hold drone shows over the water to reduce the number of occupants immediately below a drone show.

Typically, drone shows are comprised of approximately 500 to 1,000 lighted drones, weighing approximately four pounds each, moving throughout a predetermined airspace creating images in the night sky. On average, these drones fly between 100 feet and 400 feet above the waterline but can fly as low as 75 feet and reach heights of up to 600 feet. Risks associated with drone shows include, but are not limited to, the overhead hazard created by drones potentially falling from the sky and vessel clearance reduction. Some commercial vessel pilothouses and sailboat masts can reach upwards of 200 feet above the waterline thus creating a potential for colliding with drones mid-flight. The COTP has determined that the potential hazards associated with

drone shows are a safety risk for any human or vessel directly underneath.

Additionally, some drone shows in the past have conducted practice shows in the same location as the actual drone show, typically a day or two before the actual event. These practice flights pose the same hazards as the actual shows. For this reason, the Coast Guard proposes to establish safety zones for practice flights as well.

Accordingly, the purpose of this rulemaking is to ensure the safety of human life and vessels on the navigable waters of the Hudson and East Rivers underneath drone shows due to the posed hazards. 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 specific areas on the Hudson and East Rivers in which safety zones of limited duration can be enforced underneath aerial drone shows. This action is necessary to protect personnel, vessels, and the marine environment from potential hazards created by aerial drone displays. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the COTP Sector New York or a designated representative. The safety zone for a drone show will last for a limited duration of approximately 10 to 30 minutes while the drones are in the air. The areas permissible for safety zones for drone shows may be anywhere within the two zones described below.

Zone 1 will consist of all navigable waters of the Hudson River beginning at a point near Liberty State Park at approximate location 40°42′20.9″ N 74°02′05.7″ W traveling north along the shoreline including Morris Canal Basin to a point approximately 300 yards north of Port Imperial Ferry terminal at approximate position 40°46′41.1″ N, 74°00′30.4″ W thence to Pier 99 Manhattan then traveling south along the shoreline to a point near Whitehall South Ferry terminal and back to the point of origin.

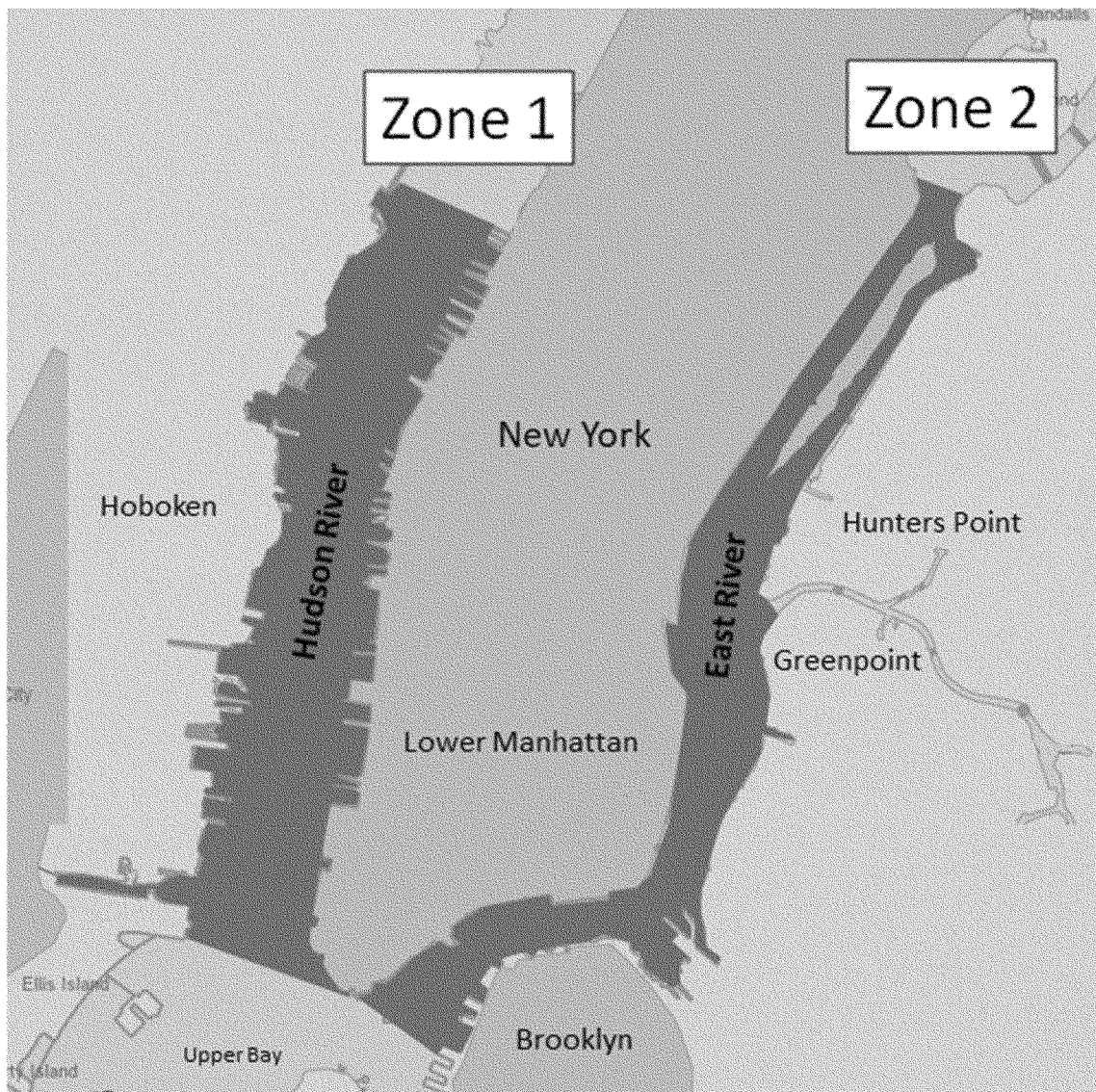
Zone 2 will consist of all navigable waters of the East River beginning at a point near Whitehall South Ferry terminal, approximate position 40°42′01.6″ N, 74°00′48.7″ W then travel north along the shoreline to East 90th Street Ferry terminal thence to a point near 27th Ave Halletts Point, Astoria at approximate position 40°46′33.2″ N, 73°56′13.4″ W and then traveling south along the shoreline, excluding Newtown Creek, to a point near Pier 6 Brooklyn and back to the point of origin.

The rule would allow the COTP to establish safety zones for drone shows on all navigable waters of the Hudson and East Rivers up to a 500-yard radius within the boundaries identified as Zone 1 and Zone 2. Entry into the safety zone will be prohibited unless

authorized by the COTP or designated representative. The COTP will make notification of the exact dates and times in advance of each enforcement period to the local maritime community through marine broadcasts, local notice to mariners, local news media,

distribution in leaflet form, or by an on-scene oral notice and signage. The areas permissible to establish safety zones for drone shows are depicted in dark gray in the chart below.

BILLING CODE 9110-04-P



BILLING CODE 9110-04-C

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 ability of other waterway users to safely transit around the safety zone in many cases, and the size and duration of the safety zones will impact a small, designated area of the waterway for a relatively short period of time. Moreover, the Coast Guard will notify mariners of the enforcement via marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, or by an on-scene oral notice. The rule will also allow vessels to seek

permission to enter the zone if necessary.

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 designating specific areas of the Hudson and East Rivers in which to establish up to a 500-yard radius safety zone for drone shows lasting a limited duration of approximately 10 to 30 minutes.

Normally such actions are categorically excluded from further review under paragraph L60a 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–2024–0225 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 § 165.0225 to read as follows:

§ 165.0225 Safety Zones; Coast Guard Captain of the Port New York Zone Drone Displays.

(a) *Locations.* The following areas are designated zones in which a safety zone radius up to 500-yards will be established for drone shows. The establishment of a safety zone within a designated zone requires the coordinates defining the center of the safety zone to be within the boundaries of one of the zones described as follows:

(1) *Hudson River Zone 1.* All waters of the Hudson River to include Morris Canal Basin in the vicinity of lower Manhattan, from surface to bottom, encompassed by a line connecting the following points beginning at 40°42'20.9" N, 74°02'05.7" W; traveling north along the shoreline thence to 40°46'41.1" N, 74°00'30.4" W; thence to 40°46'22.2" N, 73°59'38.3" W; traveling south along the shoreline thence to 40°42'02.0" N, 74°00'51.1" W; and back to the point of origin.

(2) *East River Zone 2.* All waters of the East River in the vicinity of lower Manhattan, from surface to bottom, encompassed by a line connecting the following points beginning at 40°42'01.6" N, 74°00'48.7" W; traveling north along the shoreline thence to 40°46'38.0" N, 73°56'31.6" W; thence to 40°46'33.2" N, 73°56'13.4" W; traveling south along the shoreline thence to 40°44'17.2" N, 73°57'38.7" W; thence to 40°44'11.6" N, 73°57'37.0" W; continuing south along the shoreline thence to 40°41'35.7" N, 74°00'14.3" W;

and back to the point of origin. These coordinates are based on Datum WGS 84.

(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 New York Zone in the enforcement of the safety zone.

Official Patrol Vessels means any Coast Guard, Coast Guard Auxiliary, State, or local law enforcement vessels assigned as an on-scene representative approved by the COTP.

Spectators means all persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(c) *Regulations.* (1) When enforced, 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 COTP or the COTP's designated representative.

(2) To seek permission to enter the designated safety zone, contact the COTP or the COTP's Designated Representative via VHF–FM Marine Channel 16, or by contacting the Coast Guard Sector New York command center at 718–354–4356. 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) *Enforcement periods.* The COTP will make notification of the exact dates and times in advance of each enforcement period for the locations above in paragraph (a) of this section to the local maritime community through marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, or by an on-scene oral notice and signage.

Jonathan A. Andrechik,

Captain, U.S. Coast Guard, Captain of the Port Sector New York.

[FR Doc. 2024–11446 Filed 5–23–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 107

[Docket No. PHMSA–2022–0033 (HM–208J)]

RIN 2137–AF59

Hazardous Materials: Adjusting Registration and Fee Assessment Program

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In order to account for increased transport of hazardous materials as well as the burdens such transport places on first responders, PHMSA proposes overdue updates to the registration fees under the statutorily mandated registration and fee assessment program for persons who transport, or offer for transportation, certain categories and quantities of hazardous materials. PHMSA's proposal would increase the annual fee to be paid by those registrants qualifying as a small business or not-for-profit organization by \$125 to \$375 and by those registrants not qualifying as a small business or not-for-profit organization by \$425 to \$3,000. Actions such as fee adjustments are necessary to fund PHMSA's Hazardous Materials Emergency Preparedness grants program at newly authorized levels in accordance with the Infrastructure Investment and Jobs Act (Pub. L. 117–58). PHMSA also proposes to implement an electronic-only registration fee payment process. Finally, PHMSA proposes to revise requirements to clarify that a certificate of registration may be carried in either electronic or paper form for both motor carriers and those who transport hazardous materials by vessel.

DATES: Comments must be received by August 22, 2024. However, PHMSA will consider late-filed comments to the extent possible.

ADDRESSES: You may submit comments identified by the docket number PHMSA–2022–0033 (HM–208J) by any of the following methods:

- *Federal e-Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* (202) 493–2251.

- *Mail:* Docket Management System, U.S. Department of Transportation, Dockets Operations, M–30, Ground

Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140 in the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number (PHMSA–2022–0033) or RIN 2137–AF59 for this NPRM at the beginning of the comment. Note that all comments received will be posted without change to <https://www.regulations.gov> including any personal information provided. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

Docket: For access to the dockets to read background documents or comments received, go to <https://www.regulations.gov> or DOT's Docket Operations Office; see **ADDRESSES**.

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and 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 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 “PROPRIETARY.” PHMSA will treat such marked submissions as confidential under the Freedom of Information Act (FOIA) and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Yul B. Baker Jr., Standards and Rulemaking Division, Office of Hazardous Materials Safety, (202) 366–8553, PHMSA, East Building, PHH10, 1200 New Jersey Avenue SE, Washington, DC 20590. Any commentary that PHMSA receives, which is not specifically designated as CBI, will be placed in the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Yul B. Baker Jr., Standards and Rulemaking Division, Office of Hazardous Materials Safety, (202) 366–8553, PHMSA, East Building, PHH10, 1200 New Jersey Avenue SE, Washington, DC 20590 and Adam Lucas, Operations System Division, Office of Hazardous Materials

Safety, (202) 366–1074 PHMSA, East Building, PHH–60, 1200 New Jersey Avenue SE, Washington, DC 20590.

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 - E. Regulatory Flexibility Act and Executive Order 13272
 - F. Unfunded Mandates Reform Act of 1995
 - G. Paperwork Reduction Act
 - H. Draft Environmental Assessment
 - I. Privacy Act

I. Background

Since 1992, the Research and Special Programs Administration (RSPA)—now known as the Pipeline and Hazardous Materials Administration (PHMSA)—has conducted a national registration program for persons who offer for transportation or transport certain hazardous materials in intrastate, interstate, or foreign commerce (*see* 49 U.S.C. 5108). The registration program implements the mandate for persons to file a registration statement with the Secretary of Transportation (Secretary)—as delegated to PHMSA—and collects registration and processing fees from these registrants. The purpose of the registration program is to fund the Hazardous Materials Emergency Preparedness (HMEP) grants program and any additional related activities¹ and to gather information regarding the transportation of hazardous materials. The HMEP grants program supports hazardous materials emergency response planning and training activities by states, local governments, and Native American Tribes—ensuring first responders are well trained and prepared to respond to hazardous materials related incidents. HMEP grants also fund non-profit organizations to provide “train-the-trainer” and direct training programs for hazardous materials emergency response training and hazardous materials employee training. Additionally, HMEP grants support the development of the Emergency Response Guidebook (ERG)—provided to and used by nearly every fire

department in the U.S.—and provides funds for grantee monitoring and technical assistance.

PHMSA has discretion to require additional persons to register—beyond those who offer, and transport certain categories and quantities of hazardous materials listed in 49 U.S.C. 5108(a)(1)—and to set the annual registration fee between the statutorily mandated minimum and maximum amounts.² PHMSA must currently set an annual registration fee between a statutory prescribed minimum of \$250 and maximum of \$3,000. The annual registration fee is currently set at \$250 (plus a \$25 processing fee) for registrants qualifying as small businesses or not-for-profit organizations (hereafter referred to as “small businesses”) and \$2,575 (plus a \$25 processing fee) for registrants not qualifying as a small businesses or not-for-profit organizations (hereafter referred to as “large businesses”) in accordance with 49 CFR 107.612(b).

On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act³ into law—commonly known as the “Bipartisan Infrastructure Law” (BIL)—and authorized the Secretary to expend \$46,825,000 from emergency preparedness funds to carry out the grants program, for fiscal years 2022 through 2026. As such, the BIL increased the authorized funding level by \$18,507,000. Also, on March 9, 2024, the President signed the Consolidated Appropriations Act of 2024⁴ which raised the obligation limitation from a previous level of \$28,318,000 to \$46,825,000. This increase gives PHMSA the ability to make legal commitments—in the form of grants—at the new authorized level. To achieve full funding of the grants program at the increased amount, PHMSA will need to adjust the fees for the national hazardous materials transportation registration and fee program. While the grant size and ability to commit funds has increased, PHMSA remains constrained by the \$3,000 statutory maximum registration fee and thus is proposing to set fees within that limitation.

II. ANPRM and Comments

PHMSA published an advance notice of proposed rulemaking (ANPRM), HM–208J,⁵ titled “Hazardous Materials: Adjusting Registration and Fee Assessment Program” to solicit feedback

² 49 U.S.C. 5108(a)(2) and (g)(2)(A).

³ Public Law 117–58.

⁴ Public Law 118–42.

⁵ 87 FR 57860 (Sept. 22, 2022).

¹ See 49 U.S.C. 5116(a), (e), (h)(3), (i), (j), and 5107(e).

on potential adjustments to the applicability and fees under the hazardous materials registration and fee assessment program. PHMSA received a total of seven sets of comments from persons that represent various industry companies and associations. Based on comments received by PHMSA, commenters generally opposed raising fees on small businesses, but were supportive of maintaining the two-tiered system currently in place. Commenters also expressed support for Congress to raise the statutory fee limit for both small and large businesses. An alphabetical listing of commenters to the HM–208J ANPRM can be found in the following table:

Commenter name	Docket No.
American Chemistry Council (ACC)	PHMSA–2022–0033–0006.
Council on the Safe Transportation of Hazardous Articles (COSTHA)	PHMSA–2022–0033–0004.
Dangerous Goods Advisory Council (DGAC)	PHMSA–2022–0033–0002.
Energy Marketers of America (EMA)	PHMSA–2022–0033–0008.
Interested Parties for Hazardous Materials Transportation	PHMSA–2022–0033–0003.
International Vessel Operators Dangerous Goods Association (IVODGA)	PHMSA–2022–0033–0005.
Owner-Operator Independent Drivers Association (OOIDA)	PHMSA–2022–0033–0007.

The comments submitted to the docket for this rulemaking may be accessed for review via the docket file numbers listed in the above table at <https://www.regulations.gov>.

III. Public Meeting

PHMSA published a notice of public meeting in the **Federal Register**⁶ titled “Hazardous Materials: Adjusting Registration and Fee Assessment Program; Notice of Public Meeting” notifying the public that a meeting would be held on June 28, 2023, to solicit additional feedback and input on potential adjustments to the hazardous materials registration and fee assessment program. Prior to the public meeting, PHMSA received three sets of comments from persons that represent various industry companies and associations. Based on comments received by PHMSA, commenters were supportive of maintaining the two-tiered system, raising fees on large businesses, and raising the fees on small businesses with a proportional increase. Commenters also expressed support for Congress to raise the statutory fee limit for both small and large businesses. An alphabetical listing of commenters to the public meeting can be found in the following table:

Commenter name	Docket No.
American Chemistry Council (ACC)	PHMSA–2022–0033–0012.
Corteva Agriscience	PHMSA–2022–0033–0011.
Interested Parties for Hazardous Materials Transportation	PHMSA–2022–0033–0010.

The comments submitted to the docket and the audio transcripts for the public meeting may be accessed for review via the docket file numbers listed in the above table at <https://www.regulations.gov>.

IV. Summary of the Proposal To Fund the HMEP Grants Program

A registration fee system should be straightforward: employ an equity factor while reflecting the differences in the level of risk to the public and the financial impact associated with the activities of large and small businesses and ensure adequate funding for the HMEP grants program. When the ANPRM was published, PHMSA considered the following alternatives for achieving the newly authorized funding level available for the HMEP grants program:

1. Keeping the existing registration applicability and raising the registration fee for large businesses from \$2,575 to \$3,000.

2. Keeping the existing registration requirements and applying a nominal fee (*i.e.*, \$25) for each facility or geographic location from which a registered person (*i.e.*, a company) offers for transportation, or transports, certain hazardous materials.

3. Expanding the registration applicability—for example, certain Class 9 materials such as lithium batteries or environmentally hazardous materials are not subject to placarding when shipped domestically, and therefore a person who offers for transportation, or transports, these materials are generally currently excepted from registration.

4. Expanding the registration applicability to include persons who acquire approvals or special permits from PHMSA that otherwise are not subject to registration.

5. Changing the registration applicability to reduce the overall number of registrants.

6. Raising fees for specific business types, classes of hazardous material, or specific commodities (*e.g.*, a poison by inhalation material) of extremely high risk.

PHMSA did not receive substantive input from commenters that would aid PHMSA in determining which direction should be taken to raise the funds necessary to fully fund the newly authorized limits in support of the HMEP grants program. Further, Congress encouraged PHMSA to ensure small businesses are not disproportionately affected by “reasonable, limited fee changes.” PHMSA has concluded that the most equitable approach to raising additional funds at this time is to adjust for inflation the fee for both small and large businesses. Although small businesses generally offer for transportation or transport fewer and smaller amounts of hazardous materials shipments as compared to larger businesses, PHMSA notes that the small business fee has not been raised since it was adjusted to \$250 in 2006.⁷ However, the fee for large businesses was last adjusted from \$975 to \$2,575 in 2010.⁸ Although the fee adjustment percentage increase for small businesses is larger than the percentage increase for large businesses, PHMSA is limited by the statutory cap of \$3,000 for an annual registration fee. Therefore, PHMSA cannot charge a fee greater than \$3,000 even though an equivalent proportional adjustment for inflation for large businesses would be greater than that value.

⁶ 88 FR 34227 (May 26, 2023).

⁷ 68 FR 1342 (Jan. 9, 2003).

⁸ 75 FR 15613 (Mar. 30, 2010).

For registration year 2022–2023, there were 27,723 small business registrants that paid \$6,930,750 in registration fees and \$693,075 in processing fees. There were 6,886 large business registrants that paid \$17,731,450 in registration fees and \$172,150 in processing fees. The total funds from registrants—not including processing fees—were approximately \$24,662,200, which was less than the \$28,318,000 obligated limitation Congress has included in PHMSA’s annual appropriation for many years. Currently under the BIL, the authorized funding level has increased to \$46,825,000 and if the current fee structure remains in place, PHMSA will be unable to collect the necessary funds. Therefore, PHMSA is proposing inflationary increases to the registration fees for small businesses from \$250 to \$375 (plus a \$25 processing fee) and for large businesses from \$2,575 to \$3,000 (plus a \$25 processing fee) for registration year 2024–2025 and following years to make progress toward the statutorily mandated goal of funding the HMEP grants program at the current authorized level of \$46,825,000. While the 50 percent increase for small businesses is larger than the 16 percent increase for large businesses, the actual dollar amount increase for large businesses is about three and half times larger than small businesses (\$425 vs. \$125). This is also in the context that the last upward adjustment for small businesses was in 2006 compared to 2010 for large businesses, which was a substantial upward adjustment from \$975 to \$2,575. Furthermore, if PHMSA were to limit the percentage increase for small businesses to 16 percent consistent with the percentage increase for large businesses, we would only generate an additional \$1.1 million, which would not make a significant contribution to achieving the funding levels specified in both the BIL and the FY24 appropriations. Thus, PHMSA has decided to apply the full inflationary increase to small businesses, even though it is a larger percentage increase than what is being applied to large businesses. PHMSA believes the proposed fee increases are equitable given the constraints of the statutorily maximum fee allowed of \$3,000. PHMSA remains hopeful that Congress will raise the \$3,000 statutory cap, allowing for future adjustments to large businesses to make the fee distribution even more equitable and allowing PHMSA to collect and expend the authorized funding level of \$46 million.

V. Multi-Year Registrations

PHMSA allows a person to register up to three years in advance per registration statement.⁹ PHMSA applies fees according to the fee structure ultimately established by regulation for the registration year rather than according to the fee set at the time of payment. Therefore, if PHMSA were to adopt an increase in registration fees proposed in this NPRM, additional fees may be required for registration years paid in advance at the lower levels in effect at the time of payment.

VI. Section-by-Section Review of Changes

A. Section 107.612

This section provides the requirements for determining the applicable annual registration fee and presents the fee table in paragraph (b). In support of the increase of the authorized funding level in the BIL, PHMSA is proposing to amend the table in paragraph (b) to reflect the proposed fee increases for small businesses at \$375 and large businesses at \$3,000 starting in registration year 2024–2025.

B. Section 107.616

This section provides the requirements for payment procedures. In accordance with paragraph (a) of § 107.616, each person subject to the requirements for registration must mail their registration statement and payment in full to the U.S. Department of Transportation or submit the statement and payment electronically through the Department’s e-Commerce internet site. Additionally, in paragraph (b) of § 107.616, a person must make a payment by certified check, cashier’s check, personal check, or money order in U.S. funds and drawn on a U.S. bank that is payable to the U.S. Department of Transportation and the transaction must be identified as payment for the “Hazmat Registration Fee” or by completing an authorization for payment by credit card or other electronic means of payment acceptable to the Department on the registration statement or as part of an internet registration as provided in paragraph (a) of this section. However, the U.S. Department of the Treasury (“Treasury”) plans to phase out paper checks in favor of electronic payment due to the continued rising cost of maintaining a paper system.¹⁰ To increase efficiency of the collection of payments made to the federal

government, the Treasury’s goal is to reduce the Treasury Lockbox¹¹ network volume by 25 percent by the end of 2024 for all paper checks.

PHMSA has historically used the Lockbox system for collecting checks for registration fee payments. Treasury has indicated it will no longer be servicing the PHMSA lockbox because of the small number of check payments using the system. For example, payments by paper checks to PHMSA have diminished over the past eight years and can be found in the following table:

Fiscal year (FY)	Reported total transaction count (paper checks received by PHMSA)
FY 2015	2,930
FY 2016	2,336
FY 2017	1,884
FY 2018	2,186
FY 2019	1,653
FY 2020	949
FY 2021	859
FY 2022	693

The increased use of electronic payments made online versus mailed paper checks greatly minimizes the need to maintain a lockbox. To meet the lockbox closure initiative by Treasury, payments for hazardous materials registration will only be accepted electronically. Therefore, PHMSA proposes to amend paragraph (a) by removing the reference to mailing in the registration statement and payment (which implies paper checks)—and amend paragraph (b) to remove all references to payments made by certified check, cashier’s check, personal check, or money order.

C. Section 107.620

This section provides the requirements for recordkeeping of the Certificate of Registration. In paragraph (b) of § 107.620, each motor carrier subject to the requirements of Subpart G of part 107 must carry a copy of its current Certificate of Registration issued by PHMSA or another document bearing the registration number identified as the “U.S. DOT Hazmat Reg. No.” onboard

¹¹ Treasury Lockbox processing is accomplished by Treasury-designated financial agents that provide lockbox and remittance services to the Treasury on behalf of federal entities. The financial agents are strategically located to minimize mail, processing, and collection. Remittances are mailed directly to a P.O. Box (*i.e.*, lockbox) established by the financial agent to collect federal entity mail for processing. The lockbox accelerates the deposit of funds into the Treasury’s account and provides secure, accurate, and efficient data capture of financial and remittance data.

⁹ 49 CFR 107.612(c).

¹⁰ <https://fmvision.fiscal.treasury.gov/files/Future-of-Financial-Management.pdf>.

each truck and truck tractor used to transport hazardous materials. These requirements are in addition to the paragraph (a) which each person subject to the requirements of this subpart, or its agent designated under § 107.608(e), must maintain at its principal place of business for a period of three years from the date of issuance of each Certificate of Registration a copy of the registration statement filed with PHMSA, and the Certificate of Registration issued to the registrant by PHMSA. These requirements are applicable to each person subject to registration and can include carriers and offerors of any mode of transportation.

On January 17, 2023, PHMSA issued a letter of interpretation¹² clarifying that the requirements in Part 107, Subpart G do not stipulate that a paper copy of the Certificate of Registration must be carried onboard a motor vehicle when that vehicle transports hazardous materials. Rather, the requirements specify that a motor carrier must carry a copy of the current Certificate of Registration or another document bearing the registration number onboard each truck and truck tractor thus allowing for carriage in electronic form. Therefore, PHMSA proposes to amend paragraph (b) to clarify that both an electronic and paper form for the Certificate of Registration is acceptable provided the Certificate of Registration can be made available upon request to authorized personnel or DOT enforcement personnel. In conformance with this proposed change, PHMSA is also proposing similar clarifying amendments to paragraphs (c) and (d) regarding vessel transportation and furnishing information to authorized personnel (e.g., state highway patrol) or DOT enforcement personnel, respectively. Finally, PHMSA is removing sunrise dates from paragraphs (b) and (c) since they have passed and are no longer relevant to the respective provisions.

VII. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This NPRM is published under the authority of the Federal Hazardous Materials Transportation Act (HMTA; 49 U.S.C. 5101–5127). Section 5103(b) of the HMTA authorizes the Secretary of Transportation to “prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.” The Secretary has delegated the authority granted in the HMTA to

the PHMSA Administrator at 49 CFR 1.97(b).

B. Executive Order 12866, 14094, and DOT Regulatory Policies and Procedures

Executive Order 12866 (“Regulatory Planning and Review”)¹³ as amended by Executive Order 14094 (“Modernizing Regulatory Review”),¹⁴ requires that agencies “should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.” Agencies should consider quantifiable measures and qualitative measures of costs and benefits that are difficult to quantify. Further, Executive Order 12866 requires that “agencies should select those [regulatory] approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.” Similarly, DOT Order 2100.6A (“Rulemaking and Guidance Procedures”) requires that regulations issued by PHMSA, and other DOT Operating Administrations should consider an assessment of the potential benefits, costs, and other important impacts of the proposed action and should quantify (to the extent practicable) the benefits, costs, and any significant distributional impacts, including any environmental impacts.

Executive Order 12866 and DOT Order 2100.6A require that PHMSA submit “significant regulatory actions” to the Office of Management and Budget (OMB) for review. This rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866 (as amended) and, therefore, was not formally reviewed by OMB. This rulemaking is also not considered a significant rule under DOT Order 2100.6A. A preliminary regulatory impact analysis (PRIA) with estimates of costs and benefits of the rulemaking is available in the docket. To summarize the findings in the PRIA, PHMSA anticipates that the increase in fees on existing registrants will generate roughly \$6.4 million in additional revenue for the HMEP program. However, because these fees are simply financial transfers, the proposal to raise fees will not generate any additional regulatory economic burdens. The same entities currently registered will be expected to continue to do so, and the additional fees paid represent their marginal financial burden. The other two proposed provisions in this rulemaking, the shift to electronic-only

payments, and the option for shippers to carry electronic registration documentation, are not expected to produce significant economic costs but may marginally improve efficiency. Therefore, PHMSA solicits comments on this analysis.

PHMSA does anticipate a small, but insignificant cost savings to government due to the proposed changed to electronic-only payment in the amended 49 CFR 107.616. For those that do currently choose to pay by mailing in a registration statement and check, PHMSA estimates that the cost of adjusting to the electronic system to be negligible. In terms of cost savings, PHMSA estimates that converting to an all-electronic system will save government employees a small amount of labor because they will no longer have to process paper forms and checks. Yet, PHMSA estimates this cost savings to be negligible due to the low volume of payments by check.

C. Executive Order 13132

PHMSA has analyzed this rulemaking in accordance with the principles and criteria in Executive Order 13132 (“Federalism”)¹⁵ and its implementing Presidential Memorandum (“Preemption”).¹⁶ Executive Order 13132 requires agencies to assure meaningful and timely input by state and local officials in the development of regulatory policies that may have “substantial direct effects 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.”

This rulemaking may preempt state, local, and Native American Tribe requirements, but does not propose any regulation that has substantial direct effects on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government.

The Federal Hazardous Materials Law contains an express preemptive provision¹⁷ that preempts state, local, and Native American Tribal requirements on certain subjects, unless the non-federal requirements are “substantively the same” as the federal requirements, including:

1. Designation, description, and classification of hazardous materials;
2. Packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

¹⁵ 64 FR 43255 (Aug. 10, 1999).

¹⁶ 74 FR 24693 (May 22, 2009).

¹⁷ 49 U.S.C. 5125(b).

¹² Letter of Interpretation (Ref. No. 22–0133).

¹³ 58 FR 51735 (Oct. 4, 1993).

¹⁴ 88 FR 21879 (Apr. 11, 2023).

3. Preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

4. Written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

5. Design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This rulemaking does not address any subject items such as the abovementioned list. Therefore, the proposed amendments in this rulemaking will not have substantial direct effects on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. Moreover, the proposed amendments in this rulemaking do not impose direct compliance costs on state and local governments.

D. Executive Order 13175

PHMSA analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13175 (“Consultation and Coordination with Native American Tribal Governments”) ¹⁸ and DOT Order 5301.1A, “Department of Transportation Tribal Consultation Policy and Procedures.”

Executive Order 13175 and DOT Order 5301.1A require DOT Operating Administrations to assure meaningful and timely input from Native American Tribal government representatives in the development of rules that significantly or uniquely affect tribal communities by imposing “substantial direct compliance costs” or “substantial direct effects” on such communities or the relationship and distribution of power between the Federal Government and Native American Tribes.

PHMSA assessed the impact of this rulemaking and has preliminarily determined that it does not significantly or uniquely affect tribal communities or Native American Tribal governments as Native American tribes are excepted from registration requirements as prescribed in § 107.606 of the HMR. The proposed changes to the HMR as written in this rulemaking are facially neutral and have broad, national scope; PHMSA therefore expects this rulemaking not to affect tribal communities significantly

or uniquely, much less impose substantial compliance costs on Native American Tribal governments or mandate tribal action. Because PHMSA expects this rulemaking will not adversely affect the safe transportation of hazardous materials generally, PHMSA does not expect it will entail disproportionately high adverse risks for tribal communities. For these reasons, PHMSA preliminarily finds the funding and consultation requirements of Executive Order 13175 and DOT Order 5301.1A do not apply.

E. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires agencies to review regulations to assess their impact on small entities unless the agency head certifies that a rulemaking will not have a significant economic impact on a substantial number of small entities, including small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. The Regulatory Flexibility Act directs agencies to establish exceptions and differing compliance standards for small businesses, where possible to do so and still meet the objectives of applicable regulatory statutes. Executive Order 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) ¹⁹ requires agencies to establish procedures and policies to promote compliance with the Regulatory Flexibility Act and to “thoroughly review draft rules to assess and take appropriate account of the potential impact” of the rules on small businesses, governmental jurisdictions, and small organizations. The DOT posts its implementing guidance on a dedicated web page.²⁰

This rulemaking has been developed in accordance with Executive Order 13272 and with DOT’s procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered. PHMSA has developed an initial regulatory flexibility analysis (IRFA), which is included as part of the PRIA in the docket for this rulemaking. As detailed in the IRFA, the rulemaking could be said to have a somewhat disproportionate economic impact on small businesses because the percentage

increase of the registration fee will be larger than for large businesses. The increase in fee for small businesses is minor with a \$125 increase from \$250 to \$375, but not insignificant whereas the fee increase for large businesses will be a \$425 increase from \$2,575 to \$3,000. However, PHMSA is bound by statute to limit the maximum fee charged to any entity up to \$3,000. PHMSA solicits comment on the anticipated economic impacts to small businesses and the IRFA.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of federal regulatory actions on state, local, and Tribal governments, and the private sector. For any NPRM or final rule that includes a federal mandate that may result in the expenditure by state, local, and Tribal governments, or by the private sector of \$100 million or more in 1996 dollars in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the federal mandate.

As explained in the PRIA, this rulemaking is neither expected to impose unfunded mandates under the UMRA nor expected to result in costs of \$100 million or more in 1996 dollars to either state, local, or Tribal governments, or to the private sector, in any one year. A copy of the PRIA is available for review in the rulemaking docket.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) no person is required to respond to any information collection unless it has been approved by OMB and displays a valid OMB control number. Pursuant to 44 U.S.C. 3506(c)(2)(B) and Section 1320.8(d) of 5 CFR requires that PHMSA provide interested members of the public and affected agencies an opportunity to comment on information and recordkeeping requests. PHMSA has analyzed this NPRM in accordance with the PRA which requires federal agencies to minimize paperwork burden imposed on the American public by ensuring maximum utility and quality of Federal information, ensuring the use of information technology to improve government performance, and improving the Federal Government’s accountability for managing information collection activities. PHMSA has analyzed this NPRM in accordance with the PRA and there are no new or

¹⁹ 68 FR 7990 (Feb. 19, 2003).

²⁰ DOT, “Rulemaking Requirements Related to Small Entities.” <https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities> (last accessed June 17, 2021).

¹⁸ 65 FR 67249 (Nov. 9, 2000).

modified information collection requirements in this rulemaking.

H. Draft Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321–4335),²¹ requires Federal agencies to consider the environmental impacts of their actions in the decision-making process. The purpose and function of NEPA is satisfied if federal agencies have considered relevant environmental information, and the public has been informed regarding the decision-making process. Agencies must prepare an environmental assessment (EA) for a proposed action that is not likely to have significant effects or when significance is unknown and prepare a Finding of No Significant Impact (FONSI), if based on the EA, the agency determines not to prepare an Environmental Impact Study (EIS) because the proposed action will not have significant effects. In accordance with these requirements, an agency's EA must discuss: (1) the need for the action; (2) the alternatives considered; (3) the environmental impacts of the proposed action and alternatives; and (4) a listing of the agencies and persons consulted before providing evidence for determining a FONSI. The draft EA and FONSI for the proposed action in this rulemaking are as follows:

1. Need for the Action

The Bipartisan Infrastructure Law (BIL) authorized the Secretary to expend \$46,825,000 from emergency preparedness funds to carry out the grants program for fiscal years 2022 through 2026. As such, the BIL increased the authorized funding level by \$18,507,000. To achieve full funding of the grants program at the increased authorization amounts, PHMSA will need to adjust the registration fees for the national hazardous materials transportation registration and fee program.

2. Alternatives Considered

No Action Alternative

Under the no action alternative, PHMSA would maintain the current registration and fee requirements.

Proposed Action Alternative—Increase Registration Fees

Under this alternative, PHMSA would increase the registration fee applied to small and large businesses based on inflation. A concise summary of the proposed changes is as follows:

- Increase fees for small businesses and not-for-profit organizations by

\$125—which will increase from \$250 to \$375; and

- Increase fees for large businesses by \$425—which will increase from \$2,575 to \$3,000.

3. Environmental Impacts of Proposed Action and Alternatives

No Action Alternative

PHMSA expects the no action alternative to have no new impact on the environment as the proposed adjustment of registration fees would provide more funding to respond to and mitigate emergency responses.

Proposed Action Alternative—Increase Registration Fees

PHMSA expects the proposed action alternative to have no impact on the environment. Additionally, PHMSA notes that increasing registration fees will provide additional off-site or the increase of outreach training. However, PHMSA does note the difficulty in quantifying any environmental impact of increasing the registration fees.

4. Agencies and Persons Consulted

PHMSA coordinated internally with other divisions within PHMSA, modal partners (e.g., the Federal Motor Carrier Safety Administration, the Federal Railroad Association, and the United States Coast Guard), and stakeholders to develop this proposed rulemaking.

5. Environmental Justice

Executive Orders 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”),²² 13985 (“Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”),²³ 13990 (“Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis”),²⁴ 14008 (“Tackling the Climate Crisis at Home and Abroad”),²⁵ and DOT Order 5610.2C (“Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) require DOT agencies to achieve environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects of their programs, policies, and activities on minority populations, low-income populations, and other

underserved and disadvantaged communities.

PHMSA has evaluated this proposed rule under the above Executive Orders and DOT Order 5610.2C and determined that it would not cause disproportionately high and adverse human health and environmental effects on minority, low-income, underserved, and other disadvantaged populations, and communities. The rulemaking is neither directed toward a particular population, region, or community, nor is it expected to adversely impact any population, region, or community. Insofar as the rulemaking would not adversely affect the safe transportation of hazardous materials generally, the proposed revisions would not entail disproportionately high adverse risks for minority populations, low-income populations, or other underserved and other disadvantaged communities.

6. Proposed FONSI

As discussed in the draft EA above, the purpose of the rule is to adjust fees upward to provide additional funds for the statutorily authorized limits from emergency planning funds that support PHMSA's grants program. PHMSA proposes to find that this proposed action will have no significant impact on the environment. Although the fees collected provide funding for grants that are issued to states, territories, and Native American Tribes to assist in development, improvement, and carrying out emergency plans within the National Response System and the Emergency Planning and Community Right-To-Know Act of 1986, PHMSA preliminarily concludes that this action will not have a direct significant impact on the environment. The grant program is designed to allow grantees the flexibility to implement training and planning programs that address differing needs for each location based on demographics, emergency response capabilities, commodity flow studies, and hazard analysis. PHMSA welcomes public comments about the safety and environmental risks or benefits that could result from this proposed rule as well as possible alternatives and their environmental impacts.

I. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform any amendments to the hazardous materials program procedures and the HMR considered in this rulemaking. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in

²¹ Also, at 40 CFR parts 1501 to 1508.

²² 59 FR 7629 (Feb. 11, 1994).

²³ 86 FR 7009 (Jan. 20, 2021).

²⁴ 86 FR 7037 (Jan. 20, 2021).

²⁵ 86 FR 7619 (Feb. 1, 2021).

the system of records notice (DOT/ALL-14 FDMS). DOT's complete Privacy Act Statement is in the **Federal Register**,²⁶ or on DOT's website at <https://www.dot.gov/privacy>.

List of Subjects in 49 CFR Part 107

Hazardous Materials Program Procedures.

In consideration of the forgoing, PHMSA proposes to amend 49 CFR chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM AND PROCEDURES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 Section 4; Pub. L. 104–121 Sections 212–213; Pub. L. 104–134 Section 31001; Pub. L. 114–74 Section 701 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97; 33 U.S.C. 1321.

■ 2. In § 107.612, revise paragraph (b) to read as follows:

§ 107.612 Amount of fee.

* * * * *

(b) Each person subject to the requirements of this subpart must pay the processing fee specified in paragraph (c) of this section and the annual registration fee set forth in the following table:

TABLE 1 TO PARAGRAPH (b)

Registration year	Small business	Not-for-profit organization	Other than small business or not-for-profit organization
2024–2025 and later	\$375	\$375	\$3,000
2014–2015, 2015–2016, 2016–2017, 2017–2018, 2018–2019, 2019–2020, 2020–2021, 2021–2022, 2022–2023, 2023–2024	250	250	2,575
2013–2014	125	125	1,300
2012–2013, 2011–2012, 2010–2011	250	250	2,575
2009–2010, 2008–2009, 2007–2008, 2006–2007	250	250	975
2005–2006, 2004–2005, 2003–2004	125	125	275
2002–2003, 2001–2002, 2000–2001	275	(¹)	1975
1999–2000 and earlier	250	250	250

¹ Fee appropriate for small or other than small business.

* * * * *

■ 3. In § 107.616, revise paragraphs (a) and (b) to read as follows:

§ 107.616 Payment procedures.

(a) Each person subject to the requirements of this subpart must submit the registration statement and payment electronically in full through the Department's e-Commerce internet site. Access to this service is provided at <https://www.phmsa.dot.gov/hazmat/registration>. A registrant required to file an amended registration statement under § 107.608(c) of this subpart must submit it through the same internet site.

(b) Payment must be made by completing an authorization for payment by credit card or other electronic means of payment acceptable to the U.S. Department of Transportation as part of an internet registration as provided in paragraph (a) of this section.

* * * * *

■ 4. In § 107.620, revise paragraphs (b), (c), and (d) to read as follows:

§ 107.620 Recordkeeping requirements.

* * * * *

(b) Each motor carrier subject to the requirements of this subpart must carry a copy of its current Certificate of Registration issued by PHMSA or another document bearing the registration number identified as the "U.S. DOT Hazmat Reg. No." onboard

each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the requirements of this subpart. The Certificate of Registration or document bearing the registration number may be carried in electronic or paper form and must be made available, upon request, to authorized personnel or DOT enforcement personnel.

(c) In addition to the requirements of paragraph (a) of this section, each person who transports by vessel a hazardous material subject to the requirements of this subpart must carry onboard the vessel a copy of its current Certificate of Registration or another document bearing the current registration number identified as the "U.S. DOT Hazmat Reg. No." The Certificate of Registration or document bearing the registration number may be carried in electronic or paper form and must be made available, upon request, to authorized personnel or DOT enforcement personnel.

(d) Each person subject to this subpart must furnish its Certificate of Registration (or a copy thereof) and all other records and information pertaining to the information contained in the registration statement to authorized personnel or DOT enforcement personnel upon request. The Certificate of Registration and all

other records and information may be furnished in electronic or paper form.

* * * * *

Issued in Washington, DC, on May 20, 2024, under the authority delegated in 49 CFR 1.97.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2024–11391 Filed 5–23–24; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2024–0012]

RIN 2127–AM43

Federal Motor Vehicle Safety Standards; FMVSS No. 305a Electric-Powered Vehicles: Electric Powertrain Integrity Global Technical Regulation No. 20, Incorporation by Reference

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); Correction.

²⁶ 65 FR 19477 (Apr. 11, 2000).

SUMMARY: This document corrects the **DATES** and **ADDRESSES** sections to a proposed rule published in the **Federal Register** on April 15, 2024, regarding Federal Motor Vehicle Safety Standard No. 305a Electric-Powered Vehicles: Electric Powertrain Integrity. The proposed rule included establishing new reporting and record retention requirements and, in compliance with the Paperwork Reduction Act of 1995 (PRA), NHTSA sought public comment on these new proposed information collections. The corrections add text under the **DATES** and **ADDRESSES** sections to include instructions for submitting comments regarding the new information collection requirements proposed in the NPRM.

DATES: Comments should be submitted no later than June 14, 2024. In compliance with the Paperwork Reduction Act, NHTSA is also seeking comment on a new information collection. For additional information, see the Paperwork Reduction Act section under the Rulemaking Analyses and Notices section below. All comments relating to the information collection requirements should be submitted to NHTSA and to the Office of Management and Budget (OMB) at the address listed in the **ADDRESSES** section on or before June 14, 2024.

Proposed compliance date: We propose that the compliance date for the proposed requirements be two years after the date of publication of the final rule in the **Federal Register**. Small-volume manufacturers, final-stage manufacturers, and alterers would be provided an additional year to comply with the rule beyond the date identified above. We propose to permit optional early compliance with the rule. After FMVSS No. 305a is finalized, NHTSA intends to sunset FMVSS No. 305.

ADDRESSES: You may submit comments identified by the docket number in the heading of this document or by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments on the electronic docket site by clicking on “Help” or “FAQ.”
- *Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590 between 9 a.m. and 5 p.m.

Eastern Time, Monday through Friday, except Federal Holidays.

- *Fax:* 202-493-2251.

Comments on the proposed information collection requirements should be submitted to: Office of Management and Budget at www.reginfo.gov/public/do/PRAMain. To find this particular information collection, select “Currently under Review—Open for Public Comment” or use the search function. It is requested that comments sent to the OMB also be sent to the NHTSA rulemaking docket identified in the heading of this document.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to www.regulations.gov at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: 202-366-9826.

Confidential Business Information: If you claim that any of the information in your comment (including any additional documents or attachments) constitutes confidential business information within the meaning of 5 U.S.C. 552(b)(4) or is protected from disclosure pursuant to 18 U.S.C. 1905, please see the detailed instructions given under the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its decision-making 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.transportation.gov/privacy. In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves,

all timely comments will be fully considered.

FOR FURTHER INFORMATION CONTACT: K. Helena Sung, Office of the Chief Counsel, NHTSA, at 202-366-2992.

SUPPLEMENTARY INFORMATION:

Need for Correction

The NPRM published on April 15, 2024 (89 FR 26704) did not contain all necessary information in the **DATES** and **ADDRESSES** sections regarding submitting comments on the new information collection requirements included in the proposal. This document corrects the **DATES** and **ADDRESSES** section to include that information. The corrected **DATES** and **ADDRESSES** are also included above, for clarity.

Correction

The proposed rule FR Doc. 2024-07646 appearing on page 26704 in the issue of April 15, 2024, is corrected as follows:

1. On page 26704, in the first column, after the first sentence under the **DATES** caption, add the following:

“In compliance with the Paperwork Reduction Act, NHTSA is also seeking comment on a new information collection. For additional information, see the Paperwork Reduction Act section under the Rulemaking Analyses and Notices section below. All comments relating to the information collection requirements should be submitted to NHTSA and to the Office of Management and Budget (OMB) at the address listed in the **ADDRESSES** section on or before June 14, 2024.”

2. On page 26704, in the second column, after the fax information bullet under the **ADDRESSES** caption, add the following:

“Comments on the proposed information collection requirements should be submitted to: Office of Management and Budget at www.reginfo.gov/public/do/PRAMain. To find this particular information collection, select “Currently under Review—Open for Public Comment” or use the search function. It is requested that comments sent to the OMB also be sent to the NHTSA rulemaking docket identified in the heading of this document.”

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30122 and 30166; delegation of authority at 49 CFR 1.95 and 501.8.

Raymond. R. Posten,
Associate Administrator for Rulemaking.
[FR Doc. 2024-11404 Filed 5-23-24; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 240520–0140; RTID 0648–XR135]

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List Gulf of Alaska Chinook Salmon as Threatened or Endangered Under the Endangered Species Act

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: 90-day petition finding; request for information, and initiation of status review.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to list Gulf of Alaska (GOA) Chinook salmon (*Oncorhynchus tshawytscha*), or any evolutionarily significant unit (ESU) that may exist in the petitioned area, as a threatened or endangered species under the Endangered Species Act (ESA) and to designate critical habitat concurrent with the listing. We find that the petition, viewed in the context of information readily available in our files, presents substantial scientific or commercial information indicating that the petitioned action may be warranted. Therefore, we are commencing a review of the status of Gulf of Alaska Chinook salmon to determine whether listing under the ESA is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information regarding this species from any interested party.

DATES: Scientific and commercial data pertinent to the petitioned action must be received by July 23, 2024.

ADDRESSES: You may submit data and information relevant to our review of the status of GOA Chinook salmon, identified by “Gulf of Alaska Chinook salmon Petition” or by the docket number, NOAA–NMFS–2024–0042, by any of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2024–0042 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Anne Marie Eich, Assistant Regional Administrator, Protected Resources Division, Alaska Region NMFS, Attn.

Susan Meyer. Mail comments to P.O. Box 21668, Juneau, AK 99802.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

The petition is available on the NMFS website at: <https://www.fisheries.noaa.gov/endangered-species-conservation/candidate-species-under-endangered-species-act>.

FOR FURTHER INFORMATION CONTACT: Julie Scheurer, NMFS Alaska Region, julie.scheurer@noaa.gov, (907) 586–7111; or Heather Austin, NMFS Office of Protected Resources, heather.austin@noaa.gov, (301) 427–8422.

SUPPLEMENTARY INFORMATION:**Background**

On January 11, 2024, we received a petition from the Wild Fish Conservancy (petitioner) to delineate and list one or more ESUs of Chinook salmon in southern Alaska—which the petition states “encompasses all Chinook populations that enter the marine environment of the Gulf of Alaska”—as threatened or endangered under the ESA, and to designate critical habitat concurrently with the listing. The petition indicates that this “includes all populations on the southern side of the Aleutian Peninsula, Cook Inlet, and the coast of Alaska south of Cook Inlet to the southern end of the Alaska/British Columbia border.” The petition asserts that GOA Chinook salmon are threatened by all of the ESA section 4(a)(1) factors: (1) the present or threatened destruction, modification, or curtailment of habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms to address identified threats; and (5) other natural or manmade factors affecting its continued existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)). The petition is available online (see **ADDRESSES**).

ESA Statutory, Regulatory, and Policy Provisions, and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable that, within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). If NMFS finds that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a “positive 90-day finding”), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we conclude the review with a finding as to whether the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a positive 90-day finding does not prejudice the outcome of the status review.

Under the ESA, a listing determination may address a species, which is defined to also include subspecies, and for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). In 1991, NMFS issued the Policy on Applying the Definition of Species Under the Endangered Species Act to Pacific Salmon (ESU Policy; 56 FR 58612, November 20, 1991). Under this policy, a Pacific salmon population is considered a DPS, and hence a “species” under the ESA, if it represents an “evolutionarily significant unit” of the biological species. The two criteria for delineating an ESU are (1) it is substantially reproductively isolated from other conspecific populations; and (2) it represents an important component in the evolutionary legacy of the species. NMFS has not yet used the ESU Policy to define ESUs of Chinook salmon in the petitioned area of Alaska.

In 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS) (together, “the Services”) adopted a joint policy that clarifies the Services’ interpretation of the phrase “distinct population segment” for the purposes of listing, delisting, and reclassifying a species

under the ESA (61 FR 4722; February 7, 1996). In announcing this policy, the Services indicated that the ESU Policy for Pacific salmon was consistent with the DPS Policy and that NMFS would continue to use the ESU Policy for Pacific salmon.

A species, subspecies, DPS, or ESU is “endangered” if it is in danger of extinction throughout all or a significant portion of its range, and “threatened” if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the five section 4(a)(1) factors noted above.

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(h)(1)(i)) define “substantial scientific or commercial information” in the context of reviewing a petition to list, delist, or reclassify a species as “credible scientific or commercial information in support of the petition’s claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted.” Conclusions drawn in the petition without the support of credible scientific or commercial information will not be considered “substantial information.” In reaching the initial (90-day) finding on the petition, we will consider the information included in the petition as required by sections 50 CFR 424.14(c), (d), and (g) (if applicable).

Our determination as to whether the petition provides substantial scientific or commercial information indicating that the petitioned action may be warranted will depend in part on the degree to which the petition includes the following types of information: (1) information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available; (2) identification of the factors under section 4(a)(1) of the ESA that may affect the species and where these factors are acting upon the species; (3) whether and to what extent any or all of the factors alone or in combination identified in section 4(a)(1) of the ESA may cause the species to be an endangered species or threatened species (*i.e.*, the species is currently in danger of extinction or is likely to become so within the foreseeable future), and, if so, how high in magnitude and how imminent the threats to the species and its habitat are;

(4) information on adequacy of regulatory protections and effectiveness of conservation activities by States as well as other parties, that have been initiated or that are ongoing, that may protect the species or its habitat; and (5) a complete, balanced representation of the relevant facts, including information that may contradict claims in the petition. See 50 CFR 424.14(d).

We may also consider information readily available at the time the determination is made. We are not required to consider any supporting materials cited by the petitioner if the petitioner does not provide electronic or hard copies, to the extent permitted by U.S. copyright law, or appropriate excerpts or quotations from those materials (*e.g.*, publications, maps, reports, letters from authorities). See 50 CFR 424.14(c)(6).

At the 90-day finding stage, we do not conduct additional research, and we do not solicit information from parties outside the agency to help us evaluate the petition. We will accept the petitioners’ sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition’s information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person conducting an impartial scientific review would conclude it supports the petitioners’ assertions. In other words, conclusive information indicating the species may meet the ESA’s requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone necessitates a negative 90-day finding if a reasonable person conducting an impartial scientific review would conclude that the unknown information itself suggests the species may be at risk of extinction presently or within the foreseeable future.

To make a 90-day finding on a petition to list a species, we first evaluate whether the information presented in the petition, in light of the information readily available in our files, indicates that the petitioned entity constitutes a “species” eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species may face an extinction risk such that listing may be warranted; this may be indicated in information

expressly discussing the species’ status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (*e.g.*, population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1) of the ESA.

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information indicating that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by nongovernmental organizations, such as the International Union on the Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but such classification alone may not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species’ conservation status do “not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act” because NatureServe assessments have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide (<https://explorer.natureserve.org/AboutTheData/DataTypes/ConservationStatusCategories>). Additionally, species classifications under IUCN and the ESA are not equivalent; data standards, criteria used to evaluate species, and treatment of uncertainty are not necessarily the

same. Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards on extinction risk and impacts or threats discussed above.

Chinook Salmon Species Description

The following species description is summarized primarily from Groot and Margolis (1991). Chinook salmon (also called “king” salmon) are the largest species of the Pacific salmon. Like all species in the genus *Oncorhynchus*, Chinook salmon are anadromous (meaning they are born in freshwater, migrate to saltwater to feed and grow, and return to freshwater to reproduce or “spawn”) and semelparous (meaning they die after spawning once). Chinook salmon naturally range throughout the North Pacific Ocean from northern Hokkaido to the Anadyr River on the Asian coast and from central California to Kotzebue Sound, Alaska, on the North American coast.

Within their general anadromous life history, Chinook exhibit remarkable variation within populations and across their range. Chinook salmon are typically 3 or 4 years old when they return to spawn; however, age at sexual maturity ranges from 2 to 7 years. Two behavioral forms predominate within the Chinook salmon life history. “Stream type” populations spend one or more years as juveniles in freshwater before migrating to the sea, often making extensive ocean migrations, and return to their natal river in spring or summer to spawn. “Ocean type” Chinook salmon migrate to sea during their first year, often within months of hatching, spend most of their marine phase in coastal waters, and return to their natal rivers in the fall to spawn. In Alaska, most Chinook salmon demonstrate the stream type behavioral form, except for a few ocean type populations in rivers of southern Southeast Alaska near the United States border with Canada.

Evaluation of the Petition and Information Readily Available in NMFS's Files

The petitioners request that NMFS delineate and list one or more ESUs of Chinook salmon in southern Alaska as threatened or endangered under the ESA, and designate critical habitat concurrently with the listing. The petition indicates that this “includes all populations on the southern side of the Aleutian Peninsula, Cook Inlet, and the coast of Alaska south of Cook Inlet to the southern end of the Alaska/British Columbia border.” We interpret the petitioner's request as asking NMFS to consider populations of Chinook salmon

on the southern side of the Alaska Peninsula, including Kodiak Island, Cook Inlet, Prince William Sound, and the GOA coastline and inside waters of Southeast Alaska to the United States/Canada border at approximately 54°45' N latitude. The petition is accompanied by literature citations and electronic copies of supporting material, including published scientific literature and unpublished reports.

In the sections that follow, we provide a synopsis of the assertions made in the petition for the population status and trends and each of the factors identified in section 4(a)(1) of the ESA, followed by our analysis and conclusions that support the 90-day finding.

Population Status and Trends

The petition asserts that since at least 2007, all populations of GOA Chinook salmon have experienced significant declines in abundance compared to levels exhibited in the previous two or more decades. The petition provides as evidence examples of missed escapement goals for some stocks. Additionally, the petition asserts that size and age at maturity have been decreasing across most populations for more than two decades. The petition notes that seven stocks have action plans developed in response to their designations by the State of Alaska as stocks of management concern.

Analysis of ESA Section 4(a)(1) Factors for GOA Chinook Salmon

The petition asserts that GOA Chinook salmon is experiencing threats under each of the categories listed below and under section 4(a)(1) of the ESA.

The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The petition asserts that GOA Chinook salmon habitat is degraded by clear-cut logging, erosion and sedimentation, elevated stream temperatures, habitat fragmentation, chemical run-off, road building, fish passage barriers, and mining.

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petition asserts that overharvest by directed commercial fisheries and bycatch in other commercial fisheries threatens the continued existence of GOA Chinook salmon and cites missed escapement goals in recent years to support this assertion. The petition asserts that reduced recreational harvest in 2021 relative to harvest levels in 2005

and 2006 indicates overharvest by the recreational sector.

Disease or Predation

The petition asserts that diseases originating in hatcheries (e.g., furunculosis, piscine reovirus, bacterial gill and kidney disease) have been transmitted to wild populations, driving mortality of all life stages of GOA Chinook salmon.

The petition asserts that predation pressure on adult GOA Chinook salmon is increasing as a result of growing populations of killer whales (*Orcinus orca*), and that humpback whales (*Megaptera novaeangliae*) may be learning to target hatchery releases of Chinook salmon in Southeast Alaska.

Inadequacy of Existing Regulatory Mechanisms

The petition asserts that Federal regulatory mechanisms such as the National Environmental Policy Act, ESA, National Forest Management Act, and Clean Water Act are failing to provide adequate protection to GOA Chinook salmon. The petition broadly states that the State of Alaska's management of salmon fisheries has been inadequate and that the state has not implemented sufficient corrective actions to address missed escapement goals.

Other Natural or Manmade Factors Affecting Its Continued Existence

The petition asserts that artificial propagation of pink salmon increases competition for prey with wild Chinook salmon and has led to decreased rates of growth and survival of Chinook salmon.

The petition asserts that changes in patterns of ocean productivity combined with climate change may be threatening GOA Chinook salmon.

The petition lists numerous potential effects of climate change to freshwater, estuarine, and marine habitats, and assumes that nearly all will have negative effects on GOA Chinook salmon.

Petition Finding

We have reviewed the petition, the literature cited in the petition, and other literature and information available in our files. We identified numerous factual errors, omissions, incomplete references, and unsupported assertions and conclusions within the petition. For example, the petition only presents escapement data through 2021, but in 2022 and 2023, some GOA Chinook salmon populations have shown improvements toward meeting their escapement goals. The petition also makes vague references to threats from

logging, road building, mining, overharvest, and competition from hatchery salmon without providing specific examples. Nonetheless, we find that some of the information in the petition, in particular the missed escapement goals in recent years for many stocks in the petitioned area, and evidence of decreasing size and age at maturity, would lead a reasonable person to believe that the petitioned action may be warranted. Additionally, it is likely that more than one ESU exists within the petitioned area and, without knowing the boundaries of those ESUs, it is challenging to assess the status and trends of subpopulations. In light of this uncertainty and the low statutory standard at the 90-day stage, we conclude that the petitioned action may be warranted. Therefore, in accordance with section 4(b)(3)(A) of the ESA and NMFS' implementing regulations (50 CFR 424.14(h)(2)), we will commence a status review to determine whether GOA Chinook salmon constitute one or more ESUs, and if so, whether any such ESU of GOA Chinook salmon is in danger of extinction (endangered) throughout all or a significant portion of its range, or is likely to become so within the foreseeable future (threatened). The petition stated that "overharvest" should be considered as a factor for listing under the ESA. Potential overharvest of some populations of Chinook salmon and missed escapement targets are not necessarily sufficient to indicate that the species may warrant listing under the ESA. Our status review will examine recent harvest levels and escapement targets along with all of the best available information on the status of the species and potential threats. As required by section 4(b)(3)(B) of the ESA, within 12 months of the receipt of

the petition, we will make a finding as to whether listing any GOA Chinook salmon ESU as an endangered or threatened species is warranted. If listing is warranted, we will publish a proposed rule and solicit public comments before developing and publishing a final rule.

Information Solicited

To ensure that our status review is informed by the best available scientific and commercial data, we are opening a 60-day public comment period to solicit information on GOA Chinook salmon. We request information from the public, government agencies, Alaska Native organizations, the scientific community, industry, conservation groups, fishing groups, or any other interested parties concerning the current and/or historical status of GOA Chinook salmon. Specifically, we request information regarding:

- (1) species abundance;
- (2) species freshwater and saltwater productivity;
- (3) species distribution or population spatial structure;
- (4) patterns of phenotypic, genotypic, and life history diversity;
- (5) habitat conditions and associated limiting factors and threats;
- (6) information on the adequacy of existing regulatory mechanisms, whether protections are being implemented, and whether they are proving effective in conserving the species;
- (7) data concerning the status and trends of identified limiting factors or threats to population persistence;
- (8) information on targeted harvest (commercial and non-commercial) and bycatch of the species;
- (9) information to evaluate the ESU factors, specifically,

- whether any populations are substantially reproductively isolated from other conspecific populations; and

- whether any population represents an important component in the evolutionary legacy of the species;

(10) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes; and

(11) information concerning the impacts of environmental variability and climate change on survival, growth, age, fecundity, recruitment, distribution, and/or extinction risk.

Please send any comments in accordance with the instructions provided in the **ADDRESSES** section above. We request that all information be accompanied by: (1) supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, and any association, institution, or business that the person represents. We will base our findings on a review of the best scientific and commercial data available, including relevant information received during the public comment period.

References Cited

A complete list of all references cited herein is available upon request (See **FOR FURTHER INFORMATION CONTACT**).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 20, 2024.

Samuel D. Rauch, III,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2024–11381 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 89, No. 102

Friday, May 24, 2024

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.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—User Access Request Form FNS–674

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 the proposed information collection. This is a revision of a currently approved collection. The purpose of this information collection request is to continue the use of the electronic form FNS–674, titled “User Access Request Form.” This form will continue to allow access to current FNS systems, modified access or to remove user access.

DATES: Written comments must be received on or before July 23, 2024.

ADDRESSES: Comments may be sent to: Joseph Binns, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, Room 232, Alexandria, VA 22314. Comments may

also be submitted via email to Joseph.Binns@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 Joseph Binns at 703–605–1181.

SUPPLEMENTARY INFORMATION: 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: User Access Request Form.

Form Number: FNS–674.

OMB Number: 0584–0532.

Expiration Date: 7/31/2024.

Type of Request: Revision of a currently approved collection.

Abstract: Form FNS–674 is designed to collect user information required to gain access to FNS Information Systems.

Affected Public: Contractors, State Agencies.

Estimated Number of Respondents: 7,200.

The respondents are State agencies, who are located in the 50 states and Trust Territories, staff contractors and Federal employees. Respondents who require access to the FNS systems are estimated at 8,100 annually (includes Federal, State and private) however, only 7,200 will account for the total public burden, excluding Federal employees. FNS estimates that it will receive an average of 1,185 requests per month (59.25 per business day). Of the 1,185, 92.4 percent (or 1,095) of the responses are State Agency users, 1.3 percent (or 15) are staff contractors and 6.3 percent (or 75) are Federal employees which is not included in the total number of responses. Annually, that results in 7,200 respondents (585 State Agency users per month + 15 staff contractors per month × 12 months).

Estimated Number of Responses per Respondent: 1.975.

Estimated Total Annual Responses: 14,220.

Estimated Time per Response: 0.167 of an hour. Each respondent takes approximately 0.167 of an hour, or 10 minutes, to complete the required information on the online form.

Estimated Total Annual Burden on Respondents: 2,370 hours. See the table below for estimated total annual burden for each type of respondent.

REPORTING BURDEN

Affected public	Form No.	Number of respondents	Number of responses annually per respondent	Total annual responses	Estimate of burden hours per response	Total annual burden hours
Contractors	FNS–674	180	1	180	0.16667 (10 minutes) ..	30
State Agency Users	FNS–674	7,020	2	14,040	0.16667 (10 minutes) ..	2,340
Estimated Total Annual Burden ..		7,200		14,220	(0.16667) 10 minutes	2,370

Tameka Owens,

Assistant Administrator, Food and Nutrition Service.

[FR Doc. 2024–11455 Filed 5–23–24; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Puerto Rico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement 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 a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference on Thursday, June 20, 2024, at 3:30 p.m. Atlantic Time/Eastern Time. The purpose is to discuss their project on the civil rights impacts of the Insular Cases in Puerto Rico.

DATES: June 20, 2024, Thursday, at 3:30 p.m. Atlantic Time (3:30 p.m. ET).

ADDRESSES: Meeting will be held via Zoom.

Registration Link (Audio/Visual): <https://tinyurl.com/5duzp3ym>; Passcode, if needed: USCCR–PR.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Meeting ID: 160 825 0742 #.

FOR FURTHER INFORMATION CONTACT:

Email Victoria Moreno, Designated Federal Officer at vmoreno@usccr.gov, or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting will take place in Spanish with English interpretation. This committee meeting is available to the public through the registration 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. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning

impairments. To request additional accommodations, please email ebohor@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at vmoreno@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–312–353–8311.

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, Puerto Rico 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 ebohor@usccr.gov.

Agenda

1. Welcome & Roll Call
2. Committee Discussion on Project Regarding the Civil Rights Impacts of the Insular Cases in Puerto Rico
3. Next Steps
4. Public Comment
5. Other Business
6. Adjourn

Dated: May 21, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–11512 Filed 5–23–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2163]

Approval of Expansion of Subzone 61Z; Oldach Associates, LLC; Bayamón, Puerto Rico

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of

establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Department of Economic Development and Commerce, grantee of Foreign-Trade Zone 61, has made application to the Board for an expansion of Subzone 61Z on behalf of Oldach Associates, LLC, to include a site located in Bayamón, Puerto Rico (FTZ Docket B–7–2024, docketed February 7, 2024);

Whereas, notice inviting public comment has been given in the **Federal Register** (89 FR 10031, February 13, 2024) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners' memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves the expansion of Subzone 61Z on behalf of Oldach Associates, LLC, located in Bayamón, Puerto Rico, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including section 400.13.

Dated: May 20, 2024.

Dawn Shackleford,

Executive Director of Trade Agreements Policy & Negotiations, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2024–11425 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–24–2024]

Proposed Foreign-Trade Zone—Clallam County, Washington State Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port of Port Angeles to establish a foreign-trade zone in Clallam County, Washington, under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new “subzones” or “usage-driven” FTZ sites for operators/users located within a grantee's “service area” in the context of the FTZ Board's standard 2,000-acre activation limit for a zone project. The application was

submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on May 20, 2024. The applicant is authorized to make the proposal under Revised Code of Washington, title 53, chapter 53.08, section 53.08.030, Operation of foreign trade zones.

The proposed zone would be the first zone for the Port Angeles Customs and Border Protection (CBP) port of entry.

The applicant's proposed service area under the ASF would be Clallam County. If approved, the applicant would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Port Angeles Customs and Border Protection port of entry.

The proposed zone would include two "magnet" sites: Proposed Site 1 (790 acres)—William R. Fairchild Airport, 1402 Fairchild Airport Road, Port Angeles; and, Proposed Site 2 (249 acres)—Port Angeles Waterfront, Port Angeles. The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Site 1 be so exempted.

The application indicates a need for zone services in Clallam County, Washington. Several firms have indicated an interest in using zone procedures for warehousing/distribution activities for a variety of products. Specific production approvals are not being sought at this time. Such requests would be made to the FTZ Board on a case-by-case basis.

In accordance with the FTZ Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is July 23, 2024. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 7, 2024.

A copy of the application will be available for public inspection in the "Online FTZ Information Section" section of the FTZ Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Qahira El-Amin at Qahira.El-Amin@trade.gov.

Dated: May 21, 2024.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2024–11488 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration [A–557–825]

Certain Paper Shopping Bags From Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from Malaysia are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2022, through March 31, 2023.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT:

Daniel Alexander, 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) 482–4313.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2024, Commerce published its *Preliminary Determination* of sales of paper bags from Malaysia at LTFV.¹ For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.² All issues raised by parties for this final determination are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and

¹ See *Certain Paper Shopping Bags from Malaysia: Preliminary Affirmative Determination of Sales at Less-Than-Fair-Value*, 89 FR 333 (January 3, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Paper Shopping Bags from Malaysia," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

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/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from Malaysia. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.³ We received comments from parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.⁴ We made no changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I to this notice.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), we conducted verifications of the sales and cost information submitted by Hexachase Packaging Sdn. Bhd. (Hexachase) for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Hexachase.⁵

Analysis of Comments Received

All issues raised in the case briefs submitted by interested parties in this

³ See Memorandum, "Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum," dated December 27, 2023.

⁴ See Memorandum, "Less-Than-Fair Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum," dated March 11, 2024.

⁵ See Memorandum, "Verification of the Sales Responses of Hexachase Packaging Sdn. Bhd. in the Antidumping Duty Investigation of Certain Paper Shopping Bags from Malaysia," dated March 27, 2024; see also Memorandum, "Verification of the Cost Response of Hexachase Packaging Sdn. Bhd. the Antidumping Duty Investigation of Certain Paper Shopping Bags from Malaysia," dated April 22, 2024.

investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached as Appendix II to this notice.

Changes Since the Preliminary Determination

We have made certain changes to the dumping margin calculations for Hexachase and Nanwang Pack (M) Sdn. Bhd (Nanwang) since the *Preliminary Determination*. For a discussion of these changes, see the Issues and Decision Memorandum.

Use of Facts Available With Adverse Inferences

For this final determination, we find that pursuant to sections 776(a)–(b) of the Act, the use of facts available with adverse inferences (AFA) is warranted in determining the final dumping margin for mandatory respondent, Nanwang.⁶

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis*, or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters. Commerce has determined the estimated weighted-average dumping margin for the individually examined respondent under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for Hexachase that is not zero, *de minimis*, or based entirely on facts otherwise available. Moreover, as discussed above, we have assigned a rate based entirely on AFA to the other mandatory respondent, Nanwang. Consequently, the rate calculated for Hexachase is also assigned as the rate for all other producers and exporters,

⁶ For a further discussion, see the Issues and Decision Memorandum.

pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Hexachase Packaging Sdn. Bhd	3.18
Nanwang Pack (M) Sdn. Bhd	* 112.22
Kooka Paper Manufacturing Sdn. Bhd	* 112.22
All Others	3.18

* Based on AFA.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of paper bags from Malaysia, as described in Appendix I of this notice, which were entered or withdrawn from warehouse for consumption on or after January 3, 2024, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act, upon the publication of this notice, Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds U.S. price as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin listed in the table above. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final affirmative determination of sales at LTFV. Because the final determination in this investigation is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of subject merchandise from Indonesia no later than 45 days after our final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Administrative Protective Order

This notice serves as a final reminder to the parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This final determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 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

Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (e.g., folded, serrated, or otherwise finished), regardless of color,

and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a 1/4 or 1/2 barrel size (*i.e.*, 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and
- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric⁷ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (*i.e.*, excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*
- IV. Application of Facts Available and Use of Adverse Inferences
- V. Discussion of the Issues
 - Comment 1: Whether To Base the Final Dumping Margin for Nanwang on Total Adverse Facts Available
 - Comment 2: Whether To Assign Hexachase's Rate as the All Others Rate in the Final Determination

⁷ Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

Comment 3: Whether To Utilize the Most Recent Data Files Submitted by Hexachase

Comment 4: Whether Commerce Should Correct Programming Language in the Comparison Market Program

VI. Recommendation

[FR Doc. 2024–11482 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–152]

Certain Paper Shopping Bags From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Critical Circumstances Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is October 1, 2022, through March 31, 2023.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Jinny Ahn or Tyler Weinhold, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0339 or (202) 482–1121, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2024, Commerce published in the *Federal Register* its preliminary affirmative determination in the LTFV investigation of paper bags from China, in which we also postponed the final determination until May 17, 2024.¹ We invited parties to comment on the *Preliminary Determination*.²

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a

¹ See *Certain Paper Shopping Bags from the People's Republic of China: Preliminary Affirmative Determinations of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 344 (January 3, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² *Id.*

full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.³ The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁴ We received comments from parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.⁵ We made no changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I to this notice.

Final Affirmative Determination of Critical Circumstances

We continue to find that critical circumstances exist for imports of paper bags from China for Dongzheng Paperbag (DaLian) Factory (Dongzheng), the non-selected separate rate companies, and the China-wide entity pursuant to section 735(a)(3)(B) of Tariff

³ See Memorandum, “Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Paper Bags from the People's Republic of China,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, “Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum,” dated December 27, 2023 (Preliminary Scope Decision Memorandum).

⁵ See Memorandum, “Less-Than-Fair Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum,” dated March 11, 2024 (Final Scope Decision Memorandum).

Act of 1930, as amended (the Act), and 19 CFR 351.206, we continue to find that that critical circumstances exist with respect to imports of paper bags exported by the non-selected separate rate companies and the China-wide entity (including Dongzheng). In addition, we continue to find that critical circumstances do not exist for UUPAK Co., Ltd. (UUPAK). For further discussion of this issue, see the Issues and Decision Memorandum.

Verification

Commerce was unable to conduct an on-site verification of the information relied upon in making its final determination. However, from March 4 through 8, 2024, we took additional steps, in lieu of an on-site verification, to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act,⁶ by conducting virtual verification of UUPAK.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached as Appendix II to this notice.

Changes Since the Preliminary Determination

As explained below, we have found Dongzheng to be part of the China-wide entity.⁷ Additionally, based on our review and analysis of the comments received from interested parties, we made one change to the margin calculations for UUPAK.⁸ For a discussion of this change, see the Issues and Decision Memorandum.

Treatment of Dongzheng Paperbag (DaLian) Factory

In the *Preliminary Determination*, Commerce granted a separate rate to Dongzheng, as a cooperative mandatory respondent.⁹ As explained in further detail in the Issues and Decision Memorandum, Dongzheng notified Commerce that it would not continue to cooperate with this investigation and withdrew its participation from the scheduled verification.¹⁰ Therefore,

because we were unable to verify Dongzheng's information, we have found that Dongzheng is part of the China-wide entity.¹¹

Application of Total of Adverse Facts Available With Respect to the China-Wide Entity

Consistent with the *Preliminary Determination*,¹² Commerce continues to find, pursuant to sections 776(a)(1) and (a)(2)(A)–(D) of the Act, that the use of facts available is warranted in determining the rate of the China-wide entity, which includes, as noted above, Dongzheng, as well as Qingdao Deepack Co., Ltd. (Qingdao Deepack), which submitted a separate rate application (SRA) but did not respond adequately to all of our requests for information.¹³ Furthermore, we continue to find that an adverse inference is warranted in selecting from the facts otherwise available, pursuant to section 776(b) of the Act and 19 CFR 351.308(a), because the China-wide entity failed to cooperate by not acting to the best of their ability to comply with Commerce's requests for information. For the final determination, consistent with the *Preliminary Determination*,¹⁴ as adverse facts available, we are applying Dongzheng's highest individual calculated dumping margin, 146.32 percent, to the China-wide entity, because it is a rate derived from information submitted on the record and achieves the right balance between the goal of inducing future cooperation by the uncooperative respondent and the rate not being punitive.¹⁵

Separate Rates

We preliminarily found the mandatory respondents Dongzheng and UUPAK to be eligible for a separate rate in the *Preliminary Determination*.¹⁶ No party commented on our preliminary separate rate determination with respect to UUPAK and we have no basis to otherwise reconsider this determination. Accordingly, we continue to find that UUPAK is eligible for a separate rate in the final determination.¹⁷ As explained

above, because Dongzheng refused to participate in verification of its SRA, we, have denied Dongzheng separate rate status. In addition, no party commented on our decision in the *Preliminary Determination* to grant separate status to certain other respondents that we did not select for individual examination or on our preliminary determination to deny a separate rate to Qingdao Deepack, which failed to establish its eligibility for a separate rate by not complying with all of our requests for information. Accordingly, we have continued to treat Qingdao Deepack as a part of the China-wide entity.

Further, generally, Commerce looks to section 735(c)(5)(A) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate rate respondents which we did not individually examine. The statute further provides that, where all margins are zero, *de minimis*, or based entirely on facts available under section 776 of the Act, Commerce may use "any reasonable method" for assigning the rate to non-selected respondents.¹⁸ In this final determination, the only participating mandatory respondent (*i.e.*, UUPAK) has received a weighted-average dumping margin which is not zero, *de minimis*, or based entirely on facts available. Therefore, in accordance with section 735(c)(5)(A) of the Act, we have assigned UUPAK's calculated weighted-average dumping margin (*i.e.*, 73.05 percent) to the non-examined separate rate respondents.

Combination Rates

Consistent with the *Initiation Notice*,¹⁹ *Preliminary Determination*, and Policy Bulletin 05.1,²⁰ Commerce calculated combination rates for the sole respondent that is eligible for a separate rate in this investigation.

Final Determination

The final estimated weighted-average dumping margins are as follows:

¹⁸ See section 735(c)(5)(B) of the Act.

¹⁹ See *Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 88 FR 41589, 41594 (June 27, 2023) (*Initiation Notice*).

²⁰ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries," dated April 5, 2005 (Policy Bulletin 05.1), available on Commerce's website at <https://enforcement.trade.gov/policy/bull05-1.pdf>.

⁶ See Memorandum, "Verification of the Sales Responses of UUPAK Company Limited," dated March 25, 2024.

⁷ See the "Final Determination" section of this notice, *infra*, at footnote 23.

⁸ See Issues and Decision Memorandum at Comment 2.

⁹ See *Preliminary Determination*, 89 FR at 344–45.

¹⁰ See Issues and Decision Memorandum at the "Application of Facts Available" section and Comment 1.

¹¹ See the "Final Determination" section of this notice, *infra*; see also Issues and Decision Memorandum at the "China-Wide Rate" section and Comment 1, for a full discussion.

¹² See *Preliminary Determination* PDM at 14–17.

¹³ See the "Final Determination" section of this notice, *infra*, at footnote 18.

¹⁴ See *Preliminary Determination*, 89 FR at 344–45.

¹⁵ See the "Final Determination" section of this notice, *infra*; see also Issues and Decision Memorandum at the "China-Wide Rate" section and Comment 1, for a full discussion.

¹⁶ See *Preliminary Determination* PDM at 12–13.

¹⁷ See Issues and Decision Memorandum at the "Separate Rates" section for further discussion.

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for export subsidy offset(s)) (percent)
UUPAK Co., Ltd	Tianjin Haishun Printing & Packing Co., Ltd	73.05	62.07
Fujian Eco Packaging Co., Ltd	Fujian Hongkai Packaging Co., Ltd	73.05	62.07
Fujian Eco Packaging Co., Ltd	Fujian Yihe Packaging Co., Ltd	73.05	62.07
Fujian Eco Packaging Co., Ltd	Guangdong Union Eco-Packaging Scien-Tech Co., Ltd	73.05	62.07
Fujian Eco Packaging Co., Ltd	Xiamen Huide Eco-friendly Paper Bags Co., Ltd	73.05	62.07
Fujian Eco Packaging Co., Ltd	Xiamen Jihong Technology Co., Ltd	73.05	62.07
Fujian Nanwang Environment Protection Scien-tech Co., Ltd.	Anhui Nanwang Environmental Protection Technology Co., Ltd.	73.05	61.65
Fujian Nanwang Environment Protection Scien-tech Co., Ltd.	Fujian Nanwang Environment Protection Scien-tech Co., LTD.	73.05	61.65
Fujian Nanwang Environment Protection Scien-tech Co., Ltd.	Hubei Nanwang Environmental Protection Scien-tech Co., Ltd.	73.05	61.65
Fujian Nanwang Environment Protection Scien-tech Co., Ltd.	Xianghe Nanwang Environmental Protection Technology Co., Ltd.	73.05	61.65
Fujian Nanwang Environment Protection Scien-tech Co., Ltd.	Zhuhai Zhongyue Paper CUP Container Co., Ltd	73.05	61.65
Grand Intelligent Limited	Ruichuang Limited	73.05	62.07
Max Fortune Industrial Ltd	Winner Printing and Packaging (He Yuan) Ltd	73.05	62.07
Ningbo Beiheng Import & Export Company Limited	Wenzhou Weijie Packing Co., Ltd	73.05	62.07
Shanghai Miho Package & Product Co., Ltd	Zhejiang Shengxiang Industrial Co., Ltd	73.05	62.07
Union Packaging Group Limited	Guangdong Union Eco-Packaging Scien-Tech Co., Ltd	73.05	62.07
Wuxi Hualite Metal Plastic Products Co., Ltd	Wuxi Hualite Paper Products Co., Ltd	73.05	62.07
Xiamen Bag Imp. & Exp. Co., Ltd	Xiamen CYR Green-Tech Co., Ltd	73.05	62.07
Xiamen Huide Xiesheng Packaging Co., Ltd	Xiamen Huide Eco-Friendly Paper Bags Co., Ltd	73.05	62.07
Xiamen Jihong Technology Co., Ltd	Xiamen Jihong Technology Co., Ltd	73.05	62.07
Xiamen Joy Supply Chain Co., Ltd	Fujian Huian Nice Paper Products Co., Ltd	73.05	62.07
Xiamen Joy Supply Chain Co., Ltd	Xiamen THINKER Packaging Products Co., Ltd	73.05	62.07
Xiamen Nice Packaging Products Co., Ltd	Fujian Huian Nice Paper Products Co., Ltd	73.05	62.07
Xiamen Nice Packaging Products Co., Ltd	Xiamen THINKER Packaging Products Co., Ltd	73.05	62.07
China-wide Entity ²¹		* 146.32	135.77

* Rate based on AFA.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(4) of the Act, because Commerce continues to find that critical circumstances exist for the non-selected separate rate companies and the China-wide entity, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption, on or after October 5, 2023, which is 90 days prior to the date of the date of publication of the affirmative *Preliminary Determination* in the **Federal Register**. For UUPAK, in

accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation of all entries of certain paper bags from China, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse for consumption on or after January 3, 2024, the date of publication in the **Federal Register** of the *Preliminary Determination*.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce makes an affirmative determination for domestic subsidy pass-through or export subsidies, Commerce offsets the calculated estimated weighted-average dumping margin by the appropriate rates. Commerce has continued to adjust the cash deposit rate for the China-wide entity for export subsidies in the companion CVD investigation by the appropriate export subsidy rate as

indicated in the above chart.²² However, suspension of liquidation of provisional measures in the companion CVD case has been discontinued;²³ therefore, we are not instructing CBP to collect cash deposits based upon the adjusted estimated weighted-average dumping margin for those export subsidies at this time.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the amount by which the normal value exceeds the U.S. price as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated

²² See Memorandum, "Final Determination Analysis," dated concurrently with this notice, for more information.

²³ See *Certain Paper Shopping Bags From the People's Republic of China: Preliminary Affirmative Determination of Countervailable Subsidies, Preliminary Affirmative Determination of Critical Circumstances, and Alignment of Final Determination With Final Antidumping Duty Determination*, 88 FR 76180 (November 6, 2023); see also section 703(d) of the Act, which states that the provisional measures may not be in effect for more than four months, which in the companion CVD case is 120 days after the publication of the preliminary determination, or October 24, 2023.

²¹ As explained above, we have not granted a separate rate to Dongzheng or Qingdao Deepack; thus, the China-wide entity includes Dongzheng and Qingdao Deepack. See the Issues and Decision Memorandum for additional details.

weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Chinese producers/exporters of subject merchandise that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third country exporters of subject merchandise not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Chinese producer/exporter combination (or China-wide entity) that supplied that third-country exporter. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of paper bags from China no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Administrative Protective Order

This notice will serve as the final reminder to the parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistance Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (e.g., folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a 1–6 or 1–7 barrel size (i.e., 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and
- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric²⁴ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (i.e., excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings

²⁴ Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Application of Facts Available and Use of Adverse Inference
- IV. China-Wide Rate
- V. Final Affirmative Determination of Critical Circumstances
- VI. Changes Since the *Preliminary Determination*
- VII. Discussion of the Issues
 - Comment 1: Whether To Adjust the China-Wide Rate
 - Comment 2: Whether To Adjust the Paper Surrogate Value (SV)
 - Comment 3: Whether To Conduct a Seasonality Analysis as Part of the Critical Circumstances Analysis
- VIII. Recommendation

[FR Doc. 2024–11477 Filed 5–23–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–917]

Certain Paper Shopping Bags From India: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from India are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is April 1, 2022, through March 31, 2023.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Gordon Struck or Nathan Araya, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8151 or (202) 482–3401, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2024, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of paper bags from India, in which we also postponed

the final determination until May 17, 2024.¹ We invited interested parties to comment on the *Preliminary Determination*.²

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.³ 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 <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is certain paper shopping bags from India. For a complete description of the scope of this investigation, see Appendix I to this notice.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁴ We received comments from parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.⁵

¹ See *Certain Paper Shopping Bags from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 336 (January 3, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² *Id.*, 89 FR at 336.

³ See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Paper Shopping Bags from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, "Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum," dated December 27, 2023.

⁵ See Memorandum, "Less-Than-Fair Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum," dated March 11, 2024.

We made no changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I to this notice.

Final Negative Determination of Critical Circumstances

We continue to find that critical circumstances do not exist for imports of paper bags from India for the two mandatory respondents, Aeroplast Packaging Solution Private Limited (APSL), Aero Plast Limited (APL), and Aero Business Solutions Private Limited (ABSL) (collectively Aeroplast) and Kuloday Plastomers Pvt Ltd. (KPPL), and for all other Indian producers and exporters pursuant to sections 735(a)(3)(A) and (B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206. For further discussion of this issue, see the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in January and March 2024, we verified the sales and cost information submitted by Aeroplast and KPPL for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Aeroplast and KPPL.⁶

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached as Appendix II to this notice.

Changes Since the Preliminary Determination

We made certain changes to the margin calculation for Aeroplast and KPPL since the *Preliminary Determination*.⁷ In addition, Aeroplast

⁶ See Memoranda, "Verification of the Sales Response of Aeroplast Packaging Solution Private Limited (APSL) and affiliates, Aeroplast Limited (APL) and Aero Business Solutions Private Limited (ABSL) in the Antidumping Duty Investigation on Certain Paper Shopping Bags from India," dated March 7, 2024; "Verification of the Sales Response of Kuloday Plastomers Pvt Ltd. in the Antidumping Duty Investigation of Certain Paper Shopping Bags from India," dated March 7, 2024; "Verification of the Cost Response of Kuloday Plastomers Private Limited in the Antidumping Duty Investigation of Certain Paper Shopping Bags from India," dated April 18, 2024; and "Verification of the Cost Response of Aeroplast Packaging Solutions Private Limited in the Less Than Fair Value Investigation of Certain Paper Shopping Bags from India," dated April 24, 2024.

⁷ See Memoranda, "Allegation of Ministerial Error in the Preliminary Determination," dated February

requested that the name of one its affiliates be updated for the purpose of the final determination and final customs instructions.⁸ For a discussion of these changes, see the Issues and Decision Memorandum.

Use of Adverse Facts Available

As discussed in the *Preliminary Determination*, the following companies failed to respond to Commerce's quantity and value questionnaire: Apex Paper and Plastic and Film (Apex); Asha Overseas (Asha); Godhani Exports (Godhani); and Pack Easy Paper Products (Pack Easy). Consequently, for the *Preliminary Determination*, we determined that it was appropriate to apply adverse facts available (AFA) pursuant to sections 776(a)(1), 776(a)(2)(A)–(C), and 776(b) of the Act, with respect to Apex, Asha, Godhani, and Pack Easy.⁹ Absent comments on the application of AFA, we continue to assign the estimated weighted-average dumping margin, *i.e.*, the highest transaction-specific margin calculated of 53.05 percent (because we are unable to corroborate the highest rate in the Petition of 96.15 percent¹⁰) for these companies on the basis of AFA, pursuant to sections 776(a)(1), 776(a)(2)(A)–(C), and 776(b) of Act.¹¹

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters or producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act. Pursuant to section

2, 2024; "Analysis for the Final Determination for Aero Business Solutions Private Limited; Aero Plast Limited; and Aeroplast Packaging Solution Private Limited," dated concurrently with this notice; and "Analysis for the Final Determination for Kuloday Plastomers Pvt Ltd.," dated concurrently with this notice.

⁸ See Aeroplast's Letter, "Case Brief of Packaging Solution Private Limited," dated May 2, 2024 (citing Aeroplast's Letters, "Request to Correct the Clerical Error," dated February 2, 2024; "Section A Response," dated September 14, 2023, at Exhibit A–13(b) and Exhibit A–13(d); and "Aero Plast Packaging Solutions Private Limited (APSL) 1st Supplemental Section ABC Response to Antidumping Duty Investigation Questionnaire," dated November 28, 2023, at Exhibit S3–2).

⁹ See *Preliminary Determination* PDM at 5.

¹⁰ See *Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigations*, 88 FR 41689, 41692 (June 27, 2023).

¹¹ See *Preliminary Determination* PDM.

735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters or producers individually examined are zero, *de minimis*, or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated

weighted-average dumping margin for all other producers and exporters.

Here, Commerce calculated an estimated weighted-average dumping margin of zero percent for Aeroplast. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for KPPL. Consequently, the rate

calculated for KPPL is also assigned as the estimated weighted-average dumping margin for all other producers and exporters.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for export subsidy offset) (percent)
Aeroplast Packaging Solution Private Limited; Aero Plast Limited; Aero Business Solutions Private Limited	0.00	Not Applicable
Kuloday Plastomers Pvt. Ltd	4.59	1.20
Adeera Packaging Pvt. Ltd	4.59	1.20
Amate Products Pvt. Ltd	4.59	1.20
Apex Paper and Plastic and Film	* 53.05	49.66
Archies Limited	4.59	1.20
Asha Overseas	* 53.05	49.66
Carrywell Packaging Pvt. Ltd	4.59	1.20
Colorbox	4.59	1.20
Dynaflex Private Limited	4.59	1.20
Godhani Exports	* 53.05	49.66
Pack Easy Paper Products	* 53.05	49.66
Pack Planet Pvt. Ltd	4.59	1.20
Poonam	4.59	1.20
Shriniwas Enterprises	4.59	1.20
Tejaswi Plastic Pvt. Ltd	4.59	1.20
The Velvin Group (DBA Velvin Packaging Solutions Pvt. Ltd. and Velvin Paper Products)	4.59	2.21
Vama Packaging	4.59	1.20
All Others	4.59	1.20

* Rate based on AFA.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption on or after January 3, 2024, the date of publication in the **Federal Register** of the *Preliminary Determination* except for those entries of subject merchandise produced and exported by Aeroplast.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash

deposit rate for the companies listed above that exported the subject merchandise will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a company identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the estimated weighted-average dumping margin for all other producers and exporters. These suspension of liquidation instructions will remain in effect until further notice.

Because the estimated weighted-average dumping margin for Aeroplast is zero, entries of shipments of subject merchandise produced by and exported by this company will not be subject to suspension of liquidation or cash deposit requirements. In such situations, Commerce also applies the exclusion to the provisional measures to the producer/exporter combination that was examined in the investigation. Accordingly, Commerce will not be

directing CBP to suspend liquidation of entries of subject merchandise produced and exported by Aeroplast. However, entries of subject merchandise from this company in any other producer/exporter combination (*i.e.*, where Aeroplast, is either the producer or the exporter, but not both), or by third parties that sourced subject merchandise from the excluded producer/exporter combination, will be subject to suspension of liquidation at the all-others rate.

Further, because the estimated weighted-average dumping margin is zero for subject merchandise produced and exported by Aeroplast, entries of such merchandise will be excluded from the potential antidumping duty order. Such an exclusion will not be applicable to merchandise exported to the United States by this respondent in any other producer/exporter combinations or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion

countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce has made a final affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margins by the appropriate CVD rate. Any such adjusted cash deposit rate may be found in the “Final Determination” section above.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of paper bags from India no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

Administrative Protective Order

This notice will serve as the final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to

sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 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

Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (e.g., folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a $\frac{1}{8}$ or $\frac{1}{4}$ barrel size (i.e., 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and
- Shopping bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric¹² and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (i.e., excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

¹² Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Final Negative Determination of Critical Circumstances
- IV. Changes Since the *Preliminary Determination*
- V. Discussion of the Issues
 - Comment 1: Shorter Cost Averaging Periods for KPPL
 - Comment 2: Correction of Aeroplast's Name in the Final Determination and Final Customs Instructions
 - Comment 3: Adverse Inference for Shorter Cost Averaging Periods for Aeroplast
- VI. Recommendation

[FR Doc. 2024–11480 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–153]

Certain Paper Shopping Bags From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers/exporters of certain paper shopping bags (paper bags) from the People's Republic of China (China). The period of investigation (POI) is January 1, 2022, through December 31, 2022.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Seth Brown, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0029.

SUPPLEMENTARY INFORMATION:**Background**

On November 6, 2023, Commerce published its *Preliminary Determination* in the **Federal Register** and invited interested parties to comment.¹ Subsequently, on December 7, 2024, Commerce released its Post-Preliminary Analysis.² For a complete discussion of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.³

The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁴

¹ See *Certain Paper Shopping Bags from the People's Republic of China: Preliminary Affirmative Determination of Countervailable Subsidies, Preliminary Affirmative Determination of Critical Circumstances, and Alignment of Final Determination With Final Antidumping Duty Determination*, 88 FR 76180 (November 6, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM); see also *Certain Paper Shopping Bags from the People's Republic of China: Preliminary Affirmative Determination of Countervailable Subsidies, Preliminary Affirmative Determination of Critical Circumstances, and Alignment of Final Determination With Final Antidumping Duty Determination; Correction*, 88 FR 80273 (November 17, 2023).

² See Memorandum, "Post-Preliminary Analysis Memorandum for the Countervailing Duty Investigation of Certain Paper Shopping Bags from the People's Republic of China," dated December 7, 2023 (Post-Preliminary Analysis).

³ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Certain Paper Shopping Bags from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, "Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's

We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.⁵ We did not make any changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I.

Verification

Commerce was unable to conduct on-site verification of the information relied on in making its final determination in this investigation. However, in December 2023 and January 2024, we took additional steps in lieu of on-site verifications to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act, by conducting virtual verifications of the mandatory respondents Fujian Nanwang Environment Protection Science-tech Co., Ltd. (Fujian Nanwang) and Dongzheng Paperbag (DaLian) Factory (Dongzheng).

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by the parties in this investigation are discussed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, see Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁶ For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum," dated December 27, 2023 (Preliminary Scope Decision Memorandum).

⁵ See Memorandum, "Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum," dated March 11, 2024 (Final Scope Decision Memorandum).

⁶ See sections 771(5)(B) and (D) of the Act regarding financial contribution; see also section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

In making this final determination, Commerce relied, in part, on facts otherwise available, including with an adverse inference, pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of adverse facts available (AFA), see the *Preliminary Determination* PDM⁷ and the Issues and Decision Memorandum at the section entitled "Uses of Facts Available and Application of Adverse Inferences."

Final Affirmative Determination of Critical Circumstances

In the *Preliminary Determination*, Commerce preliminarily determined, in accordance with sections 703(e)(1) and (b) of the Act, and 19 CFR 351.206, that critical circumstances exist with respect to imports of subject merchandise for Dongzheng, Fujian Nanwang, the non-responsive companies,⁸ and all other producers and/or exporters.⁹ For this final determination, in accordance with section 705(a)(2) of the Act as well as our analysis of comments received regarding our affirmative preliminary determination of critical circumstances,¹⁰ Commerce continues to find that critical circumstances exist with respect to imports of subject merchandise for Dongzheng, Fujian Nanwang, the non-responsive companies, and all other producers and/or exporters. For a full description of the methodology and results of our critical circumstances analysis, see the Issues and Decision Memorandum.

Changes Since the Preliminary Determination and Post-Preliminary Analysis

Based on our review and analysis of the information at verification and comments received from interested parties, we made changes to the subsidy rate calculations for Fujian Nanwang. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

Pursuant to section 705(c)(5)(A)(i) of the Act, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates

⁷ See *Preliminary Determination* PDM at 7–28.

⁸ The non-responsive companies are: (1) Bagitan Packaging; (2) Changzhou Anjucheng; (3) Courage Packaging; (4) Evertrust Packaging; (5) Geotegrity EcoPack; (6) GrandIntelligent; (7) Li & Fung; (8) Qingdao Chenyu Packaging Co., Ltd.; (9) Shanghai Macolink Supply Chain Management Co., Ltd.; (10) Shanghai Sanxi Paper Co., Ltd.; (11) Xiamen C&D Pulp & Paper Co., Ltd.; (12) Xiamen Champion FMCG; (13) Xiamen New Idea Packaging Co., Ltd.; and (14) Xiamen Wonderful Bag Import and Export Co., Ltd.

⁹ See *Preliminary Determination* PDM at 47–49.

¹⁰ See Issues and Decision Memorandum at Comment 6.

established for exporters and/or producers individually investigation, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. We continue to calculate individual estimated countervailable subsidy rates for Fujian Nanwang and

Dongzheng that are not zero, *de minimis*, or based entirely on facts otherwise available. Therefore, we calculated the all-others rate using a simple average of the individual estimated subsidy rates calculated for Fujian Nanwang and Dongzheng.¹¹

Final Determination

Commerce determines that the following estimated countervailable subsidy rate exist for the period January 1, 2022, through December 31, 2022:¹²

Company	Subsidy rate (percent ad valorem)
Bagitan Packaging	172.36
Changzhou Anjucheng	172.36
Courage Packaging	172.36
Dongzheng Paperbag (DaLian) Factory	40.76
Evertrust Packaging	172.36
Fujian Nanwang Environment Protection Scien-tech Co., Ltd ¹²	42.36
Geotegrity EcoPack	172.36
GrandIntelligent	172.36
Li & Fung	172.36
Qingdao Chenyu Packaging Co., Ltd	172.36
Shanghai Macolink Supply Chain Management Co., Ltd	172.36
Shanghai Sanxi Paper Co., Ltd	172.36
Xiamen C&D Pulp & Paper Co., Ltd	172.36
Xiamen Champion FMCG	172.36
Xiamen New Idea Packaging Co., Ltd	172.36
Xiamen Wonderful Bag Import and Export Co., Ltd	172.36
All Others	41.56

Disclosure

Commerce intends to disclose to interested parties the calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination*, pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, and because we preliminarily determined that critical circumstances existed with respect to Dongzheng, Fujian Nanwang, the non-responsive companies, and all other producers and/or exporters, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise from China that were entered, or withdrawn from warehouse, for consumption, on or after August 8, 2023, which is 90 days prior to the date of the publication of the *Preliminary Determination* in the **Federal Register**.¹³ In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from

warehouse, on or after March 5, 2024, but to continue the suspension of liquidation of all entries of subject merchandise on or before March 4, 2024.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty (CVD) order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our final affirmative determination that countervailable subsidies are being provided to producers and exporters of paper bags in China. Because the final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final

determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of paper bags from China no later than 45 days after our final determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, CVDs on all imports of the subject merchandise that are entered, or withdrawn, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

¹¹ See Memorandum, “Calculation of the All Others Rate,” dated concurrently with this notice, at 1.

¹² As discussed in the *Preliminary Determination*, Commerce has found the following companies to be

cross-owned with Fujian Nanwang: Zhuhai Zhongyue Paper Cup Container Co., Ltd.; Anhui Nanwang Environmental Protection Technology Co., Ltd.; Xianghe Nanwang Environmental Protection Technology Co., Ltd.; and Hubei

Nanwang Environmental Protection Technology Co., Ltd.

¹³ See *Preliminary Determination*, 88 FR at 76180.

Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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

This determination is issued and published in accordance with sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 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

Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (*e.g.*, folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap). Excluded from the scope are:

- Paper sacks or bags that are of a ⅙ or ⅓ barrel size (*i.e.*, 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and
- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric²⁰ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened

position. The height of the bag is the distance from the bottom fold edge to the top edge (*i.e.*, excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
 - II. Background
 - III. Period of Investigation
 - IV. Final Critical Circumstances Determination
 - V. Subsidies Valuation Information
 - VI. Interest Rates and Benchmarks
 - VII. Use of Facts Available and Adverse Inferences
 - VIII. Analysis of Programs
 - IX. Discussion of the Issues
 - Comment 1: Whether Commerce Should Apply Adverse Facts Available (AFA) to the Export Buyer's Credit Program (EBCP)
 - Comment 2: Whether the Income Tax Reductions for High and New Technology Enterprises (HTNE) and Income Tax Deductions for Research and Development Expenses Under the Enterprise Income Tax (EIT) Law Are Specific
 - Comment 3: Whether To Apply AFA to Find that the Provision of Kraft Paper for Less Than Adequate Remuneration (LTAR) is Specific and Provides a Financial Contribution From the GOC
 - Comment 4: Whether Commerce Should Apply AFA to Fujian Nanwang's Kraft Paper Purchases
 - Comment 5: Whether Commerce Should Use Fujian Nanwang's Total Sales as the Denominator for the Provision of Kraft Paper for LTAR
 - Comment 6: Whether Commerce Should Reverse Its Preliminary Affirmative Critical Circumstances Finding
 - Comment 7: Whether To Use Fujian Nanwang's Corrected Sales and Electricity Usage Data
 - Comment 8: The Countervailability of the Provision of Electricity for LTAR
 - Comment 9: Whether Policy Loans to the Paper Bags Industry Constitute a Financial Contribution and Are Specific
 - Comment 10: Whether To Apply AFA to the Provision of Land-Use Rights for LTAR in the Huidong Industrial Zone
 - Comment 11: Whether the Provision of Land-Use Rights Should Be Treated as a Financial Contribution in the Form of Revenue Forgone
 - X. Recommendation
- Appendix I: Other Subsidies Determined To

Be Countervailable
 Appendix II: Identification of Export-Specific Subsidies
 Appendix III: AFA Rate Calculation
 [FR Doc. 2024–11478 Filed 5–23–24; 8:45 am]
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DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–872]

Certain Paper Shopping Bags From Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is April 1, 2022, through March 31, 2023.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT:

Nathan James, 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) 482–5305.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2024, Commerce published in the **Federal Register** its preliminary determination in the LTFV investigation of paper bags from Taiwan, in which we also postponed the final determination until May 17, 2024.¹ We invited interested parties to comment on the *Preliminary Determination*.²

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.³ The Issues and Decision

¹ See *Certain Paper Shopping Bags from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 331 (January 3, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See *Preliminary Determination*, 89 FR at 332–3.

³ See Memorandum, “Decision Memorandum for the Final Affirmative Determination in the Less-

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 <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from Taiwan. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁴ We received comments from parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.⁵ We made no changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as shown in Appendix I to this notice.

Final Affirmative Determination of Critical Circumstances

We continue to find that critical circumstances exist for imports of paper bags from Taiwan from Juang Jia Guoo Co., Ltd. (JJG); we find that critical circumstances do not exist for Haur Tyi Paper Bag Co., Ltd. (Haurtyi) and for all other producers and exporters, pursuant to sections 735(a)(3)(A) and (B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206. For further discussion of this issue, see the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, we conducted verifications of the sales and cost information submitted by Haurtyi for use in our final determination. We used standard

verification procedures, including an examination of relevant sales and accounting records and original source documents provided by Haurtyi.⁶

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached as Appendix II to this notice.

Changes Since the Preliminary Determination

We have made certain changes to the margin calculations for Haurtyi since the *Preliminary Determination*, and we have modified the margin assigned to JJG. For a discussion of these changes, see the Issues and Decision Memorandum.

Use of Adverse Facts Available

As discussed in the *Preliminary Determination*, Commerce assigned to mandatory respondent JJG an estimated weighted-average dumping margin on the basis of facts available with adverse inferences (AFA), pursuant to sections 776(a) and (b) of the Act.⁷ There is no new information on the record that would cause us to revisit our decision in the *Preliminary Determination*. Accordingly, for the reasons explained in the *Preliminary Determination*, and consistent with Commerce's practice, as AFA, we assigned JJG the highest corroborated dumping margin alleged in the petition.⁸

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding rates that are zero, *de minimis*, or

determined entirely under section 776 of the Act.

In this investigation, Commerce assigned an individual estimated weighted-average dumping margin to JJG entirely under section 776 of the Act. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available is the rate calculated for Haurtyi. Consequently, Commerce is assigning the rate calculated for Haurtyi as the rate for all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Haur Tyi Paper Bag Co., Ltd	4.74
Juang Jia Guoo Co., Ltd	* 65.81
All Others	4.74

* Rate based on AFA.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

In accordance with section 735(c)(4) of the Act, because Commerce continues to find that critical circumstances exist for JJG, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of entries of subject merchandise, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse for consumption, on or after October 5, 2023, which is 90 days prior to the date of publication of the affirmative *Preliminary Determination* in the **Federal Register**.

For Haurtyi and the "all other" companies, we will instruct CBP to suspend⁹ or continue to suspend, respectively, liquidation of entries of paper bags from Taiwan, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse for consumption, on or after January 3, 2024, the date of publication in the **Federal Register** of the *Preliminary Determination*.

⁹Because we preliminarily found a *de minimis* dumping margin for Haurtyi, at that time, we instructed CBP not to suspend liquidation of entries of subject merchandise produced and exported by Haurtyi.

Than-Fair-Value Investigation of Certain Paper Shopping Bags from Taiwan, and Final Affirmative Determination of Critical Circumstances, in Part," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, "Preliminary Scope Decision Memorandum," dated December 27, 2023 (Preliminary Scope Decision Memorandum).

⁵ See Memorandum, "Final Scope Decision Memorandum," dated March 11, 2024 (Final Scope Decision Memorandum).

⁶ See Memoranda, "Verification of the Sales Response of Haur Tyi Paper Bag Co., Ltd. in the Less-Than-Fair-Value Investigation of Certain Paper Shopping Bags from Taiwan," dated April 15, 2024; and "Verification of the Cost Response of Haur Tyi Paper Bag Co., Ltd. in the Antidumping Duty Investigation of Certain Paper Shopping Bags from Taiwan," dated April 15, 2024.

⁷ See *Preliminary Determination*, 89 FR at 331.

⁸ See, e.g., *Welded Stainless Pressure Pipe from Thailand: Final Determination of Sales at Less Than Fair Value*, 79 FR 31093 (May 30, 2014), and accompanying Issues and Decision Memorandum (IDM) at Comment 3; see also Checklist, "Antidumping Duty Investigation Initiation Checklist: Certain Paper Shopping Bags from Taiwan," dated June 20, 2023.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because Commerce's final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of paper bags from Taiwan no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Suspension of Liquidation" section above.

Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely 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 the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: May 17, 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

Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (e.g., folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a 1/6 or 1/7 barrel size (i.e., 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and
- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric¹⁰ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (i.e., excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

¹⁰Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Affirmative Determination of Critical Circumstances, in Part
- IV. Changes From the Preliminary Determination
- V. Discussion of the Issues
 - Comment 1: Destination Reporting
 - Comment 2: Differential Pricing Analysis
 - Comment 3: Home-Market Bank Charges
 - Comment 4: Classification of Sales Personnel Bonuses
 - Comment 5: Cost Adjustment for Printing Services Obtained From Affiliated Suppliers
 - Comment 6: Imputed Interest Expense From Interest Free Loans
 - Comment 7: Revisions in Haurtyi's Latest Sales Files
 - Comment 8: Treatment of May Sun Jieh Enterprise Co., Ltd.
- VI. Recommendation

[FR Doc. 2024–11484 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–918]

Certain Paper Shopping Bags From India: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain paper shopping bags (paper bags) from India. The period of investigation (POI) is January 1, 2022, through December 31, 2022.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Drew Jackson or Paul Kebker, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4406 or (202) 482–2254, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 2023, Commerce published the *Preliminary Determination* in the **Federal Register**.¹ Commerce invited parties to comment on the *Preliminary Determination*.² For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.³ 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 <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from India. For a complete description of the scope of the investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁴ We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.⁵ As a result of these

comments, we made certain changes to the scope of this investigation from that published in the *Preliminary Determination*. See Appendix I.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs by parties in this investigation, are discussed in the Issues and Decision Memorandum. For a list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, see Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.⁶ For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

Verification

Consistent with section 782(i) of the Act, in January 2024, Commerce verified all information reported by Aeroplast Packaging Solution Private Limited (Aeroplast Packaging),⁷ Velvin Paper Products (Velvin Paper), and the Government of India (GOI). We used standard verification procedures, including an examination of relevant account records and original source documents provided by the respondents.⁸

Final Affirmative Determination of Critical Circumstances, in Part

In accordance with sections 705(a)(2), and 776(a) and (b) of the Act, and 19 CFR 351.206, as well as our analysis of comments received regarding our affirmative preliminary determination of

critical circumstances,⁹ Commerce continues to find that critical circumstances exist with respect to imports of paper bags from India for one of the mandatory respondents, Velvin Paper. In addition, we continue to find that critical circumstances do not exist with respect to imports of paper bags from Aeroplast Packaging Solution Private Limited (Aeroplast Packaging) and all other companies not individually examined. For a full description of the methodology and results of Commerce's critical circumstances analysis, see the Issues and Decision Memorandum.

Changes Since the Preliminary Determination and Post-Preliminary Analysis

Based on our review and analysis of the information received during verification and comments received from parties, for this final determination, we made certain changes to the countervailable subsidy rate calculations for Aeroplast Packaging, Velvin Paper, and for all other producers/exporters. For a discussion of these changes, see the Issues and Decision Memorandum.

All-Others Rate

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated an individual estimated countervailable subsidy rate for the two mandatory respondents, Aeroplast Packaging and Velvin Paper. Section 705(c)(5)(A)(i) of the Act states that, for companies not individually investigated, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and/or producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act.

We continue to calculate individual estimated countervailable subsidy rates for Aeroplast Packaging and Velvin Paper that are not zero, *de minimis*, or based entirely on facts otherwise available. We, therefore, continue to calculate the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents (Aeroplast Packaging and Velvin Paper) using each company's publicly-ranged sales value for their exports to the United States of subject merchandise,¹⁰ in accordance with section 705(c)(5)(A)(i) of the Act.

¹ See *Certain Paper Shopping Bags from India: Preliminary Affirmative Determination of Countervailable Subsidies, Preliminary Affirmative Determination of Critical Circumstances in Part, and Alignment of Final Determination With the Final Antidumping Duty Determination*, 88 FR 76185 (November 6, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² *Id.*

³ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Certain Paper Shopping Bags from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, "Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum," dated December 27, 2023 (Preliminary Scope Decision Memorandum).

⁵ See Memorandum, "Less-Than-Fair Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Final Scope Decision

Memorandum," dated March 11, 2024 (Final Scope Decision Memorandum).

⁶ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁷ In the *Preliminary Determination*, Commerce identified this respondent as "Aero Plast Packaging Solutions Private Limited." Commerce has corrected the name of this respondent. See Issues and Decision Memorandum at Comment 5.

⁸ See Memoranda, "Verification of the Questionnaire Responses of the Government of India," dated March 22, 2024; "Verification of the Questionnaire Responses of Aeroplast Packaging Solution Private Limited," dated March 22, 2024; and "Verification of the Questionnaire Responses of Velvin Paper Products," dated March 22, 2024.

⁹ See *Preliminary Determination* PDM.

¹⁰ With two respondents under examination, Commerce normally calculates: (A) a weighted-

Continued

FOR FURTHER INFORMATION CONTACT:

Final Determination

Commerce determines that the following estimated net countervailable subsidy rates exist for the period January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent <i>ad valorem</i>)
Aeroplast Packaging Solution Private Limited ¹¹	4.81
Velvin Paper Products ¹²	2.38
All Others	3.39

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of its public announcement or, if there is no public announcement, within five days of the date of the publication of this notice in the **Federal Register**, accordance with 19 CFR 351.244(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after November 6, 2023, the date of publication of the *Preliminary Determination* in the

average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010); *see also Forged Steel Fluid End Blocks from Italy: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 85 FR 31460, 31461 (May 26, 2020), unchanged in *Forged Steel Fluid End Blocks from Italy: Final Affirmative Countervailing Duty Determination*, 85 80022, 80023 (December 11, 2020).

¹¹ Aeroplast Packaging Solution Private Limited is cross-owned with Aero Business Solutions Private Limited and Aero Plast Limited.

¹² Velvin Paper Products is cross-owned with Velvin Packaging Solutions Private Limited.

Federal Register. Because we preliminarily determined that critical circumstances existed with respect to Velvin Paper, we instructed CBP to suspend such entries on or after August 8, 2023, which is 90 days prior to the date of the publication of the *Preliminary Determination* in the **Federal Register**.¹³ In accordance with section 703(d) of the Act, on March 4, 2024, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after March 5, 2024, but to continue the suspension of liquidation of all entries of subject merchandise on or before March 4, 2024.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled.

ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of paper bags from India. As Commerce's final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of import of certain paper shopping bags from India. In addition, we are making available to the ITC all non-privileged and non-proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a countervailing duty order directing CBP to assess, upon further

¹³ *See Preliminary Determination.*

instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Administrative Protective Order

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to the APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 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

Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (*e.g.*, folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a 1/4 or 1/2 barrel size (*i.e.*, 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less

than 86 GSM, and a height of less than 11.5 inches; and

- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric¹⁴ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (*i.e.*, excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Determination of Critical Circumstances, in Part
- V. Subsidies Valuation
- VI. Changes Since the *Preliminary Determination*
- VII. Analysis of Programs
- VIII. Discussion of the Issues
 - Comment 1: Whether Commerce Correctly Calculated the Benefits Under Advance License Program (AAP)
 - Comment 2(a): Whether Remission of Duties and Taxes on Export Products (RODTEP) Is Countervailable
 - Comment 2(b): Whether Commerce Incorrectly Calculated the Benefits Under the RODTEP Program
 - Comment 3: Whether Duty Drawback (DDB) Is Countervailable
 - Comment 4: Whether Commerce Has Incorrectly Calculated Benefits Under the Government of Haryana's Freight Assistance Scheme (FAS)
 - Comment 5: Whether Commerce Should Correct the Spelling of Aeroplast Packaging Solution Private Limited
- IX. Recommendation

[FR Doc. 2024-11481 Filed 5-23-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration [C-475-819]

Certain Pasta From Italy: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to producers and exporters of certain pasta (pasta) from Italy, during the period of review (POR) January 1, 2022, through December 31, 2022. In addition, Commerce is rescinding the review with respect to one company. Interested parties are invited to comment on these preliminary results.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Stefan Smith or Nicholas Czajkowski, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4342 or (202) 482-1395, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1998, Commerce published in the **Federal Register** the countervailing duty order on pasta from Italy.¹ On July 3, 2023, Commerce published in the **Federal Register** the notice of initiation of an administrative review of the *Order*.² On October 6, 2023, Commerce selected Gruppo Alimentare Mediterraneo Milo S.r.l. (Milo) and Pastificio Gentile S.r.l. (Gentile) as the mandatory respondents in this review.³ On October 26, 2023, Milo withdrew its request for a review.⁴ On November 13, 2023, we also selected Sgambaro SpA. (Sgambaro) for individual examination as a mandatory respondent.⁵ On March 21, 2024, we

¹ See Notice of Countervailing Duty order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy, 61 FR 38544 (July 24, 1996) (*Order*).

² See Initiation of Antidumping and Countervailing Duty Administrative Reviews, 88 FR 62322 (September 11, 2023).

³ See Memorandum, "Respondent Selection Memorandum," dated October 6, 2023.

⁴ See Milo's Letter, "Withdraw Request for Administrative Review," dated October 26, 2023 (Milo's Withdrawal of Review Request).

⁵ See Memorandum, "Second Respondent Selection Memorandum," dated November 13, 2023.

extended the deadline for the preliminary results of this administrative review until May 21, 2024.⁶

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.⁷ A list of topics discussed in the Preliminary Decision Memorandum is included in the Appendix to this notice. 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 <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise covered by the *Order* is pasta from Italy. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce preliminarily determines that there is a subsidy (*i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific).⁸ For a full description of the methodology underlying our conclusions, including our reliance, in part, on facts otherwise available with an adverse inference pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a

⁶ See Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review," dated March 21, 2024.

⁷ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Pasta from Italy; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁸ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

¹⁴ Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

review withdraw the request within 90 days of the date of publication of the notice of initiation. On October 26, 2023, Milo withdrew its request for an administrative review.⁹ Because the withdrawal request was timely filed, and no other party requested a review of this company, we are rescinding this review of the *Order* with respect to Milo, in accordance with 19 CFR 351.213(d)(1).

Preliminary Results of Review

We preliminary find that the following net countervailable subsidy rates exist for the period January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent ad valorem)
Pastificio Gentile S.r.l	0.94
Sgambaro SpA	2.37

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends upon publication of the final results, to instruct U.S. Customs and Border Protection (CBP) to collect cash deposits of the estimated countervailing duties in the amounts calculated in the final results of this review for the respective companies listed above with regard to shipment of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. If the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.221(b)(4)(i), we preliminary determined subsidy rates in the amounts shown above for the producer/exporters shown above. Upon issuance of the final results of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2),

Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review.

For the company for which this review is rescinded with these preliminary results, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2022, through December 31, 2022, in accordance with 19 CFR 351.212(c)(1)(i). For the companies remaining in the review, we intend to issue 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).

Disclosure and Public Comment

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.¹⁰ Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹¹

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 review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹² Further, we

request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. 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).¹³

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

Final Results

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: May 20, 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

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order

in a comment of the Issues and Decision Memorandum.

¹³ See *APO and Service Procedures*.

⁹ See Milo's Withdrawal of Review Request.

¹⁰ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹¹ See 19 CFR 351.309(c)(2) and (d)(2).

¹² We use the term "issue" here to describe an argument that Commerce would normally address

- IV. Rescission of Administrative Review, in Part
- V. Use of Facts Otherwise Available and Adverse Inferences
- VI. Subsidies Valuation
- VII. Analysis of Programs
- VIII. Recommendation

[FR Doc. 2024–11527 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–836]

Certain Paper Shopping Bags From the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from the Socialist Republic of Vietnam (Vietnam) are being, or likely to be, sold in the United States at less-than-fair value (LTFV) for the period investigation October 1, 2022, through March 31, 2023.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo, 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) 482–2371.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2024, Commerce published in the *Federal Register* its preliminary determination in the LTFV investigation of paper bags from Vietnam, in which we also postponed the final determination until May 17, 2024.¹ We invited interested parties to comment on the *Preliminary Determination*.²

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by

parties for this final determination, may be found in the Issues and Decision Memorandum.³ 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 <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from Vietnam. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁴ We received comments from parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.⁵ We made no changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I to this notice.

Final Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.206, Commerce continues to find that critical circumstances exist with respect to imports of paper bags from Vietnam for Goldsun Packaging and Printing Joint Stock Company (Goldsun), the non-selected respondents eligible for a separate rate, and the Vietnam-wide

entity. For a discussion and analysis of comments regarding Commerce's critical circumstances analysis, see the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, we conducted verifications of the sales and factors of production information submitted by Goldsun for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Goldsun.⁶

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached as Appendix II to this notice.

Changes Since the Preliminary Determination

We have made certain changes to the margin calculation for Goldsun.⁷ For a discussion of these changes, see the Issues and Decision Memorandum.

Vietnam-Wide Entity and Use of Adverse Facts Available (AFA)

Consistent with the *Preliminary Determination*,⁸ Commerce continues to find, pursuant to sections 776(a)(1) and (a)(2)(A)–(C) of the Act, that the use of facts available is warranted in determining the rate of the Vietnam-wide entity, which includes mandatory respondent Hi-Level Enterprise Co., Ltd. (Hi-Level), who did not fully respond to Commerce's questionnaire, and for the following five non-responsive companies⁹ that did not respond to our requests for information: NamCuong Packaging, Pan Pacific Vietnam, SIC Paper Bag, Kien Nang, Co., Ltd. and TLC Packaging. Furthermore, we continue to find that an adverse inference is warranted in selecting from among the facts otherwise available, pursuant to section 776(b) of the Act, because the Vietnam-wide entity, including the above-referenced companies, failed to cooperate by not acting to the best of their ability to comply with Commerce's requests for information. For the final determination, consistent with the

¹ See *Certain Paper Shopping Bags from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Critical Circumstances Determination, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 321 (January 3, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See *Preliminary Determination*, 89 FR at 321.

³ See Memorandum, “Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Paper Shopping Bags from the Socialist Republic of Vietnam,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, “Preliminary Scope Decision Memorandum,” dated December 27, 2023 (Preliminary Scope Decision Memorandum).

⁵ See Memorandum, “Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum,” dated March 11, 2024 (Final Scope Decision Memorandum).

⁶ See Memorandum, “Verification of the Questionnaire Responses of Goldsun Packaging and Printing Joint Stock Company in the Antidumping Investigation of Certain Paper Shopping Bags from the Socialist Republic of Vietnam,” dated March 27, 2024.

⁷ See Issues and Decision Memorandum.

⁸ See *Preliminary Determination* PDM at 6–8.

⁹ *Id.*

Preliminary Determination,¹⁰ as AFA, we are continuing to assign to the Vietnam-wide entity, including the above-referenced companies, the rate of 92.34 percent, which is the highest margin alleged in the petition.¹¹

Separate Rates

We preliminarily found the mandatory respondent Goldsun and certain non-selected separate rate applicants¹² to be eligible for a separate rate in the *Preliminary Determination*.¹³ No party commented on our preliminary separate rate determination and we have no basis to otherwise reconsider this determination. Accordingly, we continue to find that Goldsun and the non-selected companies are eligible for

a separate rate in the final determination. Generally, Commerce looks to section 735(c)(5)(A) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate rate respondents which we did not individually examine. The statute further provides that, where all margins are zero, *de minimis*, or based entirely on facts available under section 776 of the Act, Commerce may use “any reasonable method” for assigning the rate to non-selected respondents.¹⁴ In this final determination, the only participating mandatory respondent (*i.e.*, Goldsun) has received a weighted-average dumping margin which is not

zero, *de minimis*, or based entirely on facts available. Therefore, in accordance with section 735(c)(5)(A) of the Act, we have assigned Goldsun’s calculated weighted-average dumping margin (*i.e.*, 36.51 percent) to the non-examined separate rate respondents.

Combination Rates

Consistent with the *Preliminary Determination* and Policy Bulletin 05.1,¹⁵ Commerce calculated combination rates for Goldsun and three other companies eligible for a separate rate.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter	Producer	Weighted-average dumping margin (percent)
Goldsun Packaging and Printing Joint Stock Company	Goldsun Packaging and Printing Joint Stock Company	36.51
Dong Sung Printing Co., Ltd ¹⁶	Dong Sung Vina Printing Co., Ltd ¹⁷	36.51
Khang Thanh Manufacturing Company Limited	Khang Thanh Manufacturing Company Limited	36.51
Vietnam Red Star Industry Company Limited	Vietnam Red Star Industry Company Limited	36.51
Vietnam-Wide Entity		* 92.34

* Based on AFA.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(4) of the Act, because Commerce continues to find that critical circumstances exist, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of subject merchandise, as described in Appendix I of this notice, entered, or withdrawn from warehouse, for consumption, on or after October 5, 2023, which is 90 days prior to the date of the date of publication of the affirmative *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit equal to the amount by which the

normal value exceeds the U.S. price as follows: (1) the cash deposit rate for the exporter/producer combination listed in the table above will be the rate identified in the table; (2) for all combinations of Vietnamese exporters/producers of subject merchandise that have not received their own separate rate above, the cash deposit rate will be the cash deposit rate established for the Vietnam-wide entity; and (3) for all non-Vietnamese exporters of subject merchandise which have not received their own separate rate above, the cash deposit rate will be the cash deposit rate applicable to the Vietnamese exporter/producer combination that supplied that non-Vietnamese exporter. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because the final determination in this proceeding is

affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of paper bags from Vietnam no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the “Continuation of Suspension of Liquidation” section.

Administrative Protective Order

This notice serves as the final reminder to parties subject to an

¹⁰ *Id.*
¹¹ See Initiation Checklist, “Antidumping Duty Investigation Initiation Checklist: Certain Paper Shopping Bags from the Socialist Republic of Vietnam,” dated June 20, 2023.
¹² The non-selected companies eligible for a separate rate are: (1) Khang Thanh Manufacturing Company Limited, (2) Vietnam Red Star Industry

Company Limited, and 3) Dong Sung Printing Co., Ltd.
¹³ See *Preliminary Determination* PDM at 13–14.
¹⁴ See section 735(c)(5)(B) of the Act.
¹⁵ See Enforcement and Compliance’s Policy Bulletin No. 05.1, regarding, “Separate-Rates Practice and Application of Combination Rates in

Antidumping Investigations Involving Non-Market Economy Countries,” dated April 5, 2005 (Policy Bulletin 05.1), available on Commerce’s website at <http://enforcement.trade.gov/policy/bull05-1.pdf>.
¹⁶ Dong Sung is sometimes translated as one word “Dongsung.”
¹⁷ *Id.*

administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of 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

This determination and this notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 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

Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (e.g., folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a ⅙ or ⅓ barrel size (i.e., 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;

- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and

- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric¹⁸ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened

position. The height of the bag is the distance from the bottom fold edge to the top edge (i.e., excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes From the Preliminary Determination
- IV. Discussion of the Issues
 - Comment 1: Whether To Use the Philippines as the Surrogate Country
 - Comment 2: Whether To Recalculate the Financial Ratios
 - Comment 3: Whether To Adjust the Ocean Freight Surrogate Value
 - Comment 4: Whether To Use Brokerage and Handling for Export
 - Comment 5: Whether To Use Harmonized System Subheading 3919.20 for the Label Input
 - Comment 6: Whether To Correct Programming Errors Related to Units of Measure and Certain Expenses
 - Comment 7: Whether To Make a Negative Critical Circumstances Determination
 - Comment 8: Whether To Use Post-Verification Sales and Factors of Production (FOP) Databases
- V. Recommendation

[FR Doc. 2024–11485 Filed 5–23–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–555–002]

Certain Paper Shopping Bags From Cambodia: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, In Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from Cambodia are being, or are likely to be, sold in the United States at less-than-fair value (LTFV). The period

of investigation (POI) is April 1, 2022, through March 31, 2023.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Charles Doss or Kyle Clahane, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4474 or (202) 482–1168, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2024, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of paper bags from Cambodia, in which we also postponed the final determination until May 17, 2024.¹ We invited interested parties to comment on the *Preliminary Determination*.

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.² 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 <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from Cambodia. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision

¹ See *Certain Paper Shopping Bags from Cambodia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 325 (January 3, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, “Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Paper Shopping Bags from Cambodia,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

¹⁸ Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.³ We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.⁴ We made no changes to the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I to this notice.

Final Affirmative Determination of Critical Circumstances, in Part

We continue find that that critical circumstances do not exist with respect to imports of paper bags from Cambodia for Nice Packaging (Cambodia) Co., Ltd. (Nice), UUPak, and all other producers and exporters, but do exist with respect to imports of paper bags from Pan Pacific. For a full description of the methodology and results of Commerce’s critical circumstances analysis, *see* the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), we conducted verifications of the sales and cost information submitted by Nice Packaging (Cambodia) Co., Ltd. (Nice) for use in our final determination.⁵ In addition, Commerce was unable to conduct an on-site verification of the information relied upon in making its final determination with respect to UUPak Company Limited (UUPak). However, from February 21 through 22, 2024, we took additional steps, in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act, by conducting virtual verification of UUPak.⁶

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision

Memorandum is attached as Appendix II to this notice.

Changes Since the Preliminary Determination

We have made certain changes to the margin calculations for Nice since the *Preliminary Determination*. For a discussion of these changes, *see* the Issues and Decision Memorandum.⁷

Use of Adverse Facts Available (AFA)

As discussed in the *Preliminary Determination*, Commerce assigned to Pan Pacific Plastics Manufacturing, Inc. (Pan Pacific) an estimated weighted-average dumping margin on the basis of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act.⁸ For the reasons explained in the Issues and Decision Memorandum, and consistent with Commerce’s practice, as AFA, we assigned Pan Pacific the highest corroborated dumping margin alleged in the petition.⁹

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for Nice. As explained in the *Preliminary Determination* PDM, Commerce continues to determine that, under section 772(a) of the Act, UUPak did not have any reviewable sales during the POI and, as such, has not calculated a final margin for UUPak.¹⁰ As a result, because we have only calculated one margin and that margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Nice is the margin assigned to UUPak and all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Producer/exporter	Weighted average dumping margin (percent)
Nice Packaging (Cambodia) Co., Ltd	7.07
UUPak Company Limited	7.07
Pan Pacific Plastics Manufacturing, Inc	* 248.81
All Others	7.07

* Rate based on AFA.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, for Nice, UUPak, and all-other producers/exporters, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of subject merchandise as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption, on or after January 3, 2024, the date of publication in the **Federal Register** of the *Preliminary Determination*.

In accordance with section 735(c)(4) of the Act, because Commerce continues to find that critical circumstances exist for Pan Pacific, we will instruct CBP to continue to suspend liquidation of all entries of subject merchandise, as described in Appendix I to this notice, which were entered, or withdrawn from warehouse for consumption on or after October 5, 2023, which is 90 days before the publication of the *Preliminary Determination* in the **Federal Register**, at the cash deposit rate indicated above.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) the cash deposit rate for each respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not the respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin listed for the producer

³ See Memorandum, “Preliminary Scope Decision Memorandum,” dated December 27, 2023 (Preliminary Scope Decision Memorandum).

⁴ See Memorandum, “Final Scope Decision Memorandum,” dated March 11, 2024 (Final Scope Decision Memorandum).

⁵ See Memoranda, “Verification of Nice Packaging (Cambodia) Co., Ltd. Sales Responses,” dated March 26, 2024; and “Verification of the Cost Response of Nice Packaging (Cambodia) Co., Ltd. in the Antidumping Duty Investigation of Paper Shopping Bags from Cambodia,” dated March 28, 2024.

⁶ See Memorandum, “Verification of the Questionnaire Responses of UUPak Company Limited,” dated March 15, 2024.

⁷ See Memorandum, “Nice Packaging (Cambodia) Co. Ltd. Final Analysis Memorandum,” dated concurrently with this notice (Nice’s Final Sales Analysis Memorandum).

⁸ See *Preliminary Determination*, 89 FR at 325.

⁹ See *Preliminary Determination* PDM at 6–8.

¹⁰ See *Preliminary Determination* PDM at, “Treatment of UUPak’s Sales.” Our treatment of UUPak remains unchanged for purposes of this final determination.

of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters is the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of paper bags from Cambodia no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the "Continuation of Suspension of Liquidation" section above.

Administrative Protective Order

This notice will serve as the final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 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

Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (e.g., folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a $\frac{1}{6}$ or $\frac{1}{7}$ barrel size (i.e., 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and
- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric¹¹ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (i.e., excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

¹¹ Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Final Affirmative Determination of Critical Circumstances, in Part
- IV. Changes Since the Preliminary Determination
- V. Discussion of the Issues
 - Comment 1: Whether Commerce's Application of the Adverse Facts Available Rate to Pan Pacific is Unreasonable
 - Comment 2: Whether Commerce Should Clarify the Scope
 - Comment 3: Whether Commerce Should Alter Its Application of Constructed Value
 - Comment 4: Whether Commerce Should Continue To Adjust Nice's Cost of Production
 - Comment 5: Whether Commerce Should Make Changes to Nice's Final Margin Calculations
- VI. Recommendation

[FR Doc. 2024–11476 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–301–805]

Certain Paper Shopping Bags From Colombia: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from Colombia are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2022, through May 31, 2023.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4243.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2024, Commerce published in the **Federal Register** its preliminary determination in the LTFV investigation of paper bags from Colombia, in which we also postponed the final determination until May 17,

2024.¹ We invited interested parties to comment on the *Preliminary Determination*.

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.² 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 <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from Colombia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.³ We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we address in the Final Scope Decision Memorandum.⁴ We made no changes to the scope of the investigation from the scope published in the *Preliminary*

¹ See *Certain Paper Shopping Bags from Colombia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 319 (January 3, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Paper Shopping Bags from Colombia," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See Memorandum, "Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum," dated December 27, 2023.

⁴ See Memorandum, "Less-Than-Fair Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People's Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum," dated March 11, 2024.

Determination, as noted in Appendix I to this notice.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), we conducted verifications of the sales and cost information submitted by Ditar, S.A. (Ditar) for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Ditar.⁵

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached as Appendix II to this notice.

Changes Since the Preliminary Determination

We have made certain changes to the margin calculations for Ditar since the *Preliminary Determination*. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Use of Adverse Facts Available

As discussed in the *Preliminary Determination*, Commerce assigned to the mandatory respondents in this investigation, Industria Colombiana de Papeles (Incolpa SAS) and Fábrica de Bolsas de Papel (Unibol SAS), estimated weighted-average dumping margins on the basis of adverse facts available (AFA), pursuant to sections 776(a) and (b) of Act.⁶ There is no new information on the record that would cause us to revisit our decision in the *Preliminary Determination*. Accordingly, for this final determination, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted with respect to Incolpa SAS and Unibol SAS in this investigation.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and/or exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers

⁵ See Memoranda, "Verification of the Sales Questionnaire Responses of Ditar, S.A.," dated March 11, 2024; and "Verification of the Cost Response of Ditar S.A. in the Less-Than-Fair-Value Investigation of Paper Shopping Bags from Colombia," dated April 15, 2024.

⁶ See *Preliminary Determination*, 89 FR at 320.

individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis*, or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Commerce assigned a rate based entirely on facts available to Incolpa SAS and Unibol SAS. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available is the rate calculated for Ditar. Consequently, the rate calculated for Ditar is also assigned as the rate for all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Producer/exporter	Estimated weighted-average dumping margin (percent)
Ditar, S.A	11.06
Industria Colombiana de Papeles	* 56.14
Fábrica de Bolsas de Papel	* 56.14
All Others	11.06

* Rate based on AFA.

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise, as described in Appendix I of this notice, which were entered or withdrawn from warehouse for consumption on or after January 3, 2024, the date of publication in the **Federal Register** of the *Preliminary Determination*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit

for estimated antidumping duties for such entries of merchandise as follows:

(1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured or threatened with material injury by reason of imports or sales (or the likelihood of sales) for importation of paper bags from Colombia no later than 45 days after our final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation, as discussed in the "Continuation of Suspension of Liquidation" section.

Administrative Protective Order

This notice will serve as the final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 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—Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (e.g., folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a ⅓ or ½ barrel size (i.e., 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and
- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric⁷ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (i.e., excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the

⁷ Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the Preliminary Determination
- IV. Discussion of the Issues
 - Comment 1: Commerce Should Determine Ditar's Final Dumping Margin Based on Total Adverse Facts Available (AFA)
 - Comment 2: Alternatively, Commerce Should Determine Ditar's Margin Based on Partial AFA
 - Comment 3: Level of Trade (LOT) Adjustment for Ditar
 - Comment 4: Freight Revenue Cap for Ditar
 - Comment 5: Whether To Revise Ditar's General and Administrative (G&A) and Financial Expenses
- V. Recommendation

[FR Doc. 2024–11479 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–471–808]

Certain Paper Shopping Bags From Portugal: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from Portugal are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation April 1, 2022, through March 31, 2023.

DATES: Applicable May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Colin Thrasher, 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) 482–3004.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2024, Commerce published in the **Federal Register** its preliminary determination in the LTFV investigation of paper bags from Portugal, in which we also postponed

the final determination until May 17, 2024.¹ We invited interested parties to comment on the *Preliminary Determination*.²

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.³ The Issues and Decision Memorandum is a public document and is made available to the public 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/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are paper bags from Portugal. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.⁴ We received comments from parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.⁵ We made no changes to

¹ See *Certain Paper Shopping Bags from Portugal: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, and Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 341 (January 3, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See *Preliminary Determination*, 89 FR at 341.

³ See Memorandum, “Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Paper Shopping Bags from Portugal,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, “Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People’s Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Preliminary Scope Decision Memorandum,” dated December 27, 2023.

⁵ See Memorandum, “Less-Than-Fair Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People’s Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the

the scope of the investigation from the scope published in the *Preliminary Determination*, as noted in Appendix I to this notice.

Final Negative Determination of Critical Circumstances

We continue to find that critical circumstances do not exist for imports of paper bags from Portugal for the mandatory respondent (Finieco Indústria e Comércio de Embalagens, S.A. (Finieco)) and for all other producers and exporters pursuant to sections 735(a)(3)(A) and (B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206. For further discussion of this issue, see the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, we conducted verifications of the sales and cost information submitted by Finieco for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Finieco.⁶

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached as Appendix II to this notice.

Changes Since the Preliminary Determination

We have made certain changes to the margin calculations for Finieco since the *Preliminary Determination*. For a discussion of these changes, see the Issues and Decision Memorandum.

Use of Facts Available

For the purposes of this final determination, we find that pursuant to section 776(a)(1) of the Act, that the use of facts available is warranted in determining the calculation of commission expenses in the U.S. market because necessary information is missing from the record. For a further

Socialist Republic of Vietnam: Final Scope Decision Memorandum,” dated March 11, 2024.

⁶ See Memorandum, “Verification of the Sales Responses of Finieco Indústria e Comércio de Embalagens, SA in the Less-Than-Fair-Value Investigation of Certain Paper Shopping Bags from Portugal,” dated March 21, 2024; and Memorandum, “Verification of the Cost Responses of Finieco Indústria e Comércio de Embalagens, SA in the Antidumping Duty Investigation of Certain Paper Shopping Bags from Portugal,” dated April 22, 2024.

discussion of these issues, see the Issues and Decision Memorandum.

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act.

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis*, or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Commerce calculated an individual estimated weighted-average dumping margin for Finieco, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Finieco is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Finieco Indústria e Comércio de Embalagens, S.A	6.14
All Others	6.14

Disclosure

We intend to disclose the calculations performed in this final determination within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend

liquidation of subject merchandise entries, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after January 3, 2024, the date of publication in the **Federal Register** of the *Preliminary Determination*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit equal to the amount by which the normal value exceeds the U.S. price as follows: (1) the cash deposit rate for the exporter/producer combination listed in the table above will be the rate identified in the table; (2) for all combinations of Portuguese exporters/producers of subject merchandise that have not received their own cash deposit rate above, the cash deposit rate will be the all-others rate; and (3) for all non-Portuguese exporters of subject merchandise which have not received their own cash deposit rate above, the cash deposit rate will be the cash deposit rate applicable to the Portuguese exporter/producer combination that supplied that non-Portuguese exporter. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of paper bags from Portugal no later than 45 days after this final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded or canceled, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Administrative Protective Order

This notice will serve as the final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: May 17, 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—Scope of the Investigation

The products within the scope of this investigation are paper shopping bags with handles of any type, regardless of whether there is any printing, regardless of how the top edges are finished (e.g., folded, serrated, or otherwise finished), regardless of color, and regardless of whether the top edges contain adhesive or other material for sealing closed. Subject paper shopping bags have a width of at least 4.5 inches and depth of at least 2.5 inches.

Paper shopping bags typically are made of kraft paper but can be made from any type of cellulose fiber, paperboard, or pressboard with a basis weight less than 300 grams per square meter (GSM).

A non-exhaustive illustrative list of the types of handles on shopping bags covered by the scope include handles made from any materials such as twisted paper, flat paper, yarn, ribbon, rope, string, or plastic, as well as die-cut handles (whether the punchout is fully removed or partially attached as a flap).

Excluded from the scope are:

- Paper sacks or bags that are of a 1/6 or 1/7 barrel size (i.e., 11.5–12.5 inches in width, 6.5–7.5 inches in depth, and 13.5–17.5 inches in height) with flat paper handles or die-cut handles;
- Paper sacks or bags with die-cut handles, a grams per square meter paper weight of less than 86 GSM, and a height of less than 11.5 inches; and
- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric ⁷ and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal,

⁷ Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (i.e., excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Final Negative Determination of Critical Circumstances
- IV. Changes Since the *Preliminary Determination*
- V. Discussion of the Issues
 - Comment 1: How To Treat Administrative Fees Paid in the U.S. Market
 - Comment 2: How To Classify "Fixed" Commissions
 - Comment 3: Minor Corrections to Finieco's Data
 - Comment 4: General and Administrative and Financial Expense Rates Calculation
 - Comment 5: Unreconciled Cost Difference
- VI. Recommendation

[FR Doc. 2024–11483 Filed 5–23–24; 8:45 am]

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Domestic Manufacturing Waiver Request Form

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public

comments were previously requested via the **Federal Register** on December 7, 2023 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: Domestic Manufacturing Waiver Form.

OMB Control Number: 0693–XXXX.

Form Number(s): None.

Type of Request: Regular, new collection.

Number of Respondents: 10.

Average Hours per Response: 13 hours.

Needs and Uses: The Bayh-Dole Act (35 U.S.C. 18) and its implementing regulations (37 CFR 401) require that Contractors (as defined in the statute and regulations) shall not grant “the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States.” However, the law allows an agency to waive this requirement if a Contractor has shown that “reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacturing is not commercially feasible.”

Pursuant to Executive Order 14104, NIST was directed to consult with the Interagency Working Group for Bayh-Dole to create a set of common questions to be used by all agencies as an application to apply for waivers of the domestic manufacturing requirement under the Bayh-Dole Act.

This information will be used by agencies to determine whether the statutory criteria for a waiver have been met and to understand the circumstances surrounding the request. The questions allow the Contractor to show the agency what actions they took to attempt to grant licenses to other parties likely to manufacture in the United States and what actions they or their licensee may have taken to attempt to locate manufacturers within the United States. It also allows the agency to ascertain the circumstances surrounding manufacture, including cost, capacity, and other burdens, which may make domestic manufacturing not commercially feasible. The questions allow the agency to understand the location and the circumstances surrounding where the Contractor proposes that manufacturing be done

and whether any sort of domestic manufacturing is anticipated. These and other information collected through these questions will aid agencies when they weigh whether to grant requests to waive the domestic manufacturing requirement.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain benefits.

Legal Authority: The Bayh-Dole Act (35 U.S.C. 18) and its implementing regulations (37 CFR 401).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2024–11524 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD979]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is holding a hybrid meeting of its Scientific and Statistical Committee (SSC) to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, June 12, 2024, beginning at 9 a.m.

ADDRESSES: This meeting will be held at the Hilton Garden Inn, 100 Boardman Street, Boston, MA 02128, Phone: (617) 567–6789.

Webinar Registration information: https://nefmc-org.zoom.us/webinar/register/WN_PkjB46WpTrSQhBETzZ7eZQ.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O’Keefe, Ph.D., Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda: The Scientific and Statistical Committee (SSC) will meet to receive an update on the development of a revised Risk Policy; provide feedback on the proposed approach and implementation. The Committee will also receive a presentation on the Northeast Fisheries Science Center’s State of the Ecosystem Report (SOE); make any recommendations for improvements and discuss how best to use these reports in management. The SSC will receive an update on climate action planning by the East Coast Climate Coordination Group and Core Team, including their efforts to integrate findings of the SOE report into Action Menu revisions and planning 2025 Council work priorities; comment on how SOE findings can be integrated into climate planning and whether other information/indicators might be useful for this work. They will also present preliminary findings of a recent workshop “Implementing Social Science Methods for Fisheries Decision-Making” and discuss the use of human dimensions information and expertise by the SSC. Other business will be discussed as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council’s intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 20, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-11384 Filed 5-23-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD986]

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 152nd Scientific and Statistical Committee (SSC), Fishing Industry Advisory Committee (FIAC), Fishery Data Collection and Research Committee (FDCRC), Executive and Budget Standing Committee (SC), and its 199th Council meetings to take actions on fishery management issues in the Western Pacific Region.

DATES: The SSC meeting will be held between June 11 and June 13; FIAC on June 18, FDCRC and Executive Budget SC meetings on June 21; and the Council meeting between June 24 and 26, 2024. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The 152nd SSC, FIAC, FDCRC and Executive Budget SC meetings will be held as a hybrid meeting for members and the public, with a remote participation option available via Webex. In-person attendance will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

The 199th Council meeting will be held as hybrid meeting for the Council members and the public, with a remote participation option available via Webex. In-person attendance will be hosted at the Ala Moana Hotel, Hibiscus Ballroom, 410 Atkinson Drive, Honolulu, HI 96814.

Specific information on joining the meeting, connecting to the web conference and providing oral public

comments will be posted on the Council website at www.wpcouncil.org. For assistance with the web conference connection, contact the Council office at (808) 522-8220.

Council address: Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT:

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522-8220.

SUPPLEMENTARY INFORMATION: The 152nd SSC meeting will be held between 9 a.m. and 5 p.m. Hawaii standard time (HST) on June 11-12, and 9 a.m. and 1 p.m. on June 13, 2024. The FIAC will be held between 3 p.m. and 5 p.m. HST on June 18, 2024. The FDCRC will be held between 10 a.m. and 12 p.m. and the Executive and Budget SC meeting between 1 p.m. and 5 p.m. HST on June 21, 2024. The 199th Council meeting will be held between 9 a.m. and 4:30 p.m. HST on June 24 and between 9 a.m. and 5 p.m. HST on June 25 and 26, 2024. Public comment on Non-Agenda Items will be held between 4 p.m. and 4:30 p.m. HST on June 24, 2024. The Fishers Forum will be held between 6 p.m. and 9 p.m. HST on June 24, 2024.

Agenda items noted as "Final Action" refer to actions that may result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business.

Background documents for the 199th Council meeting will be available at www.wpcouncil.org. Written public comments on final action items at the 199th Council meeting should be received at the Council office by 5 p.m. HST, Thursday, June 20, 2024, and should be sent to Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522-8220 or fax: (808) 522-8226; or email: info@wpcouncil.org. Written public comments on all other agenda items

may be submitted for the record by email throughout the duration of the meeting. Instructions for providing oral public comments during the meeting will be posted on the Council website. This meeting will be recorded (audio only) for the purposes of generating the minutes of the meeting.

Agenda for the 152nd SSC Meeting

Tuesday, June 11, 2024, 9 a.m. to 5 p.m. HST

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 151st SSC Meeting Recommendations
4. Pacific Islands Fisheries Science Center (PIFSC) Director Report
5. Program Planning and Research
 - A 2023 Annual Stock Assessment and Fishery Evaluation (SAFE) Report and Recommendations
 - A.1 Archipelagic and Pelagic Plan Team (PT) Report Highlights
 - A.2 Archipelagic PT Report Recommendations
 - A.3 Pelagic PT Report Recommendations
 - B Magnuson Steven Reauthorization Act (MSRA) 5-Year Research Priorities 2025-2029
 - C National SSC Meeting Preparations
 - D Public Comment
 - E SSC Discussion and Recommendations
6. Island Fisheries
 - A Main Hawaiian Islands (MHI) Deep-7 Bottomfish Fishery
 - A.1 P* and Social Economic Ecological Management (SEEM) Working Group Report
 - A.2 Setting Acceptable Biological Catch for 2024-2025 to 2026-2027 (Action Item)
 - B MHI Small Boat Fisheries Project Update
 - C Review of Uku Update Assessment Western Pacific Stock Assessment Review (WPSAR) Terms of Reference
 - D Updates on the Guam Bottomfish Rebuilding Plan
 - E Public Comment
 - F SSC Discussion and Recommendations

Wednesday, June 12, 2024, 9 a.m. to 5 p.m. HST

7. Protected Species
 - A Shallow Set Longline (SSLL) Turtle Trip Limit Review Report
 - B Deep Set Longline (DSLL) Biological Opinion (BiOp) Implementation Working Group Report on Insular False Killer Whale Overlap Area Monitoring Requirement

- C. Public Comment
- D. SSC Discussion and Recommendation
- 8. Pelagic and International Fisheries
 - A. Electronic Monitoring Pre-Implementation Program Plan Review and Timeline
 - B. Characterizing Impacts of Cookie Cutter Shark Interactions in Hawaii Longline Fishery
- C. South Pacific Community (SPC) Climate Science for Ensuring Pacific Tuna Access
- D. International Fisheries
 - D.1 SPC Pre-Assessment Workshop
 - D.2 Outcomes From the Stakeholder Workshop for the North Pacific Striped Marlin Rebuilding Analysis.
- E. Public Comment
- F. SSC Discussion and Recommendation

Thursday, June 13, 2024, 9 a.m. to 1 p.m. HST

- 10. Other Business
 - A. September SSC Meetings Dates
- 11. Summary of SSC Recommendations to the Council

Agenda for the FIAC Meeting

Tuesday, June 18, 2024, 3 p.m. to 5 p.m. HST

- 1. Welcome and Introductions
- 2. Status Report on Previous FIAC Recommendations
- 3. Roundtable Update on Fishing/Market Issues/Impacts
- 4. International Trade and National Seafood Strategy
 - A. Update on National Seafood Strategy
 - B. Report on Workshop on Seafood Imports and Trade
- 5. Biological Opinion Implementation Working Group Reports
- 6. Hawaii Shallow-set Longline Fishery Trip Limit Review Report
- 7. Electronic Technologies Steering Committee Updates
- 8. Characterizing Cookie-Cutter Shark Depredation in Hawaii Longline Fisheries
- 9. Other Issues
- 10. Public Comment
- 11. Discussion and Recommendations

Agenda for FDCRC Meeting

Friday, June 21, 2024, 10 a.m. to 12 p.m. HST

- 1. Welcome and Introductions
- 2. Review of Agenda
- 3. Review of Data Improvements
 - A. Federal Data Collection Improvements and Needs
 - i. Creel Surveys
 - ii. Marine Recreational Information Program (MRIP)
 - iii. CatchIt, LogIt

- B. American Samoa
 - i. Creel Survey Improvements
 - ii. Licensing and Mandatory Reporting
- C. Commonwealth of the Northern Mariana Islands (CNMI)
 - i. Mandatory Reporting Regulations Implementation Plan
- D. Guam
 - i. Data Sharing Agreements
- E. Hawaii
 - i. Pacific States Marine Fisheries Commission Membership
- 4. Non-Commercial Data Collection
 - A. MRIP Regional Implementation Plan
 - B. Transition Plans
 - C. Outreach and Communications
 - D. MRIP Re-Envisioning
- 5. Discussion on Budget Status
 - A. Federal Funding
 - i. Interjurisdictional Fisheries Act
 - ii. Sportfish Restoration
 - iii. Western Pacific Fisheries Information Network
 - iv. Other
 - B. Funding Limitations on Territorial Staff
- 6. Public Comment
- 7. Discussion and Recommendations
- 8. Other Business

Agenda for the Executive and Budget SC Meeting

Friday, June 21, 2024, 1 p.m. to 5 p.m. HST

- 1. Introductions and Approval of Agenda
- 2. Financial Reports
- 3. Administrative Reports
 - A. Action Memo Item Tracking and Follow-Up
- 4. Council Family Changes
- 5. Meetings and Workshops
- 6. Report on the May Council Coordinating Committee (CCC) Meeting
 - A. Council Member Ongoing Development Attendees
- 7. Other Business
- 8. Public Comment
- 9. Discussion and Recommendations

Agenda for the 199th Council Meeting

Monday, June 24, 2024, 9 a.m. to 4:30 p.m. HST

- 1. Welcome and Introductions
- 2. Approval of the 199th Council Meeting Agenda
- 3. Approval of the 198th Council Meeting Minutes
- 4. Executive Director's Report
- 5. Agency Reports
 - A. NMFS
 - A.1. Pacific Islands Regional Office
 - A.2. PIFSC
 - B. NOAA Office of General Counsel Pacific Islands Section

- C. Enforcement
 - C.1. U.S. Coast Guard
 - C.2. NOAA Office of Law Enforcement
 - C.3. NOAA Office of General Counsel Enforcement Section
- D. U.S. State Department
- E. U.S. Fish and Wildlife Service
- F. Public Comment
- G. Council Discussion and Action
- 6. Program Planning
 - A. U.S. Seafood and Trade Priorities
 - A.1. Seafood Import Monitoring Program
 - A.2. National Seafood Strategy
 - B. MSRA 5-Year Research Priorities 2025–2029
 - C. Status of Pacific Remote Island Area (PRIA) and Northwestern Hawaiian Islands (NWHI) Sanctuary Proposals
 - D. Council Coordination Committee Meeting Report
 - E. Regional Communications and Outreach Report
 - F. Advisory Group Report and Recommendations
 - F.1. Advisory Panels
 - F.2. Plan Teams
 - F.3. Education Committee
 - F.4. Social Science Planning Committee
 - F.5 FIAC
 - F.6 SSC
 - G. Public Comment
 - H. Council Discussion and Action

Monday, June 24, 2024, 4 p.m. to 4:30 p.m. HST

Public Comment on Non-Agenda Items

Monday, June 24, 2024, 6 p.m. to 9 p.m. HST

Fishers Forum—Where are the fish going?

Tuesday, June 25, 2024, 9 a.m. to 5 p.m. HST

- 7. American Samoa
 - A. Motu Lipoti
 - B. Department of Marine and Wildlife Resources Report
 - C. 2023 American Samoa Fishery Ecosystem Plan Annual SAFE Report
 - D. 2023 Pelagic Annual SAFE Report—American Samoa Module
 - E. Marine Conservation Plan 2024–2026
 - F. Advisory Group Report and Recommendations
 - F.1. American Samoa Advisory Panel
 - F.2. Archipelagic Plan Team
 - F.3. FIAC
 - F.4. SSC
 - G. Public Comment
 - H. Council Discussion and Action
- 8. Mariana Archipelago
 - A. Guam

- A.1. Isla Informe
- A.2. Department of Agriculture/
Division of Aquatic and Wildlife
Resources Report
- A.3. 2023 Annual SAFE Report—
Guam Module
- A.4. Updates on the Guam Bottomfish
Rebuilding Plan
- B. CNMI
- B.1. Arongol Falu
- B.2. Department of Lands and Natural
Resources/Division of Fish and
Wildlife Report
- B.3. 2023 Annual SAFE Report—
CNMI Module
- B.4. Commercial Bottomfish Permit
and Reporting
- C.1. Marianas Islands Advisory Panel
- C.2. Archipelagic Plan Team
- C.3. FIAC
- C.4. SSC
- D. Public Comment
- E. Council Discussion and Action
- 9. Hawaii Archipelago and Pacific
Remote Island Areas
- A. Moku Pepa
- B. Department of Land and Natural
Resources/Division of Aquatic
Resources Report
- C. 2023 Hawaii Archipelago Fishery
Ecosystem Plan Annual SAFE
Report
- D. MHI Deep 7 Bottomfish
- D.1. Report of the P* and SEEM
Working Group
- D.2. Options for Specifying ACL for
2024–2027 (Initial Action)
- E. Terms of Reference for Uku Update
Stock Assessment
- F. Hawaii Small-Boat Fisheries Project
Update
- G. Advisory Group Report and
Recommendations
- G.1. Hawaii Advisory Panel
- G.2. FIAC
- G.3. SSC
- H. Public Comment
- I. Council Discussion and Action

Wednesday, June 26, 2024, 9 a.m. to 5 p.m. HST

- 10. Protected Species
- A. Overview of False Killer Whale
Conservation and Management
- B. SSLT Turtle Trip Limit Review
Report
- C. BiOp Implementation Working
Group Report
- C.1. Crew Training
- C.2. Insular False Killer Whale
Overlap Area Monitoring
Requirement
- D. Endangered Species Act (ESA) and
Marine Mammal Protection Act
(MMPA) Updates
- E. Advisory Group Report and
Recommendations
- E.1. Advisory Panels
- E.2. Plan Teams

- E.3. FIAC
- E.4. SSC
- F. Public Comment
- G. Council Discussion and Action
- 11. Pelagic and International
- A. 2023 Pelagic and PRIA Annual
SAFE Report
- B. International Fisheries
- B.1. U.S. Stakeholder Engagement on
South Pacific Albacore
- B.2. North Pacific Striped Marlin
Stock Status Under the Pacific
Pelagic Fishery Ecosystem Plan
- B.3. U.S. Stakeholder Engagement on
North Pacific Striped Marline
Rebuilding Plan
- B.4. Western Central Pacific Fishery
Commission Permanent Advisory
Committee
- C. Electronic Technologies Steering
Committee Report
- D. Advisory Group Report and
Recommendations
- D.1. Advisory Panels
- D.2. Plan Teams
- D.3. FIAC
- D.4. SSC
- E. Public Comment
- F. Council Discussion and Action
- 12. Administrative Matters
- A. Financial Reports
- B. Administrative Reports
- C. Council Family Changes
- D. Meetings and Workshops
- E. Executive and Budget SC Report
- F. Public Comment
- G. Council Discussion and Action
- 13. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 199th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 20, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–11403 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD970]

Fisheries of the U.S. Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 84 Assessment Webinar IV for U.S. Caribbean Yellowtail Snapper and Stoplight Parrotfish.

SUMMARY: The SEDAR 84 assessment process of U.S. Caribbean yellowtail snapper and stoplight parrotfish will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 84 assessment webinar IV will be held June 12, 2024, from 2 p.m. to 5 p.m., Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: Julie.neer@safmnc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and

monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment Webinar IV are as follows:

Panelists will review and discuss and finalize the assessment modeling for yellowtail snapper in Puerto Rico.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 20, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–11382 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD984]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public hybrid meeting of its Joint Groundfish Advisory and Recreational Panels to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This hybrid meeting will be held on Monday, June 10, 2024, at 9 a.m.

ADDRESSES: This meeting will be held at the DoubleTree by Hilton, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500.

Webinar registration URL information: https://nefmc-org.zoom.us/join/wn_01D_u7IORiSzMSDP71w9CA.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Groundfish Advisory and Recreational Panels will meet jointly to update industry with share perspectives on fishery performance the past year and considerations for the current fishing year, with a focus on U.S./CA stocks, and other stocks as time permits. They will also review draft alternatives for cod stock unit definitions (for Amendment 25), review work to develop options to prorate catch limits from four cod stock units to two current management units (for Framework 69), receive an update on analysis of fishery data, and receive update from public workshops. The Panels will receive a report on Framework Adjustment 69/ Specifications and Management Measures (to be initiated) that is anticipated to include status determination criteria for cod stocks, fishing years (FY) 2025–2027

specifications for Eastern Gulf of Maine (GOM) cod, Western GOM cod, Georges Bank (GB) cod, Southern New England cod, GOM haddock, GB haddock, American plaice, witch flounder, pollock, and Atlantic halibut, FY2025–2026 U.S./Canada total allowable catches (TACs) for, Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder, revisions to sub-annual catch limits and accountability measures triggers for yellowtail flounder (Southern New England/Mid-Atlantic and Georges Bank) and windowpane flounder (northern and southern) in the scallop fishery, and sector reporting requirements. They will also receive an update on information the Habitat and Scallop Plan Development Teams are considering as they develop alternatives for the Northern Edge Habitat-Scallop framework, with a focus on approaches to minimize impacts to juvenile cod and their habitats as well as make recommendations to the Groundfish Committee, as appropriate.

Other business will be discussed as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 21, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–11520 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XD971]

Fisheries of the U.S. Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 84 Assessment Webinar V for U.S Caribbean Yellowtail Snapper and Stoplight Parrotfish.

SUMMARY: The SEDAR 84 assessment process of U.S. Caribbean yellowtail snapper and stoplight parrotfish will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 84 Assessment Webinar V will be held June 13, 2024, from 2 p.m. until 5 p.m., Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: Julie.neer@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and

monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment Webinar V are as follows:

Panelists will review and discuss and finalize the assessment modeling for yellowtail snapper in St. Thomas/St. John, U.S. Virgin Islands.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 20, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–11383 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XD985]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public hybrid meeting of its Groundfish Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This hybrid meeting will be held on Tuesday, June 11, 2024, at 9 a.m.

ADDRESSES: This meeting will be held at the DoubleTree by Hilton, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500.

Webinar registration URL information: https://nefmc-org.zoom.us/join/wnregister/WN_TXGkjdcRQzqAKuM6vs5r1g.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:**Agenda**

The Groundfish Committee will meet to receive recommendations from the Recreational Advisory Panel, Groundfish Advisory Panel, and Groundfish Plan Development Team. They will review draft alternatives for cod stock unit definitions (for Amendment 25), review work to develop options to prorate catch limits from four cod stock units to two current management units (for Framework 69), receive an update on analysis of fishery data, and receive update from public workshops. The Committee will receive a report on Framework Adjustment 69/ Specifications and Management Measures (to be initiated)—that is anticipated to include status determination criteria for cod stocks, fishing years (FY) 2025–2027 specifications for Eastern Gulf of Maine (GOM) cod, Western GOM cod, Georges Bank (GB) cod, Southern New England cod, GOM haddock, GB haddock,

American plaice, witch flounder, pollock, and Atlantic halibut, FY2025–2026 U.S./Canada total allowable catches (TACs) for, Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder, revisions to sub-annual catch limits and accountability measures triggers for yellowtail flounder (Southern New England/Mid-Atlantic and Georges Bank) and windowpane flounder (northern and southern) in the scallop fishery, and sector reporting requirements. They will make recommendations to the Council, as appropriate. Other business will be discussed as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 21, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–11509 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD976]

Advisory Committee Open Session on Management Strategy Evaluation for North Atlantic Swordfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of meeting.

SUMMARY: The Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT), supported by NMFS, is holding a public meeting via webinar session to receive an update and provide input on the development of a management strategy evaluation (MSE) for North Atlantic swordfish. The meeting is open to all interested stakeholders.

DATES: A virtual meeting that is open to the public will be held by webinar session on June 13, 2024, from 10 a.m. to 12 p.m. EDT.

ADDRESSES: Please register to attend the meeting at: <https://forms.gle/jHqbXe8223HvXtxD6>. Registration will close on June 11, 2024, at 5 p.m. EDT. Instructions for accessing the webinar session will be emailed to registered participants.

FOR FURTHER INFORMATION CONTACT:

Bryan Keller, Office of International Affairs, Trade, and Commerce, at (301) 427–7725 or Bryan.Keller@noaa.gov.

SUPPLEMENTARY INFORMATION: MSE is a process that allows fishery managers and stakeholders (e.g., industry, scientists, and non-governmental organizations) to assess how well different strategies achieve specified management objectives for a fishery. In 2023, ICCAT extended the North Atlantic swordfish management measure through 2024. ICCAT expects to finalize its North Atlantic swordfish MSE and adopt a management procedure in November 2024 to set the total allowable catch (TAC) for 2025 and future years for the stock. NMFS, and the U.S. Government more broadly, has been fully engaged in the MSE development process, an important part of which involves considering stakeholder input, including through periodic consultations with the Advisory Committee to the U.S. section to ICCAT. The United States is also participating in the development of the North Atlantic swordfish MSE through the active involvement of U.S. scientists in the work carried out by ICCAT's Standing Committee on Research and Statistics (SCRS).

The June 13 meeting is primarily informational in nature. It is intended to update U.S. stakeholders on the progress of the North Atlantic swordfish MSE process and increase awareness and understanding of that process. NMFS will provide information on the progress of the SCRS in developing initial candidate management procedures (CMPs) and testing them based on the input provided to-date by ICCAT's Panel 4 on management

objectives and other relevant matters. CMPs illustrate tradeoffs associated with achieving identified management objectives related to stock status, stock safety, yield, and TAC stability over time. CMP testing assists ICCAT in refining management objectives and narrowing the number of viable CMPs for possible adoption by the Commission.

There will also be an opportunity for the Advisory Committee and other stakeholders to provide input to NMFS on the North Atlantic swordfish MSE. Such input helps inform U.S. scientists who are participating in the MSE work of the SCRS as well as U.S. managers participating in North Atlantic swordfish MSE meetings at the Commission level later in 2024.

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

Dated: May 20, 2024.

Alexa Cole,

Director, Office of International Affairs, Trade, and Commerce, National Marine Fisheries Service.

[FR Doc. 2024–11417 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Solicitation for Applications for Advisory Councils Established Pursuant to the National Marine Sanctuaries Act and Executive Order

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation.

SUMMARY: Notice is hereby given that ONMS will solicit applications to fill non-governmental seats on its 17 established national marine sanctuary advisory councils and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (advisory councils), under the National Marine Sanctuaries Act and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Executive Order, respectively. Note, the list of 18 established advisory councils in the Contact Information for Each Site section includes the advisory council established for the Proposed Lake Ontario National Marine Sanctuary and the Proposed Hudson Canyon National Marine Sanctuary. Vacant seats, including positions (i.e., primary and alternate), for each of the advisory councils will be advertised differently at

each site in accordance with the information provided in this notice. This notice contains web page links and contact information for each site, as well as additional resources on advisory council vacancies and the application process.

DATES: Please visit individual site web pages, or reach out to a site as identified in this notice's **SUPPLEMENTARY INFORMATION** section on Contact Information for Each Site, regarding the timing and advertisement of vacant seats, including positions (*i.e.*, primary or alternate), for each of the advisory councils. Applications will only be accepted in response to current, open vacancies and in accordance with the deadlines and instructions included on each site's website.

ADDRESSES: Vacancies and applications are specific to each site's advisory council. As such, questions about a specific council or vacancy, including questions about advisory council applications, should be directed to a site. Contact Information for Each Site is contained in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: For further information on a particular advisory council or available seats, please contact the site as identified in this notice's **SUPPLEMENTARY INFORMATION** section on Contact Information for Each Site, below. For general inquiries related to this notice or ONMS advisory councils established pursuant to the National Marine Sanctuaries Act or Executive Order 13178, contact Sage Riddick, Office of National Marine Sanctuaries Protected Area Policy Division, sage.riddick@noaa.gov, or at 240-560-3365.

SUPPLEMENTARY INFORMATION: Section 315 of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1445a) allows the Secretary of Commerce to establish advisory councils to advise and make recommendations regarding the designation and management of national marine sanctuaries. Executive Order 13178 similarly established a Coral Reef Ecosystem Reserve Council pursuant to the NMSA for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. In this **SUPPLEMENTARY INFORMATION** section, NOAA provides details regarding the Office of National Marine Sanctuaries, the role of advisory councils, and contact information for each site.

Office of National Marine Sanctuaries (ONMS)

ONMS serves as the trustee for a network of underwater parks encompassing more than 620,000 square

miles of marine and Great Lakes waters from Washington State to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 15 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies.

One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. Advisory councils are community-based advisory groups established to provide advice and recommendations to ONMS on issues including management, science, service, and stewardship; and to serve as liaisons between their constituents in the community and the site. Pursuant to section 315(a) of the National Marine Sanctuaries Act, 16 U.S.C. 1445A(a), advisory councils are exempt from the requirements of the Federal Advisory Committee Act. Additional information on ONMS and its advisory councils can be found at <http://sanctuaries.noaa.gov>.

Advisory Council Membership

Under section 315 of the NMSA, advisory council members may be appointed from among: (1) Persons employed by Federal or State agencies with expertise in management of natural resources; (2) members of relevant regional fishery management councils; and (3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources. For the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council, section 5(f) of Executive Order 13178 (as amended by Executive Order 13196) specifically identifies member and representative categories.

The charter for each advisory council defines the number and type of seats and positions on the council; however, as a general matter, available seats could include: Conservation, education, research, fishing, whale watching, diving and other recreational activities, boating and shipping, tourism, harbors and ports, maritime business, agriculture, maritime heritage, and citizen-at-large.

For each of the advisory councils, applicants are chosen based upon their

particular experience in relation to the seat for which they are applying; community and professional affiliations; views regarding the protection and management of marine or Great Lakes resources; and possibly the length of residence in the area affected by the site. Applicants chosen as members or alternates should expect to serve two- or three-year terms, pursuant to the charter of the specific national marine sanctuary advisory council or Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council. More information on advisory council membership and processes, and materials related to the purpose, policies, and operational requirements for advisory councils can be found in the charter for a particular advisory council (http://sanctuaries.noaa.gov/management/ac/council_charters.html) and the *National Marine Sanctuary Advisory Council Implementation Handbook* (https://farallones.noaa.gov/manage/sac_handbook.html).

Contact Information for Each Site

- Channel Islands National Marine Sanctuary Advisory Council: Channel Islands National Marine Sanctuary, University of California, Santa Barbara, Ocean Science Education Building 514, MC 6155, Santa Barbara, CA 93106; 805-893-6437; https://channelislands.noaa.gov/sac/council_news.html.
- Cordell Bank National Marine Sanctuary Advisory Council: Cordell Bank National Marine Sanctuary, P.O. Box 159, Olema, CA 94950; 415-464-5260; <http://cordellbank.noaa.gov/council/applicants.html>.
- Florida Keys National Marine Sanctuary Advisory Council: Florida Keys National Marine Sanctuary, 33 East Quay Road, Key West, FL 33040; 305-809-4700; <https://floridakeys.noaa.gov/sac/recruitment.html>.
- Flower Garden Banks National Marine Sanctuary Advisory Council: Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Building 216, Galveston, TX 77551; 409-621-5151; <http://flowergarden.noaa.gov/advisorycouncil/recruitment.html>.
- Gray's Reef National Marine Sanctuary Advisory Council: Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, GA 31411; 912-598-2345; http://graysreef.noaa.gov/management/sac/council_news.html.
- Greater Farallones National Marine Sanctuary Advisory Council: Greater Farallones National Marine Sanctuary, 991 Marine Drive, The Presidio, San Francisco, CA 94129; 415-561-6622;

https://farallones.noaa.gov/manage/sac_recruitment.html.

- Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council: Hawaiian Islands Humpback Whale National Marine Sanctuary, NOAA Inouye Regional Center, NOS/ONMS/HHWNMS, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818; 808-879-2818; <https://hawaiihumpbackwhale.noaa.gov/management/advisory/recruitment.html>.

- Malloes Bay—Potomac River National Marine Sanctuary Advisory Council: Malloes Bay—Potomac River National Marine Sanctuary, NOAA Chesapeake Bay Office, 200 Harry S. Truman Parkway, Room 460, Annapolis, MD 21401; (240) 460-1978; <https://sanctuaries.noaa.gov/malloes-potomac/involved/recruitment.html>.

- Monitor National Marine Sanctuary Advisory Council: Monitor National Marine Sanctuary, 100 Museum Drive, Newport News, VA 23606; 757-599-3122; <https://monitor.noaa.gov/advisory/news.html>.

- Monterey Bay National Marine Sanctuary Advisory Council: Monterey Bay National Marine Sanctuary, 99 Pacific Street, Building 455A, Monterey, CA 93940; 831-647-4201; <http://montereybay.noaa.gov/sac/recruit.html>.

- National Marine Sanctuary of American Samoa Advisory Council: National Marine Sanctuary of American Samoa, Tauese P.F. Sunia Ocean Center, P.O. Box 4318, Pago Pago, American Samoa 96799; 684-633-6500; <https://americansamoa.noaa.gov/council/recruitment/>.

- Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council: NOAA Inouye Regional Center, NOS/ONMS/PMNM, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818; 808-725-5800; <http://www.papahānaumokuākea.gov/new-about/council/apply/>.

- Olympic Coast National Marine Sanctuary Advisory Council: Olympic Coast National Marine Sanctuary, 115 East Railroad Avenue, Suite 301, Port Angeles, WA 98362; 360-457-6622; <http://olympiccoast.noaa.gov/involved/sac/recruitment.html>.

- Proposed Lake Ontario Sanctuary Advisory Council: NOAA Office of National Marine Sanctuaries, 4840 South State Road, Ann Arbor, MI 48108; 734-741-2270; <https://sanctuaries.noaa.gov/lake-ontario/advisory/members.html>.

- Proposed Hudson Canyon Sanctuary Advisory Council: NOAA Office of National Marine Sanctuaries, 4840 South State Road, Ann Arbor, MI 48108; 734-741-2270; <https://>

sanctuaries.noaa.gov/hudson-canyon/involved/advisory-council.html.

- Stellwagen Bank National Marine Sanctuary Advisory Council: Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066; 781-545-8026; <http://stellwagen.noaa.gov/management/sac/recruitment.html>.

- Thunder Bay National Marine Sanctuary Advisory Council: Thunder Bay National Marine Sanctuary, 500 West Fletcher Street, Alpena, MI 49707; 989-356-8805; <https://thunderbay.noaa.gov/involved/recruitment.html>.

- Wisconsin Shipwreck Coast National Marine Sanctuary Advisory Council: University of Wisconsin Green Bay, Sheboygan Campus, One University Drive, Sheboygan, WI 53081; 989-766-3359; <https://sanctuaries.noaa.gov/wisconsin/involved/>.

Privacy Act Statement

Authority. The collection of information concerning the solicitation for applications for sanctuary advisory councils is authorized under the National Marine Sanctuaries Act, 16 U.S.C. 1445a, and Executive Order 13178, and in accordance with the Privacy Act of 1974, as amended, (Privacy Act) 5 U.S.C. 552a.

Purposes. The collection of names, contact information, professional information, qualifications, and answers to the application questions is required in order for the Office of National Marine Sanctuaries to evaluate and appoint members to the sanctuary advisory councils. The information collected will be reviewed by NOAA employees, and may also be reviewed by current sanctuary advisory council members as part of the evaluation process.

Routine Uses. NOAA will use the application information for the purposes set forth above. The Privacy Act authorizes disclosure of the collected information for the following purposes: to NOAA staff for work-related purposes; for other purposes as set forth in the Privacy Act; and for routine uses published in one or more of the following Privacy Act System of Records Notices, as applicable: COMMERCE/DEPT-11, Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees, available at <https://www.commerce.gov/opog/privacy/SORN/SORN-DEPT-11>; COMMERCE/DEPT-18, Employees Personnel Files Not Covered by Notices of Other Agencies, available at <https://www.commerce.gov/opog/privacy/>

SORN/SORN-DEPT-18; and OPM/GOVT-1, General Personnel Records, available at <https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-govt-1-general-personnel-records.pdf>, which cover certain records regarding Federal employees and may also cover records of individuals who are not Federal employees who, through their service on a sanctuary advisory council, may be considered as volunteers providing gratuitous services to the agency without compensation; and, for individuals who are also members of a Regional Fishery Management Council, COMMERCE/NOAA-13, Personnel, Payroll, Travel, and Attendance Records of the Regional Fishery Management Councils.

Effects of Not Providing Information. Providing the application information is voluntary; however, if the information is not provided, the individual will not be considered for appointment as a member of a sanctuary advisory council.

Consent. By submitting an application to the Office of National Marine Sanctuaries for appointment to a sanctuary advisory council, you are consenting to the use and disclosure of the information for the purposes and routine uses described above. However, if you prefer that your application be reviewed by NOAA employees only and not disclosed to current council members as part of the evaluation process, please contact the sanctuary advisory council coordinator to request internal review only, which will not result in any disadvantage or impact regarding your candidacy, or for any questions regarding this Privacy Act Statement.

Paperwork Reduction Act

ONMS has a valid Office of Management and Budget (OMB) control number (0648-0397) for the collection of public information related to the processing of ONMS national marine sanctuary advisory council applications across the National Marine Sanctuary System. Soliciting applications for sanctuary advisory councils fits within the estimated reporting burden under that control number. See <https://www.reginfo.gov/public/do/PRAsearch> (Enter Control Number 0648-0397). Therefore, ONMS will not request an update to the reporting burden certified for OMB control number 0648-0397.

Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to: Office of National Marine Sanctuaries, 1305 East West Highway, N/NMS, Silver Spring, Maryland 20910.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number is #0648–0397.

Authority: 16 U.S.C. 1431, *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024–11487 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD980]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt; of one enhancement permit application and request for comment.

SUMMARY: Notice is hereby given that NMFS has received one permit application submitted by California Department of Fish and Wildlife (CDFW) to enhance the propagation and survival of species listed under the Endangered Species Act (ESA) of 1973, for a 5-year period. This document serves to notify the public of the availability of the permit application for review and comment, prior to a decision by NMFS whether to issue the permit. The permit application may be viewed online at: https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.

DATES: Comments or requests for a public hearing on the application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on June 24, 2024.

ADDRESSES: Written comments on the application should be submitted to the NMFS California Central Valley Office, 650 Capitol Mall, Suite 5–100, Sacramento, CA 95814. Comments may also be submitted via fax to 916–930–3629, or by email to Allison.Bosworth@noaa.gov.

[noaa.gov](mailto:Allison.Bosworth@noaa.gov) (include Permit Number 28026 in the subject line of the fax or email).

FOR FURTHER INFORMATION CONTACT: Allison Bosworth, Sacramento, CA (Phone: 916–358–0117; Email: Allison.Bosworth@noaa.gov).

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally produced and hatchery propagated Central Valley (CV) spring-run.

Permit Application Received

Permit 28026

CDFW has applied for an enhancement of survival permit under section 10(a)(1)(A) of the ESA for a period of 5 years that would allow take of all life stages of CV spring-run Chinook salmon. CDFW proposes to begin testing and implementing reintroduction pilot work in North Yuba River and to build on existing knowledge from reintroduction efforts in other locations. A primary objective of the Proposed Project is that these collections do not have an adverse impact on the survival and recovery of the Evolutionarily Significant Unit (ESU) of Central Valley spring-run Chinook salmon and/or of the populations within each potential source stream. Spring-run Chinook salmon would be released to the Upper Yuba River designated as an experimental population under section 10(j) of the ESA.

The final 10(j) and 4(d) rules were issued by NMFS in December 2022 (87 FR 79808). The California Central Valley Salmon and Steelhead Recovery Plan (NMFS 2014) recognizes the value of establishing an Upper Yuba population and lists the implementation of a spring-run Chinook Salmon reintroduction strategy on the Upper Yuba River as a priority recovery action. In addition, the newly released California Salmon Strategy recognizes initiating a salmon reintroduction program in the Yuba River as a priority action to remove barriers and modernize infrastructure for salmon migration (Newsom 2024).

This application includes: (1) the collection of spring-run Chinook salmon eggs from Feather River Fish Hatchery (FRFH) and incubation instream or adjacent to North Yuba River; (2) the release of spring-run Chinook salmon juveniles into the North Yuba River and transport to lower Yuba River below Englebright Dam above Daguerre Point Dam; (3) the collection of FRFH adults to release into North Yuba River above impassable barriers to spawn naturally;

(4) the use of various types of tags, marking, and genetic sampling for the purpose of tracking and monitoring; (5) implementing surveys of holding adults; (6) implementing spawning and carcass surveys; and (7) installation of approved nets and traps to aid in population monitoring.

Authority

Enhancement of survival permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR part 222). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; (3) are consistent with the purposes and policies of section 2 of the ESA; and (4) further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species, taking into account the benefits anticipated to be derived on behalf of the endangered species; and additional issuance criteria as listed at 50 CFR 222.308(c)(5–12). The authority to take listed species is subject to conditions set forth in the permit.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Public Comments Solicited

NMFS invites the public to comment on the section 10(a)(1)(A) enhancement permit application during a 30-day public comment period beginning on the date of this notice. This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1529(c)). All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

Next Steps

NMFS will evaluate the permit application, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a)(1)(A) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day public comment period and after NMFS has

fully considered all relevant comments received. NMFS will publish notice of its final action in the **Federal Register**.

Dated: May 20, 2024.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–11466 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Wisconsin Coastal Management Program; Notice of Public Meeting; Request for Comments

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, will hold a virtual public meeting to solicit input on the performance evaluation of the Wisconsin Coastal Management Program. NOAA also invites the public to submit written comments.

DATES: NOAA will hold a virtual public meeting on Wednesday, July 10, 2024, at 12 p.m. Central Daylight Time (CDT). NOAA may close the meeting 15 minutes after the conclusion of public testimony and after responding to any clarifying questions from hearing participants. NOAA will consider all relevant written comments received by Friday, July 19, 2024.

ADDRESSES: Comments may be submitted by one of the following methods:

- *Virtual Public Meeting:* Provide oral comments during the virtual public meeting on Wednesday, July 10, 2024, from 12 p.m. to 1 p.m. CDT, by registering as a speaker at forms.gle/KE6sjVSQfcqhy4VB6. Please register by Tuesday, July 9, 2024 at 8 p.m. CDT. Upon registration, NOAA will send a confirmation email. The speaker lineup is based on the date and time of this registration. One hour prior to the start of the Wednesday, July 10, 2024 virtual meeting, NOAA will send an email to all registered speakers with public meeting link and information about participating. While advance registration is requested, registration will remain open until the meeting closes and any participant may provide

oral comment after the registered speakers conclude. Meeting registrants may remain anonymous by typing “Anonymous” into the “First Name” and “Last Name” fields on the registration form.

- *Email:* Send written comments to Carrie Hall, Evaluator, NOAA Office for Coastal Management, at czma.evaluations@noaa.gov. Include “Comments on Performance Evaluation of the Wisconsin Coastal Management Program” in the subject line.

NOAA will accept anonymous comments; however, the written comments NOAA receives are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personally identifiable information, such as account numbers and social security numbers, should not be included with the comment. Comments that are not related to the performance evaluation of the Wisconsin Coastal Management Program, or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

FOR FURTHER INFORMATION CONTACT:

Carrie Hall, Evaluator, NOAA Office for Coastal Management, by email at Carrie.Hall@noaa.gov or by phone at (240) 410–3422. Copies of the previous evaluation findings and assessment and strategies may be viewed and downloaded at coast.noaa.gov/czm/evaluations. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Carrie Hall.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved coastal management programs. The evaluation process includes holding one or more public meetings, considering public comments, and consulting with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the State of Wisconsin has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is complete, NOAA’s Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the final evaluation findings.

Authority: 16 U.S.C. 1458.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024–11438 Filed 5–23–24; 8:45 am]

BILLING CODE 3510–08–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* June 23, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20064.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Deletions

On April 19, 2024 (89 FR 28752), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the

product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

9930–00–NIB–0105—Kit, Post Mortem Bag, Basic, Straight Zipper, 36" × 90"
9930–00–NIB–0106—Kit, Post Mortem Bag, Basic, Curved Zipper, 36" × 90"
9930–00–NIB–0107—Kit, Post Mortem Bag, Heavy Duty, 36" × 90"
9930–00–NIB–0108—Kit, Post Mortem Bag, Heavy Duty, XL, 72" × 90"
9930–00–NIB–0109—Kit, Disaster Bag with ID Tags, 34" × 96"

Authorized Source of Supply: BOSMA Enterprises, Indianapolis, IN

Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Service(s)

Service Type: Grounds Maintenance Service
Mandatory for: Joint Interagency Task Force South, Key West, FL; Truman Annex; Key West, FL

Authorized Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL

Contracting Activity: DEPT OF THE ARMY, W453 JIATFS

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–11500 Filed 5–23–24; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to the Procurement List.

SUMMARY: The Committee is proposing to add service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: June 23, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20064.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

In accordance with 41 CFR 51–5.3(b), the Committee intends to add these service requirements to the Procurement List as a mandatory purchase only for the contracting activities listed as the listed locations with the proposed qualified nonprofit agency as the authorized source of supply. Prior to adding the services to the Procurement List, the Committee will consider other pertinent information, including information from Government personnel and relevant comments from interested parties regarding the Committee's intent to geographically limit this services requirement.

The following service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Service(s)

Service Type: Supply and Warehousing Service

Mandatory for: US Navy, Naval Supply Systems Command, Fleet Logistics Center, Hawaii Zone, Pearl Harbor, HI

Mandatory for: US Navy, Naval Supply Systems Command, Fleet Logistics Center, Diego Garcia Zone, San Diego, CA

Mandatory for: US Navy, Naval Supply Systems Command, Fleet Logistics Center, Mayport Zone, Mayport, FL

Mandatory for: US Navy, Naval Supply Systems Command, Fleet Logistics Center, Norfolk Zone, NAS Virginia Beach, VA

Mandatory for: US Navy, Naval Supply Systems Command, Fleet Logistics Center, Pacific Northwest Zone, Seattle, WA

Mandatory for: US Navy, Naval Supply Systems Command, Fleet Logistics Center, Southwest Zone, San Diego, CA

Authorized Source of Supply: South Texas Lighthouse for the Blind, Corpus Christi, TX

Service Type: Contractor Operated Civil Engineer Supply Store

Mandatory for: US Air Force, Hanscom Air Force Base, Hanscom AFB, MA

Authorized Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI

Contracting Activity: DEPT OF THE AIR FORCE, FA2835 AFLCMC HANSCOM

PZI

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–11499 Filed 5–23–24; 8:45 am]

BILLING CODE 6353–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Generic Clearance for the Collection of Test and Pilot Data

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Corporation for National and Community Service, operating as AmeriCorps, has submitted a public information collection request (ICR) entitled Generic Clearance for the Collection of Pilot and Test Data for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by June 24, 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: Copies of this ICR, with applicable supporting documentation, may be obtained by calling Amy Borgstrom at 202–422–2781 or by email to aborgstrom@americorps.gov.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of AmeriCorps, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

- Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on February, 28, 2024. This comment period ended April 28, 2024. No comments were received.

Title of Collection: Generic Clearance for the Collection of Pilot and Test Data.

OMB Control Number: 3045–0163.

Type of Review: Reinstatement.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 21,910.

Total Estimated Number of Annual Burden Hours: 2,064.

Abstract: AmeriCorps seeks to reinstate the current information collection. The information collection will enable pilot testing of survey instruments in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By pilot testing we mean information that provides useful insights on how respondents interact with the instrument 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 regarding prospective studies. It will also allow feedback to contribute directly to the improvement of research program management.

The Agency will only submit a collection for approval under this generic clearance if it meets 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 non-controversial 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 will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- 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 this generic clearance 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 non-response 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. The information collection will be used in the same manner as the current generic clearance, which expired on April 30, 2024.

Mary Hyde,

Director, Office of Research and Evaluation.

[FR Doc. 2024–11508 Filed 5–23–24; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–0G]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697–9214.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–0G.

Dated: May 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 8, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22-0G. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 18-19 of June 26, 2018.

Sincerely,

James A. Hursch
Director

Enclosures:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 22-0G

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(B)(5)(C), AECA)

- (i) *Purchaser:* Government of Spain
- (ii) *Sec. 36(b)(1), AECA Transmittal No.:* 18-19

Date: June 26, 2018

Implementing Agency: Navy

(iii) *Description:* On June 26, 2018, Congress was notified by Congressional certification transmittal number 18-19, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of five (5) AEGIS Weapons Systems (AWS) MK7, six (6) shipsets Digital

Signal Processing, five (5) shipsets AWS Computing Infrastructure MARK 1 MOD 0, five (5) shipsets Operational Readiness Test Systems (ORTS), five (5) shipsets MK 99 MOD 14 Fire Control System, five (5) shipsets MK 41 Baseline VII Vertical Launching Systems (VLS), two (2) All-Up-Round MK 54 Mod 0 lightweight torpedoes, twenty (20) SM-2 Block IIIB missiles and MK 13 canisters with AN/DKT-71 warhead compatible telemeter. Also included was one (1) S4 AWS computer program, five (5) shipsets Ultra High Frequency (UHF) Satellite Communications (SATCOM), five (5) shipsets AN/SRQ-4 radio terminal sets, five (5) shipsets ordnance handling equipment, five (5)

shipsets Selective Availability Anti-Spoofing Modules (SAASM), five (5) shipsets aviation handling and support equipment, five (5) shipsets AN/SLQ-24E Torpedo countermeasures systems, five (5) shipsets LM04 Thru-Hull XBT Launcher and test canisters, one (1) shipset MK 36 MOD 6 Decoy Launching System, five (5) shipsets Link Level COMSEC (LLC) 7M for LINK 22, five (5) shipsets Maintenance Assist Module (MAM) cabinets, five (5) shipsets technical documentation, five (5) shipsets installation support material, special purpose test equipment, system engineering, technical services, on-site vendor assistance, spare parts, systems training, foreign liaison office and

staging services necessary to support ship construction and delivery, spare and repair parts, tools and test equipment, support equipment, repair and return support, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering and logistics support services, and other related elements of logistic and program support. The estimated total cost was \$860.4 million. Major Defense Equipment (MDE) constituted \$324.4 million of this total.

On June 15, 2020, Congress was notified by Congressional certification transmittal number 20–0G of an additional thirty (30) All-Up-Round MK 54 Lightweight Torpedoes (MDE). The following non-MDE items were also included: MK 54 LWT expendables; MK 54 turnaround kits; MK 54 containers; one (1) MK–695 Torpedo Systems Test Set (TSTS); Support equipment including fire control modification platforms and spare parts; torpedo spare parts; training; publications; software; U.S. Government and contractor engineering, technical, and logistics support services and other related elements of logistics and program support. The addition of these items resulted in a net increase in MDE cost of \$45 million, resulting in a revised MDE cost of \$369.4 million. The total estimated case value increased to \$940.4 million.

This transmittal reports the replacement of the previously notified MDE two (2) All Up Round MK 54 Mod

0 Lightweight Torpedoes (LWT) with two (2) Exercise MK 54 Mod 0 LWTs. Also included is additional Engineering Technical Assistance for redesign of Radar Signal Processing Group configuration and updates to IAFCL design; shipsets of SAASM units and associated spares; COMSEC equipment for use between test sites; and removal of one (1) shipset MK 36 Mod 6 Decoy Launching System. The MDE total value will remain \$369.4 million; however, the non-MDE estimated value will increase from \$571 million to \$810.6 million. The total estimated case value will increase to \$1.18 billion.

(iv) *Significance*: The proposed articles and services will support Spain's capability to commission their new F–110 frigates with the AEGIS Weapon System (AWS).

(v) *Justification*: This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO ally which is an important force for political stability and economic progress in Europe. It is vital to the U.S. national interest to assist Spain in developing and maintaining a strong and ready self-defense capability.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress*: June 8, 2022

[FR Doc. 2024–11521 Filed 5–23–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–17]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697–9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22–17 with attached Policy Justification and Sensitivity of Technology.

Dated: May 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
 201 12TH STREET SOUTH, SUITE 101
 ARLINGTON, VA 22202-5408

June 22, 2022

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-17, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to NATO Support and Procurement Agency (NSPA) as Lead Nation for defense articles and services estimated to cost \$22.7 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 22-17

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* NATO Support and Procurement Agency (NSPA) as Lead Nation for Belgium, Czech Republic, Denmark, Finland,

Greece, Hungary, Italy, the Netherlands, Norway, Poland, Portugal, Spain and the United Kingdom

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$21.8 million
Other	\$ 0.9 million

Total	\$22.7 million
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Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case N4-D-YAB, was below congressional notification threshold at \$1.87 million (\$1.78 million in MDE) and included forty (40) GBU-39/B Small Diameter Bombs, Increment I. NATO Support and Procurement Agency as Lead Nation has

requested the case be amended to include the below listed, additional MDE and non-MDE items and services. This amendment will push the current case above the MDE notification threshold and thus requires notification of the entire case.

Major Defense Equipment (MDE):

Two hundred seventy-nine (279) GBU–39/B Small Diameter Bombs, Increment I
Two hundred four (204) FMU–152 Fuzes
Two hundred four (204) MK–82 500LB General Purpose Bombs
Fifty (50) BLU–109 2000LB Hard Target Penetrator Bombs

Non-MDE:

Also included are smoke signal cartridges; engineering and technical support and assistance; and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (N4–D–YAB)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* June 22, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

NATO Support and Procurement Agency (NSPA)—Precision Guided Munitions

NATO Support and Procurement Agency as Lead Nation has requested the possible sale of two hundred thirty-nine (239) GBU–39/B Small Diameter Bombs, Increment I; two hundred four (204) FMU–152 fuzes; two hundred four (204) MK–82 500LB General Purpose Bombs; and fifty (50) BLU–109 2000LB Hard Target Penetrator Bombs, that will be added to a previously implemented case. The original FMS case, valued at \$1.87 million, included forty (40) GBU–39/B Small Diameter Bombs, Increment I. Therefore, this notification is for a total of two hundred seventy-nine (279) GBU–39/B Small Diameter Bombs, Increment I; two hundred four (204) FMU–152 fuzes; two hundred four (204) MK–82 500LB General Purpose Bombs; and fifty (50) BLU–109 2000LB Hard Target Penetrator Bombs. Also included are smoke signal cartridges; engineering and technical support and assistance; and other related elements of logistical and program support. The total estimated cost is \$22.7 million.

This proposed sale supports the foreign policy and national security of the United States by increasing the flexibility of Belgium, Czech Republic, Denmark, Finland, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Portugal, Spain, and the United Kingdom, twelve NATO nations and one NATO enhanced opportunity partner nation, to contribute to overseas contingency operations. This sale increases the quantity of precision-guided munitions within NATO and allows for their pre-coordinated transfer in support of national and NATO requirements.

The proposed sale will improve NATO's capability to meet current and future ground threats with precision. NATO will use the enhanced capability as a deterrent to regional threats, and to increase interoperability within contingency operations. Many of the purchasing nations already have precision-guided munitions in their inventories and will all have no difficulty absorbing these munitions into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors for production are the Boeing Corporation, St Louis, MO; and Raytheon Missile Systems, Tucson, AZ. The principal contractor for integration is unknown and will be determined during contract negotiations. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to NATO.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–17

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The GBU–39 Small Diameter Bomb Increment 1 (SDB–1) is a 250 pound GPS-aided inertial navigation system, small autonomous, day or night, adverse weather, conventional, air-to-ground precision glide weapon able to strike fixed and stationary re-locatable non-hardened targets from standoff ranges. It is intended to provide aircraft with an ability to carry a high number of bombs. Aircraft are able to carry four SDBs in place of one 2,000 pound bomb.

2. The Joint Programmable Fuze (JPF) FMU–152 is a multi-delay, multi-arm and proximity sensor compatible with general purpose blast, frag and hardened-target penetrator weapons. The JPF settings are cockpit selectable in flight when used with numerous precision-guided weapons.

3. MK–82 General Purpose (GP) bomb is a 500 pound, free-fall, unguided, low-drag weapon used for attacking soft and intermediately protected targets.

4. The BLU–109 is a 2,000 pound hard target penetrator warhead designed to penetrate hardened structures before detonating.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that NATO Support and Procurement Agency (NSPA) and the participating countries can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to NSPA, Belgium, Czech Republic, Denmark, Finland, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Portugal, Spain, and the United Kingdom.

[FR Doc. 2024–11519 Filed 5–23–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–0H]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697–9214.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a

copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22-0H.

Dated: May 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 22, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22-0H. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 14-54 of October 6, 2014.

Sincerely,

A handwritten signature in black ink, reading "James A. Hursch", is positioned above the printed name and title.

James A. Hursch
Director

Enclosures:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 22-0H

Report of Enhancement or Upgrade of
Sensitivity of Technology or Capability
(Sec. 36(B)(5)(C), AECA)

(i) Purchaser: Government of Estonia

(ii) Sec. 36(b)(1), AECA Transmittal
No.: 14-54

Date: October 6, 2014

Implementing Agency: Army

Funding Source: National Funds

(iii) *Description:* On October 6, 2014, Congress was notified by Congressional certification transmittal number 14-54, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of three hundred fifty (350) Javelin Guided Missiles, one hundred twenty (120) Command Launch Units (CLU) with Integrated Day/Thermal Sight, one hundred two (102) Battery Coolant Units, sixteen (16) Enhanced Performance Basic Skills Trainers

(EPBST), one hundred two (102) Missile Simulation Rounds (MSR), spare and repair parts, rechargeable and non-rechargeable batteries, battery chargers and dischargers, support equipment, publications and technical data, personnel training and training equipment, U.S. Government and contractor representative engineering, technical and logistics support services, and other related logistics support. The estimated total cost was \$55 million.

Major Defense Equipment (MDE) constituted \$42 million of this total.

On February 21, 2019, Congress was notified by Congressional certification transmittal number 19-0D, of the inclusion of an additional one hundred thirty (130) Javelin Block 1 (FGM-148) missiles (MDE). The addition of these items resulted in a revised total MDE cost of \$75.6 million. The total estimated case value increased to \$91 million.

This transmittal reports the inclusion of an additional one hundred fifty-six (156) Javelin Block 1 (FGM-148F) missiles (MDE). This inclusion will result in a revised MDE value of \$111.6 million. The total estimated case value will increase to \$127 million.

(iv) *Significance*: Estonia plays an important role in strengthening deterrence capabilities on the northeastern flank of NATO. Sale of the requested items will significantly enhance this NATO partner's ability to counter threats posed by armored and hardened targets, greatly increasing NATO's overall security, and providing a demonstrable deterrent effect.

(v) *Justification*: This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO Ally that continues to be an important force for political stability and economic progress in Europe.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

(vii) *Date Report Delivered to Congress*: June 22, 2022

[FR Doc. 2024-11522 Filed 5-23-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-27]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22-27 with attached Policy Justification and Sensitivity of Technology.

Dated: May 21, 2024.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 21, 2022

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-27, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$94 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

James A. Hursch
 James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 22-27

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$52 million
Other	\$42 million
Total	\$94 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
 Up to fifteen (15) AGM-88E2 Advanced Anti-Radiation Guided Missile (AARGM) Guidance Sections
 Up to fifteen (15) AARGM Control Sections
 Up to fifteen (15) High Speed Anti-Radiation Missiles (HARM) Rocket Motors
 Up to fifteen (15) HARM Warheads
 Up to fifteen (15) HARM Control Sections

Non-MDE:

Also included are AGM-88E2 AARGM All Up Round (AUR) tactical missiles; AGM-88E2 AARGM Captive Air Training Missile (CATM); HARM G-Code AUR; HARM G-Code CATM; M-Code GPS receivers; containers; support and test equipment; EA-18G Growler test support; spare and repair parts; software (Classified and Unclassified); U.S. Government and contractor engineering support; and other related elements of logistical and program support.

- (iv) *Military Department: Navy (AT-P-AQT)*
 (v) *Prior Related Cases, if any: AT-P-LFT*
 (vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None*
 (vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex*
 (viii) *Date Report Delivered to Congress: June 21, 2022*
 * As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—AGM-88E2 AARGM E2 Missiles

The Government of Australia has requested to buy up to fifteen (15) AGM-88E2 Advanced Anti-Radiation Guided Missile (AARGM) Guidance Sections; up to fifteen (15) AARGM Control Sections; up to fifteen (15) High Speed Anti-Radiation Missiles (HARM) Rocket Motors; up to fifteen (15) HARM Warheads; and up to fifteen (15) HARM Control Sections. Also included are AGM-88E2 AARGM All Up Round (AUR) tactical missiles; AGM-88E2 AARGM Captive Air Training Missile (CATM); HARM G-Code AUR; HARM G-Code CATM; M-Code GPS receivers; containers; support and test equipment; EA-18G Growler test support; spare and repair parts; software (Classified and Unclassified); U.S. Government and contractor engineering support; and other related elements of logistical and program support. The estimated total value is \$94 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Australia's capability to meet current and future threats by suppressing and destroying land- or sea-based radar

emitters associated with enemy air defenses. Destruction or suppression of enemy radar denies the adversary the use of air defense systems, thereby improving the survivability of its tactical aircraft. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Northrop Grumman Information Systems (NGIS), Ridgecrest, CA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of the proposed sale will require U.S. Government and contractor representatives to visit Australia on a temporary basis in conjunction with program technical oversight and support requirements, including program and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-27

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AGM-88E2 Advanced Anti-Radiation Guided Missile (AARGM) weapon system is an air-to-ground missile intended for Suppression of Enemy Air Defenses (SEAD) and Destruction of Enemy Air Defenses (DEAD) missions. The AARGM E2 provides suppression or destruction of enemy radar and denies the enemy the use of air defense systems, thereby improving the survivability of tactical aircraft. The AGM-88E2 AARGM Captive Air Training Missiles (CATM) is used by pilots when training for SEAD/DEAD missions.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

[FR Doc. 2024-11525 Filed 5-23-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-22]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22-22 with attached Policy Justification.

Dated: May 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, SUITE 101
ARLINGTON, VA 22202-5408

June 8, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-22, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost \$120 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,


James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification

BILLING CODE 6001-FR-C

Transmittal No. 22-22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)
(ii) *Total Estimated Value:*

Major Defense Equipment * .. \$ 0 million

Other \$120 million

Total \$120 million

Funding Source: National Funds
(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

None

Non-MDE:

Unclassified spare and repair parts for ships and ship systems; logistical

technical assistance; U.S. Government and contractor representative technical and logistical support; and other related elements of logistical and program support.

(iv) *Military Department:* Navy (TW-P-JWH)

(v) *Prior Related Cases, if any:* TW-P-JWD

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* June 8, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States—Ship Spare Parts and Ship System Spare Parts

Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy unclassified spare and repair parts for ships and ship systems; logistical technical assistance; U.S. Government and contractor representative technical and logistical support; and other related elements of logistical and program support. The total estimated program cost is \$120 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will contribute to the sustainment of the recipient's surface vessel fleet, enhancing its ability to meet current and future threats. The proposed sale will contribute to the recipient's goal of maintaining its military capability while further enhancing interoperability with the United States and other allies. The recipient will have no difficulty absorbing this equipment and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The equipment will be sourced from approved U.S. Navy vendors and/or U.S. Navy stock. There is no prime contractor. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024–11526 Filed 5–23–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0046]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for the U.S. Presidential Scholars Program

AGENCY: Office of Communication and Outreach (OCO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before June 24, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Simone Olson, (202) 987–0886.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for the U.S. Presidential Scholars Program.

OMB Control Number: 1860–0504.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 3,300.

Total Estimated Number of Annual Burden Hours: 52,800.

Abstract: The United States Presidential Scholars Program is a national recognition program to honor outstanding graduating high school seniors. Candidates are invited to apply based on academic achievements on the SAT or ACT assessments, through nomination from Chief State School Officers, other recognition program partner organizations, on artistic merits based on participation in a national talent program and achievement in career and technical education programs. This program was established by Presidential Executive Orders 11155, 12158 and 13697.

Dated: May 20, 2024.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–11408 Filed 5–23–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0040]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Integrated Postsecondary Education Data System (IPEDS) 2024–25 Through 2026–27

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before June 24, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/

PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, (202) 245–6347.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Integrated Postsecondary Education Data System (IPEDS) 2024–25 through 2026–27.

OMB Control Number: 1850–0582.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 65,536.

Total Estimated Number of Annual Burden Hours: 636,660.

Abstract: The National Center for Education Statistics (NCES) seeks authorization from OMB to make a change to the Integrated Postsecondary Education Data System (IPEDS) data collection. IPEDS is a web-based data collection system designed to collect basic data from all postsecondary institutions in the United States and the other jurisdictions. The IPEDS data collection enables the National Center for Education Statistics (NCES) to report on key dimensions of postsecondary education such as enrollments, degrees and other awards earned, tuition and fees, average net price, student financial aid, graduation rates, student outcomes, revenues and expenditures, faculty salaries, and staff employed.

The IPEDS web-based data collection system was implemented in 2000–01. In 2022–23, IPEDS collected data from 5,983 Title IV postsecondary institutions in the United States and the other jurisdictions. All Title IV institutions are required to respond to IPEDS (Section 490 of the Higher Education Amendments of 1992 [Pub. L. 102–325]). IPEDS allows other (non-Title IV) institutions to participate on a voluntary basis; approximately 200 non-Title IV institutions elect to respond each year. Institution closures and mergers have led to a decrease in the number of institutions in the IPEDS universe over the past few years. Due to these fluctuations, combined with the addition of new institutions, NCES uses rounded estimates for the number of institutions in the respondent burden calculations for the upcoming years (estimated 6,000 Title IV institutions plus 200 non-title IV institutions for a total of 6,200 institutions estimated to submit IPEDS data during the 2024–25 through 2026–27 IPEDS data collections). IPEDS data are available to the public through the College Navigator and IPEDS Use the Data websites.

The current clearance covers the 2022–23 through 2024–25 collections and is due to expire on August 31, 2025. We are requesting to make changes to multiple survey components and other updates to the identification, cross-cutting terminology, and the glossary. The largest changes in this package are (1) the addition of a new Cost (CST) survey component, which combines components taken from the Student Financial Aid (SFA) and Institutional Characteristics (IC) components and combines them with added questions to determine how and make publicly available more information about how postsecondary institutions ask for information above and beyond the FAFSA; and (2) the planned elimination of the Academic Libraries (AL) survey beginning in the 2025–26 administration.

As part of the 30D public comment period review, NCES has added an Appendix E, containing NCES responses to 60D public comments. Further, NCES requests that IPEDS data submitters and other stakeholders respond to the directed questions found in Appendix D of this submission.

Dated: May 20, 2024.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–11405 Filed 5–23–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Instructions for Requesting a Waiver From the Secretary of Energy for the Import of Russian Low-Enriched Uranium (LEU) Into the United States

AGENCY: Department of Energy (DOE).

ACTION: Notice of availability.

SUMMARY: DOE is announcing a process and related instructions for entities to request a waiver to permit imports of Russian LEU following enactment of a law prohibiting such imports without a waiver.

DATES: This action will become effective immediately on May 24, 2024.

FOR FURTHER INFORMATION CONTACT: Rory Stanley, Chief of Staff, Office of Nuclear Energy, Department of Energy, Phone: (202) 586–2240, Email: uraniumwaiver@nuclear.energy.gov.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 2024, President Biden signed the Prohibiting Russian Uranium Imports Act, (“the Act”), which amends section 3112A of the USEC Privatization Act, codified at 42 U.S.C. 2297h–10a (“section 3112A”).¹ The Act adds a new subsection (d) to 3112A prohibiting the import of Russian LEU into the United States beginning on August 11, 2024. The Act specifies that two types of Russian LEU are subject to the import prohibition: (1) unirradiated LEU produced in the Russian Federation or by a Russian Entity, and (2) unirradiated LEU that is determined to have been exchanged with, swapped for, or otherwise obtained in lieu of unirradiated LEU produced in the Russian Federation or by a Russian Entity in a manner designed to circumvent the restrictions under 42 U.S.C. 2297h–10a(d).

The Act authorizes the Secretary of Energy, in consultation with the Secretary of State and the Secretary of Commerce, to waive temporarily the

¹ Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law 110–329, div. C, tit. VIII, sec. 8118 (Sept. 30, 2008) (amending USEC by adding a new sec. 3112A (Incentives for Additional Downblending of Highly Enriched Uranium by the Russian Federation)).

prohibition and permit the importation of Russian LEU if the Secretary of Energy determines that: “(i) no alternative viable source of [LEU] is available to sustain the continued operation of a nuclear reactor or a United States nuclear energy company; or (ii) importation of [LEU] described in [42 U.S.C. 2297h–10a(d)(1)] is in the national interest.” 42 U.S.C. 2297h–10a(d)(2)(A)(i)–(ii). In granting a waiver, the Secretary of Energy must submit a notification of such action, including the identification of the waiver recipient, to the following Congressional committees: the Senate Committee on Energy and Natural Resources, the Senate Committee on Finance, the House Committee on Energy and Commerce, and the House Committee on Ways and Means. 42 U.S.C. 2297h–10(a)(d)(2)(D). Any waiver by the Secretary of Energy under this provision will terminate not later than January 1, 2028. 42 U.S.C. 2297h–10a(d)(2)(C).

Additionally, the Act amends section 3112A (which codified the export limits and other provisions in the latest amendment to the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (Russian Suspension Agreement))² by eliminating the prior provisions delineating the annual import limits through calendar year 2040 and replacing them with annual import limitations covering only calendar years 2024 through 2027. 42 U.S.C. 2297h–10a(d)(2)(B)(i). The annual limits for these years are identical to the limits of the deleted sections of the prior version of section 3112A for those same calendar years. Consistent with the Act, the specific limits for calendar years 2024–2027 are as follows:

RUSSIAN LEU IMPORTATION LIMITS	
Calendar year	Importation limit (in kilograms)
2024	476,536
2025	470,376
2026	464,183
2027	459,083

² See 2020 Amendment to the Agreement Suspending the Antidumping Investigation on Uranium From the Russian Federation, 85 FR 64112 (October 9, 2020). The export limits and certain other provisions of the amended Russian Suspension Agreement were codified in section 3112A of the USEC Privatization Act, which details the limits applying to the importation of uranium from the Russian Federation. See Consolidated Appropriations Act, 2021, Public Law 116–260, div. Z, tit. II, sec. 2007, Extension and Expansion of Limitations on Importation of Uranium from Russian Federation (Dec. 27, 2020).

The Secretary of Energy cannot grant waivers for the import of aggregate annual amounts of Russian LEU in excess of these limits. 42 U.S.C. 2297h–10a(d)(2). The Act makes the Secretary of Commerce responsible for administering and enforcing these import limitations in accordance with the provisions of the Russian Suspension Agreement. 42 U.S.C. 2297h–10a(d)(2)(B)(ii).

Waiver Procedures and Requirements

As previously described, the Secretary of Energy, in consultation with the Secretary of State and Secretary of Commerce, may grant temporary waivers authorizing the import of specific quantities of Russian LEU into the United States taking place from August 11, 2024 until January 1, 2028, provided that the quantities of those imports do not exceed the limits set forth in 42 U.S.C. 2297h–10a(d)(2)(B)(i). The Secretary of Energy may grant such waivers if the Secretary determines that: (i) no alternative viable source of LEU is available to sustain the continued operation of a nuclear reactor or a U.S. nuclear energy company; or (ii) importation of Russian LEU is in the national interest. 42 U.S.C. 2297h–10a(d)(2)(A)(i)–(ii).

The Act does not define what constitutes an alternative viable source. DOE notes that planning for a reactor refueling involves long lead times and a need for certainty concerning the availability of the fuel to support the refueling. Thus, an alternative source needs to be identified and secured many months prior to a scheduled refueling. This timing issue is necessarily a significant factor in determining whether an alternative source is available. In addition, DOE does not interpret viable to mean that the terms and conditions, including price, of an alternative source must be the same as the prohibited Russian import but rather that the terms and conditions must be reasonable in the context of overall market conditions.

DOE does not consider the American Assured Fuel Supply (AAFS) as an alternative viable source for purposes of determining whether to grant a waiver. Thus, an application to purchase material from the AAFS is not a prerequisite to apply for a waiver under 42 U.S.C. 2297h–10a(d). These two processes are separate and distinct.

The Act also does not define what constitutes an import that is in the national interest. With respect to waiver requests under consideration by DOE, Department of State, and Department of Commerce, there is a presumption that an import will be in the national interest

if: (1) the import is necessary to maintain the viability of a U.S. nuclear energy company that is critical to the U.S. nuclear energy fuel chain; or (2) the import is intended to support an existing arrangement to provide fuel for a nuclear power plant in another country and thus minimize the likelihood of that country seeking a non-U.S. fuel supplier. DOE believes it is important to the national interest to keep existing elements of the domestic fuel chain infrastructure in operation and to focus on expanding domestic fuel chain capacity. DOE also believes it is important to the national interest to maintain supply relationships with end-users in other countries while additional LEU capacity is being developed. In addition, waiver applicants may identify other situations that they believe may be in the national interest for consideration by the Secretary of Energy.

DOE notes that the Act provides that LEU imported from a country other than Russia is considered Russian LEU if the LEU is determined to have been exchanged with, swapped for, or otherwise obtained in lieu of unirradiated LEU that was produced in the Russian Federation or by a Russian entity in a manner designed to circumvent the restrictions under 42 U.S.C. 2297h–10(d). With respect to waiver requests under consideration by DOE, Department of State, and Department of Commerce, there will be a presumption against imports which result from efforts to circumvent the ban on imports of Russian LEU. Note that the need to consider whether an import from a country other than Russia might involve Russian LEU applies to all imports.

A waiver granted by the Secretary of Energy only relates to the prohibition on importation of Russian LEU established by the new section 3112A(d). Such a waiver does not affect any other statutory or regulatory requirement relating to the importation of Russian LEU, including requirements for Nuclear Regulatory Commission (NRC) licenses to import and possess Russian LEU, and for U.S. Department of Commerce approval of contracts, as required, and shipments under the Russian Suspension Agreement.

Examples of Scenarios Likely Warranting Waivers

The following examples describe situations where a waiver would likely be appropriate.

Example 1—No Alternative Viable Source: Applicant/Importer is an End User. With respect to a request from an end user for a waiver allowing the

import of Russian LEU, the applicant demonstrates that: (1) it has a signed contract (approved by the U.S. Department of Commerce) to receive the Russian LEU; (2) such LEU will support a near-term refueling of a domestic nuclear power plant to prevent gaps or reductions in operation due to uncertainty about the availability of fuel when needed; and (3) it has made a good faith effort to obtain the LEU from an alternative source and has been unable to obtain such LEU from an alternative source for reasonable terms and on a schedule needed to sustain the continued operation of its domestic nuclear reactor with no gaps or reductions in operation due to uncertainty about the availability of fuel when needed.

Example 2—No Alternative Viable Source: Applicant/Importer is a U.S. Nuclear Energy Company, Domestic Distribution. For a waiver request from a U.S. nuclear energy company for an import of Russian LEU for domestic distribution, the company demonstrates that it: (1) has a signed contract (approved by the U.S. Department of Commerce, as required under the Russian Suspension Agreement) to receive the Russian LEU; (2) has a signed contract (approved by the U.S. Department of Commerce, as required under the Russian Suspension Agreement) to supply a domestic end user with Russian LEU; (3) shows that such Russian LEU will support a near-term refueling of a domestic nuclear power plant to prevent gaps or reductions in operation due to uncertainty about the availability of fuel when needed; and (4) has made a good faith effort to obtain the LEU from an alternative source and has been unable to obtain LEU from an alternative source for reasonable terms and on the schedule needed to satisfy the terms and conditions of an existing contract to supply LEU for the operation of a domestic nuclear reactor.

Example 3—National Interest: Applicant/Importer is a U.S. Nuclear Energy Company, Foreign Distribution. For a waiver request from a U.S. nuclear energy company for imports for processing and re-export, the company demonstrates that it: (1) has a signed contract to receive the Russian LEU; and (2) has an existing signed contract to supply the Russian LEU to an end user in another country prior to January 1, 2028.

Example 4—National Interest: Applicant/Importer is a U.S. Nuclear Energy Company Critical to the U.S. Nuclear Energy Supply Chain. For a waiver request from a U.S. nuclear energy company for imports for

domestic or foreign distribution, the company demonstrates that it is a critical part of the U.S. nuclear energy supply chain, and, in the absence of a waiver, it would not be able to stay in business. The company must demonstrate that it has the relevant signed contract(s) approved by the U.S. Department of Commerce, as required under the Russian Suspension Agreement.

Instructions for Requesting a Waiver

Entities seeking a waiver by the Secretary of Energy for import of Russian LEU during the period from August 11, 2024 until January 1, 2028, must follow the instructions below:

1. Applicants requesting a waiver should submit their request to: Chief of Staff, Office of Nuclear Energy, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, phone: (202) 586-2240; Email: uraniumwaiver@nuclear.energy.gov. It is recommended that requests be submitted electronically via email. Please include "Request for a Waiver to Permit Imports of Russian LEU" in the subject line.

2. The request should contain at a minimum the following information:

a. Name, address, and contact information of the applicant and, if applicable, the separate end user for whom the applicant is seeking to import the Russian LEU;

b. For the U.S. consignee, the license number and expiration date of the NRC or Agreement State license that authorizes the U.S. consignee to receive and possess the Russian LEU to be imported;

c. Date of anticipated entry into the U.S. of the Russian LEU for which a waiver is sought;

d. Amounts and assays of, and intended use of, the Russian LEU for which a waiver is sought;

e. For domestic distribution, whether the applicant has an existing signed contract approved by the U.S. Department of Commerce, as required under the Russian Suspension Agreement, for purchase of such LEU, and, if the applicant is not the end user, whether the applicant has an existing signed contract with a domestic end user approved by the U.S. Department of Commerce, as required under the Russian Suspension Agreement, and if any such contract(s) exists, the duration of such contracts, and any other relevant terms and conditions;

f. For foreign distribution, whether the applicant has an existing signed contract to receive the Russian LEU; and an existing signed contract to supply the

Russian LEU to an end user in another country prior to January 1, 2028.

g. If applicable, the date that fuel is needed by an end user to avoid an interruption or gap in continued operation of a nuclear reactor or U.S. nuclear energy company;

h. The approximate date(s) of the import(s) of Russian LEU for which the applicant is requesting the waiver(s), with no request for any import on or after January 1, 2028;

i. For a request for a waiver based on a demonstration of no alternative viable source of LEU, a detailed description of reasonable efforts made to obtain an alternative source of LEU, together with a detailed explanation of why the applicant was not able to obtain an alternative source of LEU available on reasonable terms and on the schedule needed to sustain the continued operation of a nuclear reactor or U.S. nuclear energy company. Given the long lead times associated with planning a reactor refueling and the need for certainty concerning the availability of fuel, the level of documentation and evidence needed to support a demonstration of no alternative viable source of LEU will necessarily increase for imports associated with refuelings later in time since the applicant will have had more time to find an alternative source of LEU;

j. For a request for a waiver in the national interest, a detailed description of why the applicant believes the importation of the Russian LEU is in the national interest;

k. For a request for a waiver applying to an import for foreign distribution, the expected date on which fuel will be exported to an end user in another country;

l. A description of the impact, including the timing of such impact, if a waiver is not granted and the Russian LEU cannot be imported; and

m. Any other information that the applicant believes could assist the Secretary of Energy in making the waiver determination.

3. Requests for a waiver may be submitted at any time after the issuance of this Notice.

4. After review, DOE may request additional information from an applicant.

DOE will endeavor to decide whether to grant a waiver as soon as practical following receipt of sufficient documentation but expects a minimum processing period (including consultation with the Secretary of State and the Secretary of Commerce) of 30 days from receipt of the waiver request to DOE issuing a waiver determination. As noted previously, the level of

documentation necessary to support a waiver will vary depending on the date of the refueling associated with a particular import. Any waiver granted shall terminate not later than January 1, 2028, and no requests for a waiver or for extension of a waiver will be accepted or granted after that date.

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 the information will be treated in accordance with this determination. As appropriate, DOE will provide all information submitted by the applicant to the Department of State and the Department of Commerce for purposes of consultation.

Definitions

The terms “applicant” and “importer” mean any U.S. person who is a uranium broker, end user of Russian LEU, or any other U.S. person who will add value to the imported Russian LEU by processing, handling, or otherwise modifying it in some way before it is received by the ultimate end user.

The terms “low-enriched uranium” and “LEU” mean both low-enriched uranium as defined in section 3102 of the USEC Privatization Act (42 U.S.C. 2297h); and low-enriched uranium as defined in section 3112A(a) of that Act (42 U.S.C. 2297h–10a(a)).

The term “Russian Entity” means an entity organized under the laws of or otherwise subject to the jurisdiction of the Government of the Russian Federation.

The phrase “Russian LEU” means:

(1) Unirradiated low-enriched uranium that is produced in the Russian Federation or by a Russian entity; and
(2) Unirradiated low-enriched uranium that is determined to have been exchanged with, swapped for, or otherwise obtained in lieu of unirradiated low-enriched uranium that is produced in the Russian Federation or by a Russian entity in a manner designed to circumvent the restrictions under 42 U.S.C. 2297h–10a(d).

The term “U.S. nuclear energy company” means a company that is organized under the laws of, or

otherwise subject to the jurisdiction of, the United States; and is involved in the nuclear energy industry.

Signing Authority

This document of the Department of Energy was signed on May 20, 2024, by Dr. K. Michael Goff, Acting Assistant Secretary for Nuclear 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 May 20, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–11392 Filed 5–23–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[GDO Docket No. EA–427]

Application for Amended Authorization To Export Electric Energy; Versant Power

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Versant Power (the Applicant), formerly known as Emera Maine, has applied to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before June 10, 2024.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to Electricity.Exports@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Janessa Zucchetto, (240) 474–8226, Electricity.Exports@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b)

and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE’s Grid Deployment Office (GDO) by Delegation Order No. S1–DEL–S3–2023 and Redelegatation Order No. S3–DEL–GD1–2023.

On December 5, 1963, DOE issued Order No. E–6751 authorizing Maine Public Service Company (Maine Public) to transmit electric energy from the United States to Canada. On October 7, 2020, Versant Power filed an application (Application or App.) with DOE seeking to rescind Order No. E–6751 and have the authorization to export electric energy issued to Versant Power. App. at 1. DOE did not act upon Versant Power’s initial application to rescind and reissue Order No. E–6751.

According to the Application, Maine Public merged with Bangor Hydro Electric Company (Bangor Hydro) to form Emera Maine on January 1, 2014. App. at 1. Emera Maine then changed its name to Versant Power in May 2020. *Id.* Versant Power states that it is a “Maine corporation in the business of the purchase, sale, transmission and distribution of electricity in the state of Maine.” *Id.* at 2. The Applicant states it is the principal operating subsidiary of BHE Holdings, Inc., a Delaware corporation. *Id.* Versant Power further states that it “has received market-based rate authority from the Federal Energy Regulatory Commission.” *Id.* The Applicant does not “own [any] generation and only engage[s] in the wholesale marketing of generation[.]” *Id.* at 6. Additionally, Versant Power represents that since it is primarily a transmission and distribution utility, “any sales of electric energy will be surplus to the needs of the customers within [the Applicant’s] service territory, so that the export of power will not impair the sufficiency of electric power supply in the U.S.” App. at 6. Further, the Applicant states it agrees to abide by the export limits of the transmission facilities over which it seeks to export and asserts its exports “will not impede or tend to impede the coordinated use of transmission facilities within the meaning of Section 202(e) of the FPA.” *Id.* at 8.

The existing international transmission facilities to be utilized by the Applicant have been previously

authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

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 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 Versant Power's Application should be clearly marked with GDO Docket No. EA-427. Additional copies are to be provided directly to Philip C. Smith, Corporate Counsel, Versant Power, P.O. Box 932, Bangor, ME 04401, *philip.smith@versantpower.com*, and Bonnie A. Suchman, Suchman Law LLC, 8104 Paisley Place, Potomac, Maryland 20854, *bonnie@suchmanlawllc.com*.

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at <https://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 May 21, 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 May 21, 2024.

Treena V. Garrett,

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

[FR Doc. 2024-11497 Filed 5-23-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

[GDO Docket No. EA-97-E]

Application for Renewal of Authorization To Export Electric Energy; Portland General Electric Company

AGENCY: Grid Deployment Office, Department of Energy.

ACTION: Notice of application.

SUMMARY: Portland General Electric Company (the Applicant or PGE) has applied for renewed authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before June 24, 2024.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Janessa Zucchetto, (240) 474-8226, *Electricity.Exports@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) by Delegation Order No. S1-DEL-S3-2023 and Redellegation Order No. S3-DEL-GD1-2023.

On April 29, 1994, DOE issued Order No. EA-97 authorizing PGE to transmit electric energy from the United States to Canada as a power marketer for a period of two years. DOE renewed this authority in 1996 (Order No. EA-97-A),

1998 (Order No. EA-97-B), 2004 (Order No. EA-97-C), and 2014 (Order No. EA-97-D). On April 19, 2024, PGE filed an application with DOE (Application or App.) for renewal of its export authority for a ten-year term. App. at 1.

In its Application, PGE states that it is "authorized to do business in the State of Oregon, with its principal place of business located at 121 SW Salmon Street, Portland, Oregon 97204." App. at 2. According to the Application, PGE "owns generation, transmission, and distribution facilities for service to wholesale and retail customers, and it buys and sells power in the Western energy wholesale market." *Id.* PGE states it is "authorized by the FERC to sell, at market-based rates, electric capacity and/or energy, and ancillary services." *Id.* The Applicant explains it "lacks market-based rate authority in the PGE Balancing Authority Area, except for sales in the Energy Imbalance Market operated by the California Independent System Operator Corporation[.]" *Id.*

PGE represents that its "sale of electric energy under this [authorization] has not and will neither impair the sufficiency of electric supply within the United States nor would it impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of DOE." App. at 4. The Applicant states that it "has no intention to engage in exports which could result in a detriment to the U.S. electrical system or undermine PGE's ability to reliably serve its customers." *Id.* at 5-6.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. *See* App. at Exhibit C.

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 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 PGE's Application should be clearly marked with GDO Docket No. EA-97-E. Additional copies are to be provided directly to David White, Portland General Electric Company, 121 SW Salmon Street, 1WTC 1301,

Portland, OR 97204, david.white@pgn.com, and Jenny Mackie, Portland General Electric Company, 121 SW Salmon Street, IOC, Portland, OR 97204, jenny.mackie@pgn.com.

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at <https://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 May 21, 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 May 21, 2024.

Treena V. Garrett,

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

[FR Doc. 2024-11498 Filed 5-23-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

DOE Response to Defense Nuclear Facilities Safety Board Recommendation 2023-1, Onsite Transportation Safety

AGENCY: Office of Environment, Health, Safety and Security, Department of Energy.

ACTION: Notice.

SUMMARY: On January 26, 2024, the Defense Nuclear Facilities Safety Board issued Recommendation 2023-1, *Onsite Transportation Safety*, to the Department of Energy (DOE). In accordance with the Atomic Energy Act of 1954, as amended, the Secretary of

Energy's response to the Recommendation is provided in this notice.

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before June 24, 2024.

ADDRESSES: Please send comments to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Mrs. Zahira Cruz-Perez, Office of the Departmental Representative to the Defense Nuclear Facilities Safety Board, Office of Environment, Health, Safety and Security, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, or telephone number (301) 903-0200, or email Zahira.Cruz-Perez@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On January 26, 2024, the Defense Nuclear Facilities Safety Board issued Recommendation 2023-1, *Onsite Transportation Safety*, to the Department of Energy. In accordance with section 315(c) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2286d(c)), the Secretary of Energy's response to the Recommendation is printed in full at the conclusion of this notice.

Signing Authority

This document of the Department of Energy was signed on May 20, 2024, by Mark Do, Acting Departmental Representative to the Defense Nuclear Facilities Safety Board, Office of Environment, Health, Safety and Security, 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 May 21, 2024.

Treena V. Garrett,

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

May 3, 2024

The Honorable Joyce L. Connery
Chair

Defense Nuclear Facilities Safety Board
625 Indiana Avenue NW, Suite 700

Washington, DC 20004

Dear Chair Connery:

I appreciate the Defense Nuclear Facilities Safety Board's (DNFSB or Board) continued support to the Department of Energy (DOE or Department), including the National Nuclear Security Administration (NNSA), in the safe operation of our facilities. The Department received Board Recommendation 2023-1, *Onsite Transportation Safety*, dated January 26, 2024, which was published in the **Federal Register** on February 8, 2024.

DOE reviewed the recommendation's findings in which the DNFSB partially addressed the Department's comments to the Draft Recommendation. I accept Recommendation 2023-1¹ and agree with the Board that greater flexibility is needed to address Sub-Recommendation 3.a. The Department shares the Board's view regarding continuous improvement of our nuclear safety regulatory framework and safety basis methodology to ensure reasonable assurance of adequate protection of workers, the public, and environment in a manner that meets our shared objective of continued safe, effective, and efficient execution of our mission. We look forward to working with the Board and DNFSB staff as we prepare the Implementation Plan.

If you have any questions, please contact Gregory Hatchett, NNSA Deputy Associate Administrator for Enterprise Stewardship, whom I have assigned as the Responsible Manager for this recommendation, at (202) 586-6443. Sincerely,
Jennifer Granholm
Enclosure

Enclosure

Department of Energy Response to Defense Nuclear Facilities Safety Board Recommendation 2023-1, Onsite Transportation Safety

The Department of Energy (DOE or Department) has evaluated and accepts Defense Nuclear Facilities Safety Board (DNFSB or Board) Recommendation 2023-1, *Onsite Transportation Safety*. Below is a response to each sub recommendation outlined in Recommendation 2023-1. Regarding Sub-Recommendation 3.a, DOE appreciates the Board's recognition of the need for "greater flexibility in identifying corrective actions to

¹ The Department accepts this recommendation, recognizing that the *Atomic Energy Act of 1954*, as amended (AEA), authorizes the Board to conduct safety reviews and make recommendations for the Department's defense nuclear facilities to the extent consistent with its enabling legislation under the AEA.

preclude recurrence of the safety issues.”

Sub-Recommendation 1: LANL Transportation Safety Document

Sub-Recommendation 1.a. *Revise the LANL TSD to address the safety concerns identified in this Recommendation and to comply with a revised safe harbor methodology per sub-Recommendation 2.a.*

The Department of Energy’s National Nuclear Security Administration (DOE/NNSA) Los Alamos Field Office (NA–LA) approved a revised Los Alamos National Laboratory (LANL) Transportation Safety Document (TSD) Documented Safety Analysis (DSA) for onsite transfers and Technical Safety Requirements (TSRs) on August 10, 2023, with two conditions of approval requiring LANL to address additional comments in the 2023 and 2024 annual update. DOE/NNSA continues to work with LANL as they address the conditions of approval and demonstrate that workers, members of the public, and the environment are adequately protected during onsite transfers. Once DOE has completed Recommendation 2.a., LANL will revise their DSA following the new methodology.

DOE accepts Sub-Recommendation 1.a.

Sub-Recommendation 1.b. *Ensure compensatory safety measures remain in place until implementation of the LANL TSD revised per sub-Recommendation 1.a above.*

By elevating the compensatory safety measures to TSRs, NA–LA has ensured the controls cannot be changed without DOE approval. As identified by the DNFSB, Safety Basis Approval Authorities and Safety Basis Review Teams can change and even reduce commitments from previous approvals and reviews. Therefore, DOE commits to ensuring the approved safety basis maintains the elevated controls until LANL re-writes the DSA and TSRs following a revised methodology.

DOE accepts Sub-Recommendation 1.b.

Sub-Recommendation 2: Onsite Transportation Directives

Sub-Recommendation 2.a. *Rewrite DOE safe harbors for onsite transportation—DOE Order 460.1D, Hazardous Materials Packaging and Transportation Safety, and DOE Guide 460.1–1, Implementation Guide for Use with DOE O 460.1A, Packaging and Transportation Safety—to:*

i. *Provide requirements and guidance to ensure TSDs comply with all applicable 10 CFR 830 safety basis requirements including requirements*

related to accident evaluation and hazard controls.

ii. *Include robust evaluation criteria to ensure TSDs demonstrate that safety controls are effective at reducing risk.*

iii. *Include implementation guidance for restricting public access to transportation routes, and controlling onsite traffic, during onsite transportation of radioactive materials.*

DOE will revise the DSA methodology for onsite transfers to ensure compliance with 10 CFR part 830, subpart B, *Safety Basis Requirements*.

DOE accepts Sub-Recommendation 2.a.

Sub-Recommendation 2.b. *Change DOE Standard 1104, Review and Approval of Nuclear Facility Safety Basis and Safety Design Basis Documents, to incorporate requirements and guidance for DOE review and approval of TSDs.*

Once the methodology in 2.a is complete, DOE will revise DOE–STD–1104, *Review and Approval of Nuclear Facility Safety Basis and Safety Design Basis Documents*, as appropriate for reviewing and approving DSAs and TSRs for onsite transfers.

DOE accepts Sub-Recommendation 2.b.

Sub-Recommendation 2.c. *Conduct an extent of condition review of TSDs for DOE sites with defense nuclear facilities to identify any near-term actions necessary to ensure safety until the safe harbors are revised and implemented.*

DOE will compile extent of condition work already completed at DOE sites and will conduct an extent of condition review of DSAs and TSRs for onsite transfers at remaining DOE sites with Defense Nuclear Facilities to determine if any near-term actions are necessary to ensure safety until the revised methodology is issued and implemented. As part of the review, DOE will evaluate the variation between DSAs/TSRs to understand how the current methodology is being implemented to identify potential issue(s) that could inform actions necessary for Sub-Recommendation 2.a.

DOE accepts Sub-Recommendation 2.c.

Sub-Recommendation 3: DOE Oversight

Sub-Recommendation 3.a. *Perform an independent causal analysis for the safety issues identified in this Recommendation, including the effectiveness of DOE oversight of its onsite transportation directives, and DOE’s evaluation of and actions in response to the safety issues identified in prior Board correspondence on onsite transportation safety. Identify and*

implement corrective actions to address appropriate causal analysis results that preclude recurrence of the safety issues.

Pending the outcome of the extent of condition review performed in Sub-Recommendation 2.c., DOE will identify and implement applicable corrective actions. DOE agrees with the DNFSB on the need for greater flexibility in identifying these corrective actions to preclude recurrence of the safety issues.

DOE accepts Sub-Recommendation 3.a.

[FR Doc. 2024–11472 Filed 5–23–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 298–081]

Southern California Edison Company; Notice of Intent To Prepare an Environmental Assessment

On December 23, 2019, Southern California Edison Company filed a relicense application for the 8.85-megawatt Kaweah Hydroelectric Project No. 298 (project). The project is located on the Kaweah River and East Fork Kaweah River in Tulare County, California.

In accordance with the Commission’s regulations, on April 15, 2020, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission’s final licensing decision.

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.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	June 2024. ¹
Comments on EA	August 2024.

Any questions regarding this notice may be directed to Rebecca Kipp at (202) 502–8846 or rebecca.kipp@ferc.gov.

Dated: May 20, 2024.
Debbie-Anne A. Reese,
Acting Secretary.
[FR Doc. 2024–11504 Filed 5–23–24; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2818–025]

The City and Borough of Sitka; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of ILP Pre-Filing Process and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

- a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Licensing Process.
- b. *Project No.:* 2818–025.
- c. *Dated Filed:* March 26, 2024.
- d. *Submitted By:* The City and Borough of Sitka.
- e. *Name of Project:* Green Lake Hydroelectric Project.
- f. *Location:* On the Vodopad River, between Green Lake and Silver Bay, in the City and Borough of Sitka, Alaska. The project does not occupy Federal land.
- g. *Filed Pursuant to:* 18 CFR part 5 of the Commission’s regulations.
- h. *Applicant Contact:* Kord Christianson, City and Borough of Sitka; 105 Jarvis Street, Sitka, Alaska 99835; kord.christianson@cityofsitka.org; 907–747–1886.
- i. *FERC Contact:* Jeffrey Ackley at Jeffrey.Ackley@FERC.gov.

¹ The Council on Environmental Quality’s (CEQ) regulations under 40 CFR 1501.10(b)(1) (2023) require that EAs be completed within 1 year of the federal action agency’s decision to prepare an EA. See National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, as amended by section 107(g)(1)(B)(iii) of the Fiscal Responsibility Act of 2023, Public Law 118–5, 4336a, 137 Stat. 42.

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 o 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. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; and National Marine Fisheries Service under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Alaska State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating the City and Borough of Sitka as the Commission’s non-Federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, the Magnuson-Stevens Fishery Management and Conservation Act, and section 106 of the National Historic Preservation Act.

m. The City and Borough of Sitka filed with the Commission a Pre-Application Document (PAD; including proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission’s regulations.

n. A copy of the PAD is available for review on the Commission’s website (<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, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

You may register online at <https://ferconline.ferc.gov/FERCOOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff’s Scoping Document 1 (SD1), as

well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission’s eFiling system at <https://ferconline.ferc.gov/FERCOOnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online. 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, Deputy 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, Deputy Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Green Lake Hydroelectric Project (P–2818–025).

All filings with the Commission must bear the appropriate heading: “Comments on Pre-Application Document,” “Study Requests,” “Comments on Scoping Document 1,” “Request for Cooperating Agency Status,” or “Communications to and from Commission Staff.” Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by July 24, 2024.

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 at OPP@ferc.gov.

q. The Commission’s scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA)

scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

Scoping Meetings

Commission staff will hold two scoping meetings for the project to receive input on the scope of the NEPA document. An evening meeting will focus on receiving input from the public and a daytime meeting will focus on concerns of resource agencies, Native American Tribes, and non-governmental organizations (NGO). We invite all interested agencies, Native American Tribes, NGOs, and the public to attend one or both meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. The dates and times of the scoping meetings are listed below.

Daytime Scoping Meeting

Date: Wednesday, June 12, 2024.

Time: 10:00 a.m.–12:00 p.m. Alaska Standard Time (AST).

Location: Harrigan Centennial Hall, 330 Harbor Dr., Sitka, AK 99835.

Phone: (907) 747–4090.

Evening Scoping Meeting

Date: Wednesday, June 12, 2024.

Time: 6:30 p.m.–8:30 p.m. (AST).

Location: Harrigan Centennial Hall, 330 Harbor Dr., Sitka, AK 99835.

Phone: (907) 747–4090.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at <http://www.ferc.gov>, using the "eLibrary" link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Visit

The City and Borough of Sitka and Commission staff will hold an environmental site visit of the Green Lake Hydroelectric Project on Wednesday, June 12, 2024, 2:00 p.m. to 4:00 p.m. AST. You must register in advance if you are interested in attending a site visit. Please contact Elizabeth Lack and Kord Christianson via email at lack@mcmillen.com, and kord.christianson@cityofsitka.org, on or before June 5, 2024, for site review access details, if you plan to attend.

Meeting Objectives

At the scoping meetings, Commission staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of Federal, State, and Tribal permitting and certification processes; and (5) discuss the potential of any Federal or State agency or Native American Tribe to act as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the project's PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

Meeting Procedures

Commission staff are moderating the scoping meetings. The meetings are recorded by an independent stenographer and become part of the formal record of the Commission proceeding on the project. Individuals, NGOs, Indian Tribes, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the NEPA document.

Dated: May 20, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–11503 Filed 5–23–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC24–15–000]

Commission Information Collection Activities (FERC–587); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting

public comment on the currently approved information collection FERC–587, Land Description: Public Land States/Non-Public Land States, OMB Control Number 1902–0145.

DATES: Comments on the collections of information are due July 23, 2024.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC24–15–000 and the specific FERC collection number (FERC–587) by one of the following methods:

Electronic filing through <http://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by other delivery services:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *All other delivery services:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at <https://www.ferc.gov/ferc-online/overview>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION CONTACT: Jean Sonneman may be reached by email at DataClearance@FERC.gov, or telephone at (202) 502–6362.

SUPPLEMENTARY INFORMATION:

Title: FERC–587, Land Description: Public Land States/Non-Public Land States.

OMB Control No.: 1902–0145.

Type of Request: Three-year extension of the FERC–587 information collection requirements with no changes to the current reporting requirements.

Abstract: Section 24 of the Federal Power Act (FPA) ¹ requires the Commission to conduct this collection of information, which pertains to applications proposing hydropower projects, or changes to existing hydropower projects, within "lands of

¹ 16 U.S.C. 818.

the United States.” FERC Form 587² consolidates the required information, including a description of the applicable U.S. lands and identification of hydropower project boundary maps associated with the applicable U.S. lands. An applicant must send FERC Form 587 both to the Commission and

to the Bureau of Land Management (BLM)³ state office where the project is located. The information consolidated in FERC Form 587 facilitates the reservation of U.S. lands as hydropower sites and the withdrawal of such lands from other uses.

Type of Respondents: Applicants proposing hydropower projects, or

changes to existing hydropower projects, within lands of the United States.

Estimate of Annual Burden: The Commission estimates the average annual burden⁴ and cost⁵ for this information collection as follows.

A. Number of respondents	B. Annual number of responses per respondent	C. Total number of responses (column A × column B)	D. Average hour burden & cost per response	E. Total annual burden hours & total annual cost (column C × column D)	F. Cost per respondent (\$) (column E ÷ column A)
70	1	70	1 hour; \$100.00	70 hours; \$7,000	\$100.00

Comments: Comments are invited on: (1) whether the collections of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: May 17, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-11386 Filed 5-23-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2071-090]

PacifiCorp; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Filing Type:* Non-capacity Amendment of license.
- b. *Project No:* 2071-090.
- c. *Date Filed:* May 31, 2023.
- d. *Applicant:* PacifiCorp.

e. *Name of Project:* Yale Hydroelectric Project.

f. *Location:* The project is located on the Lewis River in Clark and Cowlitz counties, WA.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Todd Olson, (503) 813-6657, Todd.Olson@pacificorp.com.

i. *FERC Contact:* Steven Sachs, (202) 502-8666, Steven.Sachs@ferc.gov.

j. *Cooperating agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to 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 any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Water Quality Certification:* The applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

l. *Deadline for filing comments, motions to intervene, and protests:* June 17, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit

brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. 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: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P-2071-090. Comments emailed to Commission staff are not part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor 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.

m. *Description of Request:* The application proposes to install a rock filter/drain berm on the downstream side of the Yale saddle dam and add a downstream toe drain and drainage swale. The applicant's proposal includes adding material to the downstream side of the dam, extending the toe approximately 50 feet into the

² Form 587 can be found at <https://cms.ferc.gov/media/ferc-587>.

³ The Bureau of Land Management is within the U.S. Department of the Interior.

⁴ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collections burden, reference 5 CFR 1320.3.

⁵ The Commission staff estimates that the average respondent for FERC-587 is similarly situated to the Commission, in terms of salary plus benefits. Based on FERC's current annual average of \$207,786 (for salary plus benefits), the average hourly cost is \$100/hour.

parking lot for Saddle Dam Park that it would subsequently modify to maintain the existing parking capacity. Additionally, the applicant would add rock armament to the upstream face of the dam, requiring a 1 to 2-month-long, 15-foot reservoir drawdown in the winter. Construction is expected to take place over approximately 18 months.

n. *Locations of the application:* This filing may be viewed on the Commission's website 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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659.

o. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

p. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Documents:* Any filing must: (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

r. 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: May 17, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-11388 Filed 5-23-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL24-109-000]

Eagle Point Power Generation LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On May 20, 2024, the Commission issued an order in Docket No. EL24-109-000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether Eagle Point Power Generation LLC's Rate Schedule is unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. *Eagle Point Power Generation LLC*, 187 FERC ¶ 61,082 (2024).

The refund effective date in Docket No. EL24-109-000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL24-109-000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2023), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document 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. From

FERC's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at 202-502-8371, TTY 202-502-8659. Email the Public Reference Room at public.refenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFile" link at <http://www.ferc.gov>. 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, Maryland 20852.

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: May 20, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-11505 Filed 5-23-24; 8:45 am]

BILLING CODE 6717-01-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: PR24–72–000.

Applicants: Cranberry Pipeline Corporation.

Description: 284.123(g) Rate Filing: Cranberry Pipeline Corp Revised Statement of Rates to be effective 5/20/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5003.

Comment Date: 5 p.m. ET 6/10/24.

284.123(g) Protest: 5 p.m. ET 7/19/24.

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.

Filings in Existing Proceedings

Docket Numbers: RP24–596–001.

Applicants: Southwest Gas Storage Company.

Description: Compliance filing: Compliance with 04/26/2024 Order (Vol 1–A) to be effective 4/1/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5080.

Comment Date: 5 p.m. ET 6/3/24.

Docket Numbers: RP24–597–001.

Applicants: Southwest Gas Storage Company.

Description: Compliance filing: Compliance with 04/26/2024 Order (Volume 1) to be effective 4/1/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5081.

Comment Date: 5 p.m. ET 6/3/24.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

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: May 20, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–11506 Filed 5–23–24; 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 electric rate filings:

Docket Numbers: ER10–1290–012.

Applicants: San Diego Gas & Electric Company.

Description: Notice of Non-Material Change in Status of San Diego Gas & Electric Company.

Filed Date: 5/17/24.

Accession Number: 20240517–5188.

Comment Date: 5 p.m. ET 6/7/24.

Docket Numbers: ER22–773–001; ER22–2558–001.

Applicants: Great Pathfinder Wind, LLC, Mulligan Solar, LLC.

Description: Notice of Non-Material Change in Status of Mulligan Solar, LLC et al.

Filed Date: 5/17/24.

Accession Number: 20240517–5161.

Comment Date: 5 p.m. ET 6/7/24.

Docket Numbers: ER23–729–004.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Compliance Filing re LDA Reliability Requirement in ER23–729 to be effective 5/6/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5123.

Comment Date: 5 p.m. ET 6/10/24.

Docket Numbers: ER24–722–003.

Applicants: Oklahoma Gas and Electric Company.

Description: Compliance filing: Compliance to 50 to be effective 1/1/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5091.

Comment Date: 5 p.m. ET 6/10/24.

Docket Numbers: ER24–1366–001.

Applicants: Tumbleweed Energy, LLC.

Description: Compliance filing: Response to Request for Additional Information to be effective 3/1/2024.

Filed Date: 5/17/24.

Accession Number: 20240517–5171.

Comment Date: 5 p.m. ET 6/7/24.

Docket Numbers: ER24–1449–001.

Applicants: Goose Prairie Solar LLC.

Description: Tariff Amendment: Resp to Deficiency Ltr & Requests for Confidential Treatment & Expedited Action to be effective 5/11/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5134.

Comment Date: 5 p.m. ET 6/10/24.

Docket Numbers: ER24–1588–000.

Applicants: Double Black Diamond Solar Power, LLC.

Description: Second Supplement to March 21, 2024, Double Black Diamond Solar Power, LLC tariff filing.

Filed Date: 5/15/24.

Accession Number: 20240515–5226.

Comment Date: 5 p.m. ET 5/30/24.

Docket Numbers: ER24–1597–000.

Applicants: Harvest Gold Solar Power, LLC.

Description: Supplement to March 22, 2024, Harvest Gold Solar Power, LLC tariff filing.

Filed Date: 5/16/24.

Accession Number: 20240516–5198.

Comment Date: 5 p.m. ET 5/30/24.

Docket Numbers: ER24–2059–000.

Applicants: Ameren Illinois Company.

Description: 205(d) Rate Filing: Filing of Reimbursement Agreement to be effective 7/19/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5047.

Comment Date: 5 p.m. ET 6/10/24.

Docket Numbers: ER24–2060–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA, SA No. 6269; Queue No. AE2–059 (amend) to be effective 7/20/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5051.

Comment Date: 5 p.m. ET 6/10/24.

Docket Numbers: ER24–2061–000.

Applicants: Upper Missouri G. & T. Electric Cooperative, Inc.

Description: 205(d) Rate Filing: UMPC Exhibit A Revisions WPCs to be effective 6/1/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5102.

Comment Date: 5 p.m. ET 6/10/24.

Docket Numbers: ER24–2062–000.

Applicants: Duke Energy Florida, LLC.

Description: 205(d) Rate Filing: DEF-Chattahoochee Amended and Restated NITSA SA No. 154 to be effective 4/21/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5116.

Comment Date: 5 p.m. ET 6/10/24.
Docket Numbers: ER24–2063–000.
Applicants: Lincoln Power, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of Market-Based Rate Tariff to be effective 5/21/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5160.

Comment Date: 5 p.m. ET 6/10/24.

Docket Numbers: ER24–2064–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Notice of Cancellation of WMPA SA No. 7006, Queue AF2–221 to be effective 7/20/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5187.

Comment Date: 5 p.m. ET 6/10/24.

Docket Numbers: ER24–2065–000.

Applicants: Duke Energy Florida, LLC.

Description: 205(d) Rate Filing: DEF–SECI SA No. 143 Amended and Restated NITSA to be effective 4/21/2024.

Filed Date: 5/20/24.

Accession Number: 20240520–5188.

Comment Date: 5 p.m. ET 6/10/24.

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: May 20, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–11507 Filed 5–23–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4472–031]

Union Falls Hydropower, L.P.; Notice of Reasonable Period of Time for Water Quality Certification Application

On May 20, 2024, New York State Department of Environmental Conservation (New York DEC) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a complete request for a Clean Water Act section 401(a)(1) water quality certification from Union Falls Hydropower, L.P., in conjunction with the above captioned project, on April 25, 2024. Pursuant to section 4.34(b)(5) of the Commission's regulations,¹ we hereby notify New York DEC of the following:

Date of Receipt of the Certification Request: April 25, 2024.

Reasonable Period of Time to Act on the Certification Request: One year, April 25, 2025.

If New York DEC fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: May 20, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–11502 Filed 5–23–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–127]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS)

Filed May 13, 2024 10 a.m. EST

Through May 20, 2024 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its

comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20240084, Revised Final, NRCS, RI, Pocasset River Flood Damage Reduction Project, Review Period Ends: 06/24/2024, Contact: R. Phou Vongkhamdy 401–822–8815.

EIS No. 20240085, Final, USAF, TX, B–21 Beddown MOB 2/MOB 3, Review Period Ends: 06/24/2024, Contact: Chris Moore 325–696–4820.

EIS No. 20240086, Final, BLM, NV, Bald Mountain Mine Plan of Operations Amendment Juniper Project, Review Period Ends: 06/28/2024, Contact: Tiera Arbogast 775–289–1803.

EIS No. 20240087, Final, USACE, FL, Lake Okeechobee System Operating Manual, Review Period Ends: 06/24/2024, Contact: Jacob Thompson 904–232–1893.

EIS No. 20240088, Final, CHSRA, CA, California High-Speed Rail Authority Palmdale to Burbank Project Section: Final Environmental Impact Report/Environmental Impact Statement, Review Period Ends: 06/24/2024, Contact: Stefan Galvez-Abadia 800–630–1039.

Dated: May 20, 2024.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2024–11462 Filed 5–23–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11963–01–OA]

Request for Nominations for the Science Advisory Board Microbial and Disinfection Byproducts (MDBP) Revisions Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form a Panel to review the draft analyses to support EPA's revisions of the Microbial and Disinfection Byproducts (MDBP) National Primary Drinking Water rules. EPA is currently conducting analyses to evaluate eight (*i.e.*, chlorite, Cryptosporidium, haloacetic acids, heterotrophic bacteria, Giardia lamblia, Legionella, total trihalomethanes, and viruses) National Primary Drinking Water Regulations (NPDWRs) for

¹ 18 CFR 4.34(b)(5).

potential regulatory revisions with a consideration of risk tradeoffs across microbial control versus disinfection byproduct formation. EPA is exploring approaches to determine how public water systems (PWSs) can achieve enhanced precursor removal to reduce disinfection byproduct (DBP) formation in drinking water. EPA's analysis summarizes the current literature on DBP precursor occurrence and treatment, identifies technology based on effectiveness and feasibility, and determines the unit cost of technologies for enhanced removal. EPA is also preparing analyses to support a numerical disinfectant residual requirement within the drinking water distribution system. This analysis will include an inventory on vulnerable PWSs, feasibility studies for maintaining a numerical disinfectant residual, and methods for assessing effectiveness of a numerical residual in controlling microbial growth in the distribution system including for opportunistic pathogens such as *Legionella*. The SAB MDBP Revisions Review Panel will consider whether the conclusions found in the EPA's analyses are clearly presented and scientifically supported. The Panel will also be asked to provide recommendations on how the analyses may be strengthened.

DATES: Nominations should be submitted by June 14, 2024 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Carolyn Kilgore, Designated Federal Officer (DFO), EPA Science Advisory Board via telephone/voice mail (202) 564-0230, or email at kilgore.carolyn@epa.gov. General information concerning the EPA SAB can be found at the EPA SAB website at <https://sab.epa.gov>.

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal advisory committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2) and related regulations. The SAB Staff Office is forming an expert panel, the SAB MDBP Revisions Review Panel, under the auspices of the Chartered SAB. The SAB MDBP Revisions Review Panel will provide advice through the chartered SAB. The SAB and the SAB MDBP Revisions

Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. The SAB MDBP Revisions Review Panel will conduct a review of analyses on two specific topics under consideration for potential regulatory revisions. EPA is exploring approaches to determine how PWSs can achieve enhanced precursor removal to reduce DBP formation in drinking water. EPA's analysis summarizes the current literature on DBP precursor occurrence and treatment, identifies technology based on effectiveness and feasibility, and determines the unit cost of technologies for enhanced removal. EPA is also preparing analyses to support a numerical disinfectant residual requirement within the drinking water distribution system.

This analysis will include an inventory on vulnerable PWSs, feasibility studies for maintaining a numerical disinfectant residual, and methods for assessing effectiveness of a numerical residual in controlling microbial growth in the distribution system including for opportunistic pathogens such as *Legionella*. The SAB MDBP Revisions Review Panel will consider whether the conclusions found in the EPA's draft analyses are clearly presented and scientifically supported. The Panel will also be asked to provide recommendations on how the analyses may be strengthened.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise in the following disciplines: *Environmental Engineering, specifically: design, operation, and maintenance of distribution systems used by public drinking water systems (PWS); Environmental Science; Drinking water treatment; Disinfection byproduct formation and control; Microbiology; Public Health; Water quality; Water reuse; Toxicology; Risk assessment; Environmental economics; Environmental health science.*

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the SAB Panel. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form on the SAB website at <https://sab.epa.gov> (see the "Public Input on Membership" list under "Committees, Panels, and Membership"). To be considered, nominations should include the information requested below. EPA values and welcomes diversity. All

qualified candidates are encouraged to apply regardless of sex, race, disability, or ethnicity.

Nominations should be submitted in time to arrive no later than June 14, 2024. The following information should be provided on the nomination form: contact information for the person making the nomination; contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee. Nominees will be contacted by the SAB Staff Office and will be asked to provide a recent curriculum vitae and a narrative biographical summary that includes current position, educational background; research activities; and recent service on other national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact the DFO at the contact information noted above. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates for the Panel on the SAB website at <https://sab.epa.gov>. Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the expert panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the "Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees" (EPA Form 3110-48). This confidential form is required and allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded through the "Ethics Requirements for Advisors" link on the SAB website at <https://sab.epa.gov>. This form should not be submitted as part of a nomination.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA-SAB-EC-02-010), which is posted on the SAB website at <https://sab.epa.gov>.

V. Khanna Johnston,

Deputy Director, Science Advisory Board Staff Office.

[FR Doc. 2024-11418 Filed 5-23-24; 8:45 am]

BILLING CODE 6560-50-P

EXPORT-IMPORT BANK

[Public Notice: 2024-6041]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

DATES: Comments must be received on or before July 23, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 11-01), by email to Bryan Rolfe, Bryan.Rolfe@exim.gov, or by mail to Bryan Rolfe, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

Comments submitted in response to this notice may be made available to the public through the www.regulations.gov. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: To request additional information, please Bryan Rolfe, Bryan.Rolfe@exim.gov, 202-565-3809.

SUPPLEMENTARY INFORMATION: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration'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.

The Agency will only submit a collection for approval under this generic clearance if it meets 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 non-controversial 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 will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- 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 this generic clearance 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 non-response 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.

Title and Form Number: EIB 11–01, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 3048–0036.

Current Actions: Extension of approval for a collection of information.

Type of Review: Regular review for Generic Clearance extension.

Need and Use: Web based/email-based survey; Feedback/Comment Evaluation Form; Detailed Mail Evaluation Form; Telephone; Focus Group.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of Activities: 10.

Average Number of Respondents per Activity: 467.

Annual Responses: 4,670.

Frequency of Response: Once per request.

Average Minutes per Response: 8.

Burden Hours: 623.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying

information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection *Regulations.gov*.

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 Office of Management and Budget control number.

Dated: May 21, 2024.

Andrew Smith,
Records Officer.

[FR Doc. 2024–11528 Filed 5–23–24; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2024–6015]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; Export-Import Bank Notice of Claim Proof of Loss Medium- and Long-Term Guarantee

AGENCY: Export-Import Bank of the United States.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

DATES: Comments must be received on or before July 23, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 10–05), by email to Donna Schneider, donna.schneider@exim.gov, or by mail to Donna Schneider, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

FOR FURTHER INFORMATION CONTACT: To request additional information please contact Donna Schneider,

donna.schneider@exim.gov, 202–565–3612.

SUPPLEMENTARY INFORMATION: This form will enable EXIM to identify the specific details necessary for reviewing and paying a claim.

The application tool can be reviewed at <https://img.exim.gov/s3fs-public/pub/pending/eib10-05.pdf>.

Title and Form Number: EIB 10–05, Notice of Claim Proof of Loss Medium- and Long-term Guarantee.

OMB Number: 3048–0034.

Type of Review: Regular.

Need and Use: The information collected will provide information needed to determine compliance for claim requests submitted to the Export-Import Bank under its guarantee loan programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 15.

Estimated Time per Respondent: 60 minutes.

Annual Burden Hours: 15 hours.

Frequency of Reporting or Use: As needed.

Dated: May 20, 2024.

Andrew Smith,
Records Officer.

[FR Doc. 2024–11416 Filed 5–23–24; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2024–6016]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; Export-Import Bank Notice of Claim Proof of Loss Short-Term Insurance

AGENCY: Export-Import Bank of the United States.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

DATES: Comments must be received on or before July 23, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on

www.regulations.gov (EIB 10–03), by email to Donna Schneider, donna.schneider@exim.gov, or by mail to Donna Schneider, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

FOR FURTHER INFORMATION CONTACT: To request additional information please contact Donna Schneider, donna.schneider@exim.gov, 202–565–3612.

SUPPLEMENTARY INFORMATION: This form will enable EXIM to identify the specific details of the proposed co-financing transaction between a U.S. exporter, EXIM, and a foreign export credit agency; the information collected includes vital facts such as the amount of U.S.-made content in the export, the amount of financing requested from EXIM, and the proposed financing amount from the foreign export credit agency. These details are necessary for approving this unique transaction structure and coordinating our support with that of the foreign export credit agency to ultimately complete the transaction and support U.S. exports—and U.S. jobs.

The application tool can be reviewed at <https://img.exim.gov/s3fs-public/pub/pending/eib10-03.pdf>.

Title and Form Number: EIB 10–03, Notice of Claim Proof of Loss Short-term Insurance.

OMB Number: 3048–0033.

Type of Review: Regular.

Need and Use: The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export-Import Bank under its insurance, guarantee, and direct loan programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 75.

Estimated Time per Respondent: 60 minutes.

Annual Burden Hours: 75 hours.

Frequency of Reporting or Use: As needed.

Dated: May 20, 2024.

Andrew Smith,
Records Officer.

[FR Doc. 2024–11419 Filed 5–23–24; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: 2024–6017]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; Export-Import Bank Notice of Claim Proof of Loss Medium-Term Insurance

AGENCY: Export-Import Bank of the United States.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Export-Import Bank of the United States (EXIM), pursuant to the Export-Import Bank Act of 1945, as amended, facilitates the finance of the export of U.S. goods and services. As part of its continuing effort to reduce paperwork and respondent burden, EXIM invites the general public and other Federal agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

DATES: Comments must be received on or before July 23, 2024 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on www.regulations.gov (EIB 24–06), by email to Donna Schneider, donna.schneider@exim.gov, or by mail to Donna Schneider, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

FOR FURTHER INFORMATION CONTACT: To request additional information please contact Donna Schneider, donna.schneider@exim.gov, 202–565–3612.

SUPPLEMENTARY INFORMATION: This form will enable EXIM to identify the specific details of the proposed co-financing transaction between a U.S. exporter, EXIM, and a foreign export credit agency; the information collected includes vital facts such as the amount of U.S.-made content in the export, the amount of financing requested from EXIM, and the proposed financing amount from the foreign export credit agency. These details are necessary for approving this unique transaction structure and coordinating our support with that of the foreign export credit agency to ultimately complete the transaction and support U.S. exports—and U.S. jobs.

The application tool can be reviewed at <https://img.exim.gov/s3fs-public/pub/pending/eib24-06.pdf>.

Title and Form Number: EIB 24–06, Notice of Claim Proof of Loss Medium-term Insurance.

OMB Number: 3048–XXX.

Type of Review: Regular.

Need and Use: The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export-Import Bank under its insurance, guarantee, and direct loan programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 25.

Estimated Time per Respondent: 60 minutes.

Annual Burden Hours: 25 hours.

Frequency of Reporting or Use: As needed.

Dated: May 20, 2024.

Andrew Smith,
Records Officer.

[FR Doc. 2024–11415 Filed 5–23–24; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

Sunshine Act Meetings

Notice of Open Meeting of the Advisory Committee and Sub-Saharan Africa Advisory Committee of the Export-Import Bank of the United States (EXIM)

TIME AND DATE: Wednesday, June 5th from 3:30–6:00 p.m. ET.

A joint meeting of the EXIM Advisory Committee, Sub-Saharan Africa Advisory Committee, and EXIM Advisory Councils.

PLACE: The Washington Hilton Hotel, 1919 Connecticut Ave NW, Washington, DC 20009 and Virtual. The meeting will be held in person for committee members, EXIM's Board of Directors and support staff, and virtually for all other participants.

Virtual Public Participation: The meeting will be open to public participation virtually and time will be allotted for questions or comments submitted online. Members of the public may also file written statements before or after the meeting to advisory@exim.gov.

Interested parties may register for the meeting at: <https://events.teams.microsoft.com/event/4a3809f4-3884-407b-9202-5bd0f19c1345@b953013c-c791-4d32-996f-518390854527>.

MATTERS TO BE CONSIDERED:

Discussion of EXIM policies and programs to provide competitive financing to expand United States exports and comments for inclusion in EXIM's Report to the U.S. Congress on Global Export Credit Competition.

CONTACT PERSON FOR MORE INFORMATION:

For further information, contact India Walker, External Engagement Specialist, at 202-480-0062 or india.walker@exim.gov.

The Advisory Committee has been established as directed by Section 3(d) of the Export-Import Bank Act of 1945 (the "Act"), 12 U.S.C. 635a(d)(1)(A). This Advisory Committee is chartered in accordance with the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App.

Scott Condren,

*Vice President, Policy Analysis Division,
Office of Policy Analysis and International
Relations.*

[FR Doc. 2024-11559 Filed 5-22-24; 11:15 am]

BILLING CODE 6690-01-P

**FEDERAL ACCOUNTING STANDARDS
ADVISORY BOARD****Notice of Request for Candidates To
Serve as Non-Federal Members of the
Federal Accounting Standards
Advisory Board**

AGENCY: Federal Accounting Standards
Advisory Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) is currently seeking candidates (candidates must not currently be Federal employees) to serve as non-Federal members of FASAB. Two new members will be selected to serve five-year terms beginning January 1, 2026, after the terms of two current non-federal Board members end.

DATES: Please submit your resume by October 31, 2024, to be considered for the positions.

ADDRESSES: Responses may be sent to fasab@fasab.gov or Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512-7350.

SUPPLEMENTARY INFORMATION:

FASAB is the body designated to establish generally accepted accounting principles for Federal Government entities. Generally, non-Federal Board members are selected from the general financial community, the accounting and auditing community, or the academic community.

FASAB's current chair will complete his ten-year tenure on the Board on December 31, 2025. As such, FASAB is

also seeking nominations for a new chair starting on January 1, 2026. The chair may be chosen from existing non-federal Board members or from incoming members. After carefully considering the additional responsibilities of the chair, please indicate in your application if you would like to be considered for this position.

The Board generally meets for two days every other month in Washington, DC, except for its December and February meetings, which are virtual. Members are compensated for 24 days per year based on current Federal executive salaries. Travel expenses are reimbursed in accordance with Federal travel regulations.

Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001-1014.

Dated: May 20, 2024.

Monica R. Valentine,
Executive Director.

[FR Doc. 2024-11402 Filed 5-23-24; 8:45 am]

BILLING CODE 1610-02-P

**FEDERAL COMMUNICATIONS
COMMISSION**

[OMB 3060-XXXX; FR ID 221498]

**Information Collection Being
Submitted for Review and Approval to
Office of Management and Budget**

AGENCY: Federal Communications
Commission.

ACTION: Notice and request for
comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before June 24, 2024.

ADDRESSES: Comments should be sent 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. Your comment must be

submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418-2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (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 the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the

Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060–XXXX.

Title: Part 25 Rules Addressing the Mitigation of Orbital Debris.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities, not-for-profit institutions.

Number of Respondents and

Responses: 28 respondents and 28 responses.

Estimated Time per Response: 4–15 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The Commission has statutory authority for the information collection requirements under 47 U.S.C. 151, 154(i), 301, 303, 307, 308, 309, and 310.

Total Annual Burden: 341 hours.

Annual Cost Burden: \$53,900.

Needs and Uses: The Federal Communications Commission requests that the Office of Management and Budget (OMB) approve a new information collection titled “Part 25 Rules Addressing the Mitigation of Orbital Debris” under OMB Control No. 3060–XXXX, as a result of three Commission rulemaking decisions, as discussed below.

On April 24, 2020, the Commission released a Report and Order, FCC 20–54, IB Docket No. 18–313, titled “Mitigation of Orbital Debris in the New Space Age” (Orbital Debris Report and Order). In Orbital Debris Report and Order, the Commission updated its rules related to orbital debris mitigation, including application requirements. The new rules are designed to ensure that the Commission’s actions concerning radio communications, including licensing U.S. spacecraft and granting access to the U.S. market for non-U.S. spacecraft, mitigate the growth of orbital debris, while at the same time not creating undue regulatory obstacles to new satellite ventures. The action will help to ensure that Commission decisions are consistent with the public interest in space remaining viable for future satellites and systems and the many services that those systems provide to the public. The rule revisions also provide additional detail to applicants on what information is expected under the Commission’s rules, which can help to increase certainty in the application filing process. While this information

collection represents an overall increase in the burden hours, the information collection serves the public interest by ensuring that the Commission and public have necessary information about satellite applicants’ plans for mitigation of orbital debris. Specifically Orbital Debris Report and Order contains the new or modified information collection requirements listed below.

(A) Non-streamlined space station applicants. The following are new or modified information collection requirements contained in Orbital Debris Report and Order and applicable to non-streamlined space station applicants submitting orbital debris mitigation plans under part 25 of the Commission’s rules:

(1) Existing application disclosure requirements have been revised to include specific metrics in several areas, including: probability that the space stations will become a source of debris by collision with small debris and meteoroids that would cause loss of control and prevent disposal; probability of collision between any non-geostationary orbit (NGSO) space station and other large objects; and casualty risk associated with any individual spacecraft that will be disposed by atmospheric re-entry.

(2) Where relevant, applicants must disclose the following: use of separate deployment devices, distinct from the space station launch vehicle, that may become a source of orbital debris; potential release of liquids that will persist in droplet form; and any planned proximity operations and debris generation that will or may result from the proposed operations, including any planned release of debris, the risk of accidental explosions, the risk of accidental collision, and measures taken to mitigate those risks.

(3) The existing application disclosure requirement to analyze potential collision risk associated with space station(s) orbits has been modified to specify that the disclosure identify characteristics of the space station(s)’ orbits that may present a collision risk, including any planned and/or operational space stations in those orbits, and indicate what steps, if any, have been taken to coordinate with the other spacecraft or system, or what other measures the operator plans to use to avoid collision.

(4) Applicants for NGSO space stations that will transit through the orbits used by any inhabitable spacecraft, including the International Space Station, must disclose as part of the application the design and operational strategies, if any, that will be used to minimize the risk of collision

and avoid posing any operational constraints to the inhabitable spacecraft.

(5) The application disclosure must include a certification that upon receipt of a space situational awareness conjunction warning, the operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; and modifying space station attitude and/or operations.

(6) Applicants for NGSO space stations must describe the extent of satellite maneuverability.

(7) Applicants must address trackability of the space station(s). NGSO space station applicants must also disclose: (a) how the operator plans to identify the space station(s) following deployment and whether the space station tracking will be active or passive; (b) whether, prior to deployment the space station(s) will be registered with the 18th Space Control Squadron or successor entity; and (c) the extent to which the space station operator plans to share information regarding initial deployment, ephemeris, and/or planned maneuvers with the 18th Space Control Squadron or successor entity, other entities that engage in space situational awareness or space traffic management functions, and/or other operators.

(8) NGSO space station applicants must provide additional disclosures regarding spacecraft disposal, including, for some applicants, a demonstration that the probability of success of the chosen disposal method is 0.9 or greater for any individual space station, and for multi-satellite systems, a demonstration including additional information regarding efforts to achieve a higher probability of success.

(B) Space station applicants qualifying for small satellite streamlined processing. The following are new or modified information collection requirements contained in Orbital Debris Report and Order and applicable to those space station applicants qualifying for small satellite streamlined processing under part 25 of the Commission’s rules:

(1) Applicants must certify that the probability that any individual space station will become a source of debris by collision with small debris or meteoroids that would cause loss of control and prevent disposal is 0.01 (1 in 100) or less.

(2) Applicants must certify that upon receipt of a space situational awareness conjunction warning, the licensee or operator will review and take all possible steps to assess the collision risk, and will mitigate the collision risk if necessary. As appropriate, steps to assess and mitigate the collision risk should include, but are not limited to: contacting the operator of any active spacecraft involved in such a warning; sharing ephemeris data and other appropriate operational information with any such operator; and modifying space station attitude and/or operations.

(3) If at any time during the space station(s)' mission or de-orbit phase the space station(s) will transit through the orbits used by any inhabitable spacecraft, including the International Space Station, applicants must provide a description of the design and operational strategies, if any, that will be used to minimize the risk of collision and avoid posing any operational constraints to the inhabitable spacecraft shall be furnished at the time of application.

(4) Applicants must provide a statement identifying characteristics of the space station(s)' orbits that may present a collision risk, including any planned and/or operational space stations in those orbits, and indicating what steps, if any, have been taken to coordinate with the other spacecraft or system, or what other measures the licensee plans to use to avoid collision. This requirement also applies to applicants for streamlined small spacecraft authorizations.

(5) Applicants must provide a statement disclosing how the licensee or operator plans to identify the space station(s) following deployment and whether space station tracking will be active or passive; whether the space station(s) will be registered with the 18th Space Control Squadron or successor entity prior to deployment; and the extent to which the space station licensee or operator plans to share information regarding initial deployment, ephemeris, and/or planned maneuvers with the 18th Space Control Squadron or successor entity, other entities that engage in space situational awareness or space traffic management functions, and/or other operators.

(6) If the applicant's space station(s) will undertake any planned proximity operations, the applicant must provide a statement disclosing those planned operations, and addressing debris generation that will or may result from the proposed operations, including any planned release of debris, the risk of accidental explosions, the risk of

accidental collision, and measures taken to mitigate those risks.

(7) Applicants must provide a demonstration that the probability of success of disposal is 0.9 or greater for any individual space station. Space stations deployed to orbits in which atmospheric drag will, in the event of a space station failure, limit the lifetime of the space station to less than 25 years do not need to provide this additional demonstration.

(C) Geostationary orbit (GSO) space station applicants. The following new or modified information collection requirements contained in Orbital Debris Report and Order are applicable to applicants requesting a modification of an existing licensee for a GSO space station to extend the space station license term under part 25 of the Commission's rules: GSO space station licensees seeking a license term extension through a license modification application must provide a statement that includes the requested duration of the license extension; the estimated total remaining space station lifetime; a description of any single points of failure or other malfunctions, defects, or anomalies during the space station operation that could affect its ability to conduct end-of-life procedures as planned, and an assessment of the associated risk; a certification that remaining fuel reserves are adequate to complete de-orbit as planned; and a certification that telemetry, tracking, and command links are fully functional.

On September 30, 2022, the Commission released a Second Report and Order, FCC 22–74, IB Docket No. 18–313, titled “Mitigation of Orbital Debris in the New Space Age” (Orbital Debris Second Report and Order). In Orbital Debris Second Report and Order, the Commission required all space stations ending their mission in, or passing through, the low earth orbit (LEO) region, and planning disposal though uncontrolled atmospheric re-entry following the completion of the mission, to complete disposal as soon as practicable, and no later than five years after the end of the mission.

On January 26, 2024, the Commission released an Order on Reconsideration, FCC 24–6, IB Docket No. 18–313, titled “Mitigation of Orbital Debris in the New Space Age” (Orbital Debris Reconsideration Order). In Orbital Debris Reconsideration Order, the Commission dismissed three petitions for reconsideration, including a petition for reconsideration filed by The Boeing Company, Echostar Satellite Services, LLC, Hughes Network Services, LLC, Planet Labs Inc., Spire Global and Telesat Canada. The Orbital Debris

Reconsideration Order upheld the current regulatory environment for orbital debris mitigation, and provided additional clarity and guidance for satellite operators while reinforcing the Commission's commitment to space safety.

These collections are used by the Commission's staff in carrying out its statutory duties to regulate satellite communications in the public interest, as generally provided under 47 U.S.C. 151, 154(i), 301, 303, 307, 308, 309, and 310. This collection is also used by staff in carrying out United States treaty obligations under the World Trade Organization (WTO) Basic Telecom Agreement. The information collected is used for the practical and necessary purposes of assessing the legal, technical, and other qualifications of applicants; determining compliance by applicants, licensees, and other grantees with Commission rules and the terms and conditions of their grants; and concluding whether, and under what conditions, grant of an authorization will serve the public interest, convenience, and necessity.

As technology advances and new spectrum is allocated for satellite use, applicants for satellite service will continue to submit the information required in 47 CFR part 25. Without such information, the Commission could not determine whether to permit telecommunications services in the United States. Therefore, the Commission would be unable to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended, and the obligations imposed on parties to the WTO Basic Telecom Agreement.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–11442 Filed 5–23–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1003; FR ID 221728]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction

Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before July 23, 2024. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

OMB Control Number: 3060-1003.

Title: Communications Disaster Information Reporting System (DIRS).
Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 18,306 respondents; 292,896 responses.

Estimated Time per Response: 10 minutes.

Frequency of Response: On occasion and annual reporting requirements; recordkeeping requirements.

Obligation to Respond: Mandatory. Statutory authority for this collection is

contained in 1, 4(i), 4(j), 4(n), 201, 214, 218, 251(e)(3), 301, 303(b), 303(g), 303(j), 303(r), 307, 309 316, 332, and 403 of the Communications Act of 1934, as amended, and 47 U.S.C. 151, 154(i)-(j) & (n), 201, 214, 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j), 316, 332, 403; sections 2, 3(b), and 6-7 of the Wireless Communications and Public Safety Act of 1999, 47 U.S.C. 615 note, 615, 615a-1, 615b, section 106 of the Twenty First Century Communications and Video Accessibility Act of 2010, 47 U.S.C. 615c, section 506(a) of the Repack Airways Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act), and section 6206 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1426.

Total Annual Burden: 48,816 hours.

Total Annual Cost: No Cost.

Needs and Uses: The Commission launched the Disaster Information Reporting System (DIRS) in 2007 pursuant to its mandate to promote the safety of life and property through the use of wire and radio communication as required by the Communications Act of 1934, as amended. DIRS is an efficient, and web-based system that communications companies use to report their infrastructure status during times of crisis (e.g., related to a disaster). DIRS uses a number of template forms tailored to different communications sectors (i.e., wireless, wireline, broadcast, and cable) to facilitate the entry of this information. To use DIRS, a company first inputs its emergency contact information. After this, they submit information using the template form appropriate for their communications sector. Certain federal, state, territorial, and Tribal Nation agencies may request access to certain geographically relevant reports filed in DIRS.

In a *Second Report and Order* adopted on January 25, 2024, as FCC 24-5, the Commission adopted rules requiring cable communications, wireless, wireline and interconnected VoIP providers (Subject Providers) to report on their infrastructure status in during emergencies and crises when DIRS is activated and to submit a final report to the Commission within 24 hours of DIRS deactivation. This new cadence for DIRS reporting will improve management and mitigation of the short-term and long-term impacts of disasters on communications networks which will enhance situational awareness in emergency and disaster situations for the Commission, emergency responders, and the public at large.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024-11458 Filed 5-23-24; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL ELECTION COMMISSION

[NOTICE 2024-15]

Filing Dates for the Wisconsin Special Election in the 8th Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Wisconsin has scheduled special elections on August 13, 2024, and November 5, 2024, to fill the U.S. House of Representatives seat in the 8th Congressional District vacated by Representative Mike Gallagher. Committees required to file reports in connection with the Special Primary Election on August 13, 2024, shall file a 12-day Pre-Primary Report. Committees required to file reports in connection with both the Special Primary and Special General on November 5, 2024, shall file a 12-day Pre-Primary, a 12-day Pre-General and a 30-Day Post-General Report.

ADDRESSES: 1050 First Street NE, Washington, DC 20463

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, (202) 694-1100 or (800) 424-9530, info@fec.gov.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in the Wisconsin Special Primary and Special General Election shall file a 12-day Pre-Primary Report on August 1, 2024; a 12-day Pre-General Report on October 24, 2024, and a 30-day Post-General Report on December 5, 2024. (See charts below for the closing date for each report.)

Note that these reports are in addition to the campaign committee's regular quarterly filings. (See charts below for the closing date for each report.)

Unauthorized Committees (PACs and Party Committees)

Political committees not filing monthly are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Wisconsin Special Primary or Special General Election by the close of books for the applicable report(s). (See charts

below for the closing date for each report.)

Committees filing monthly that make contributions or expenditures in connection with the Wisconsin Special Primary or Special General Election will continue to file according to the monthly reporting schedule.

Additional disclosure information for the Wisconsin special elections may be

found on the FEC website at <https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/>.

Disclosure of Lobbyist Bundling Activity

Principal campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special elections

must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$22,700 during the special election reporting periods. (See charts below for closing date of each period.) 11 CFR 104.22(a)(5)(v), (b), 110.17(e)(2), (f).

CALENDAR OF REPORTING DATES FOR WISCONSIN SPECIAL ELECTIONS

Report	Close of books ¹	Reg./cert. & overnight mailing deadline	Filing deadline
Political Committees Involved in Only the Special Primary (08/13/2024) Must File:			
Pre-Primary	07/24/2024	07/29/2024	08/01/2024
October Quarterly	09/30/2024	10/15/2024	10/15/2024
Political Committees Involved in Both the Special Primary (08/13/2024) and Special General (11/05/2024) Must File:			
Pre-Primary	07/24/2024	07/29/2024	08/01/2024
October Quarterly	09/30/2024	10/15/2024	10/15/2024
Pre-General	10/16/2024	10/21/2024	10/24/2024
Post-General	11/25/2024	12/05/2024	12/05/2024
Year-End	12/31/2024	01/31/2025	01/31/2025
Political Committees Involved in Only the Special General (11/05/2024) Must File:			
Pre-General	10/16/2024	10/21/2024	10/24/2024
Post-General	11/25/2024	12/05/2024	12/05/2024
Year-End	12/31/2024	01/31/2025	01/31/2025

¹ The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee up through the close of books for the first report due.

Dated: May 21, 2024.

On behalf of the Commission,

Sean J. Cooksey,
Chairman, Federal Election Commission.
[FR Doc. 2024–11468 Filed 5–23–24; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices;
Acquisitions of Shares of a Bank or
Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board’s Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

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 paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

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 June 10, 2024.

A. Federal Reserve Bank of Minneapolis (Stephanie Weber, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to MA@mpls.frb.org:

1. *The Jill M. Frei Family Trust, Dakota Dunes, South Dakota*; to join the Frei Family Group, a group acting in concert, to retain voting shares of Commercial Holding Company, and thereby indirectly retain voting shares of Commercial State Bank of Wagner, both of Wagner, South Dakota. Michael L. Frei, the investment director of the Jill M. Frei Family Trust, was previously permitted to control the voting shares held by the trust.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,
Deputy Associate Secretary of the Board.
[FR Doc. 2024–11511 Filed 5–23–24; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0292; Docket No. 2024–0001; Sequence No. 1]

Submission for OMB Review; FFATA Subaward and Executive Compensation Reporting Requirements

AGENCY: Office of the Integrated Award Environment, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a renewal of the currently approved information collection requirement regarding FFATA Subaward and Executive Compensation Reporting Requirements.

DATES: Submit comments on or before June 24, 2024.

ADDRESSES: Written comments and recommendations for this 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 Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Salomeh Ghorbani, Director, IAE Outreach and Stakeholder Engagement Division, at 703–605–3467 or IAE_Admin@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Funding Accountability and Transparency Act (Pub. L. 109–282, as amended by section 6202(a) of Pub. L. 110–252), known as FFATA or the Transparency Act requires information disclosure of entities receiving Federal financial assistance through Federal awards such as Federal contracts, subcontracts, grants and sub-grants, FFATA 2(a),(2),(i),(ii). Beginning October 1, 2010, the currently approved Paperwork Reduction Act submission directed compliance with the Transparency Act to report prime and first-tier subaward data. Specifically, Federal agencies and prime awardees of grants were to ensure disclosure of executive compensation of both prime and subawardees and subaward data pursuant to the Transparency Act. This information collection requires reporting of only the

information enumerated under the Transparency Act.

B. Annual Reporting Burden

Sub-award Responses: 536,394.

Hours per Response: 1.

Total Burden Hours: 536,394.

Executive Compensation Responses: 3,106.

Hours per Response: 1.

Total Burden Hours: 3,106.

Total Annual Burden Hours: 539,500.

C. Public Comments

A 60-day notice published in the **Federal Register** at 89 FR 11280 on February 14, 2024. Two comments were received.

Comment: GSA received a comment about the burden on large federal contractors that have large subcontractor supply chains. Another comment noted the overall FFATA reporting burden beyond FSRS reporting and estimated this overall effort for prime contractors.

GSA Response: This information collection is specific to recipients of federal financial assistance, not contracts. The burden calculated in this information collection is specific to FSRS reporting of financial assistance and does not include burden already calculated with the commensurate regulations issued for subaward reporting in 2 CFR part 170. The information collection is conducted in a manner in FSRS to minimize overall burden on federal financial assistance recipients while complying with The Federal Funding Accountability and Transparency Act (FFATA), “Transparency Act.”

Comment: GSA received a comment that the information collection is unnecessary and does not have practical utility since federal contracting is very competitive and price transparency is already high.

GSA Response: This information collection is specific to recipients of federal financial assistance, not contracts. Information collected under this information collection is required to comply with The Federal Funding Accountability and Transparency Act (FFATA), “Transparency Act,” requirements for subaward reporting.

Comment: GSA received a comment regarding the negative impacts that FFATA places on the industrial base, discouraging commercial firm participation in the federal marketplace. The commenter noted the requirement that contractors reveal their supply chain, loss of competitive advantage, and liability with properly reporting executive compensation and subaward data with a potential False Claims Act violation.

GSA Response: This information collection is specific to recipients of federal financial assistance, not contracts. Information collected under this information collection is required to comply with The Federal Funding Accountability and Transparency Act (FFATA), “Transparency Act,” requirements for subaward and executive compensation reporting.

Comment: GSA received a comment that clarification should be provided on subaward reporting of modifications to an already reported subcontract that exceeds the reporting threshold.

GSA Response: FSRS and the Federal Service Desk have significant help materials and guides to assist users with reporting data into FSRS.gov. The Federal Service Desk has agents that can assist entities where they are unable to answer their question within the help content.

Comment: GSA received two comments that FSRS should stop requiring prime contractors to report subcontractor executive compensation when that subcontractor has reported its executive compensation as a prime contractor.

GSA Response: GSA acknowledges the comment that in some circumstances the prime awardee could have a lower burden if the executive compensation information is pre-populated in the subaward report. However, if the executive compensation of the subawardee were populated in FSRS, the prime awardee would remain responsible for ensuring the correct executive compensation information for the preceding fiscal year was reported. GSA appreciates the feedback on usability and user experience and considers it when making updates to the respective service or page so as to improve the site user experience.

Comment: GSA received varying comments on improving FSRS website functions such as improving print functionality, improving the worklist, improving batch uploading, or auto populating some report data through a single click.

GSA Response: GSA appreciates feedback on usability and user experience and considers it when making updates to the respective service or page so as to improve the site user experience.

Comment: GSA received a comment that the reporting threshold in FAR 4.103(a) be increased from \$30,000 to the Simplified Acquisition Threshold, currently \$250,000.

GSA Response: GSA acknowledges this comment, but notes it is outside the scope of this information collection.

Comment: GSA received a comment requesting a minimum threshold value be implemented for subaward amount changes in FAR 52.204–10, so that subaward changes below this threshold did not require reporting.

GSA Response: GSA acknowledges this comment, but notes it is outside the scope of this information collection.

Comment: GSA received a comment about technical challenges users had with FSRS including congressional district errors, errors in very large reports, and obtaining timely responses from the help desk.

GSA Response: GSA provides the Federal Service Desk to assist with any technical challenges users may encounter. While the help desk strives for timely resolution, more complex technical issues may take longer to resolve.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0292, FFATA Subaward and Executive Compensation Reporting Requirements, in all correspondence.

Lois Mandell,

*Director, Regulatory Secretariat Division,
General Services Administration.*

[FR Doc. 2024–11437 Filed 5–23–24; 8:45 am]

BILLING CODE 6820-WY-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0177; Docket No. 2024–0053; Sequence No. 11]

Information Collection; Reporting Executive Compensation and First-tier Subcontract Awards

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 a reinstatement of a previously approved information collection concerning reporting executive

compensation and first-tier subcontract awards. 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.

DATES: DoD, GSA, and NASA will consider all comments received by July 23, 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. 9000–0177, Reporting Executive Compensation and First-tier Subcontract Awards. 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: Zenaída Delgado, Procurement Analyst, at telephone 202–969–7207, or zenaida.delgado@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0177, Reporting Executive Compensation and First-tier Subcontract Awards.

B. Need and Uses

This clearance covers the information that contractors must report to the Federal Subaward Reporting System (FSRS) to comply with requirements under the Federal Acquisition Regulation (FAR) clause at 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards. OMB Control No. 3090–0292 covers the information that nonprocurement

entities must submit to FSRS. The separate collection for procurement entity reporting increases clarity and visibility of the specific FAR reporting requirements. This clearance covers the following sections of FAR clause 52.204–10:

- FAR 52.204–10(d)(2), First-tier subcontract information.

Contractors shall report the following information for their first-tier subcontracts at <http://www.fsrs.gov> by the end of the month following the month of award of a first-tier subcontract valued at or above \$30,000:

- Unique entity identifier for the subcontractor receiving the award and for the subcontractor's parent company, if the subcontractor has a parent company.
- Name of the subcontractor.
- Amount of the subcontract award.
- Date of the subcontract award.
- A description of the products or services (including construction) being provided under the subcontract, including the overall purpose and expected outcomes or results of the subcontract.
- Subcontract number (the subcontract number assigned by the contractor).
- Subcontractor's physical address including street address, city, state, and country. Also include the nine-digit zip code and congressional district.
- Subcontractor's primary performance location including street address, city, state, and country. Also include the nine-digit zip code and congressional district.
- The prime contract number, and order number if applicable.
- Awarding agency name and code.
- Funding agency name and code.
- Government contracting office code.
- Treasury account symbol as reported in FPDS.
- The applicable North American Industry Classification System code.

Contractors shall follow the instructions at [FSRS.gov](https://www.fsrs.gov) to report the data. Contractors may access FSRS with their Electronic Subcontract Reporting System (eSRS) user account since access to FSRS and eSRS is accomplished with a single account, single log-in. The burden for the eSRS information collection is covered under OMB Control No. 9000–0007, Subcontracting Plans.

- FAR 52.204–10(d)(3), Executive compensation of the first-tier subcontractor.

Contractors shall report the names and total compensation of each of the five most highly compensated executives for their first-tier

subcontractors for that first-tier subcontractor's preceding completed fiscal year at <http://www.fsrs.gov>, if—

(i) In the subcontractor's preceding fiscal year, the subcontractor received—

(A) 80 percent or more of its annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance; and

(B) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance; and

(ii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

FAR 52.204–10(d)(1) requires contractors to report the names and total compensation of each of the five most highly compensated executives for its preceding completed fiscal year as part of the contractor's annual registration requirement in the System for Award Management (SAM) (FAR provision 52.204–7). The burden for the SAM information collection is covered under OMB Control No. 9000–0189, Certain Federal Acquisition Regulation Part 4 Requirements.

This collection of information is required to comply with section 2 of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) (FFATA), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub. L. 110–252). The statute required the Office of Management and Budget to establish a free, public, online database containing full disclosure of all Federal contract award information. The public may view first-tier subcontract award data at usaspending.gov.

C. Annual Burden

Respondents: 42,231.

Total Annual Responses: 266,169.

Total Burden Hours: 506,617.

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. 9000–0177, Reporting

Executive Compensation and First-tier Subcontract Awards.

Janet Fry,

*Director, Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy, Office of
Governmentwide Policy.*

[FR Doc. 2024–11523 Filed 5–23–24; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice–ME–2024–02; Docket No. 2024–0002; Sequence No. 26]

**Notice of General Services
Administration's Office of
Government-Wide Policy Annual IT
Modernization Summit AGENCY:
Office of Government-Wide Policy
(OGP), General Services
Administration (GSA).**

ACTION: Notice of hybrid summit.

SUMMARY: GSA, in partnership with the Information Technology Industry Council (ITI), is hosting the Annual IT Modernization Summit to bring the federal and industry communities together for a series of panel discussions covering a broad spectrum of topics such as IPv6, infrastructure, artificial intelligence, and advanced computing.

DATES: Tuesday, June 11, from 9:00 a.m. to 4:00 p.m., Eastern Time (ET).

ADDRESSES: All attendees, including industry partners, must register for the event here: https://gsa.zoomgov.com/webinar/register/2817141347446/WN_wqOmHBZcQ0-DiER5s7ZG2Q.

Members of the press are invited to attend but are required to register with the GSA Press Office via email to press@gsa.gov by Friday, June 7, 2024.

FOR FURTHER INFORMATION CONTACT:

GSA's IT Modernization Division (dccoi@gsa.gov) and/or Tom Santucci thomas.santucci@gsa.gov 202–230–4822.

SUPPLEMENTARY INFORMATION:

Background

The current policy climate indicates the federal government is taking concrete steps to solidify the United States as a leader in IT modernization. This is evident with policy releases such as M–21–07 and M–24–10.

It is widely recognized that full transition to IPv6 is the only viable option to ensure future growth and innovation in internet technology and services. The federal government must expand and enhance its strategic commitment to the transition to IPv6 in order to keep pace with and capitalize

on industry trends. The Office of Management and Budget's (OMB) M–21–07 “Completing the Transition to IPv6” provides key milestone dates for agencies to transition into IPv6-only technology stacks. In FY24, agencies are expected to reach 50% IPv6-only network environments. The Federal IPv6 Task Force has been helping agencies overcome challenges and identify best practices for achieving a full transition to IPv6.

Artificial Intelligence (AI) is making waves in both the private and public sectors as one of the most powerful technologies available. With the release of M–24–10 “Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence,” OMB outlines the expectations for agencies to strengthen AI governance, advance responsible AI innovation, and manage the risks from the use of AI.

Format

The annual IT Modernization Summit convenes leaders from the federal government and industry to discuss their experiences with federal IT modernization. The summit will include keynote speakers, panel discussions, and Fireside Chats with featured speakers.

If you have questions for the panelists, you can email them to dccoi@gsa.gov.

Special Accommodations

ASL Interpreter will be in attendance.

Zoom will have the option to enable closed captioning. If additional accommodations are needed, please note them on the Zoom Webinar registration form.

Live In-Person and Webinar Speakers (Subject to Change Without Notice)

Hosted by:

- Tom Santucci, *Director, IT Modernization; Office of Government-wide Policy*
- Robert Sears, *Director, N-Wave, National Oceanic and Atmospheric Administration; Office of Chief Information Officer (CIO)*
- Gordon Bitko, *Executive Vice President of Policy, Public Sector, Information Technology Industry Council (ITIC)*

Agenda Topic Areas

- Past to Present to Future of Information Technology
- Power of AI and Data Centers
- IPv6 and the Cloud

- High Performance Computing (HPC)

Thomas Santucci,

Director, Division of IT Modernization, Office of Technology Policy, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2024–11436 Filed 5–23–24; 8:45 am]

BILLING CODE 6820–68–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Agency for Toxic Substances and Disease Registry**

[Docket No. ATSDR–2024–0001]

Availability of Three Draft Toxicological Profiles**Correction**

In notice document 2024–09662, appearing on pages 36820 through 36821 in the issue of Friday, May 3, 2024, make the following correction:

On page 36820, in the first column, in the **DATES** section, on the second line, “May 3, 2024” should read “August 1, 2024”.

[FR Doc. C1–2024–09662 Filed 5–23–24; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention**

[Docket No. CDC–2024–0043]

Meeting of the Advisory Committee on Immunization Practices

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment.

DATES: The meeting will be held on June 26, 2024, from 8 a.m. to 5:10 p.m., EDT, June 27, 2024, from 8 a.m. to 5:15 p.m., EDT, and June 28, 2024, from 8:30 a.m. to 12 p.m., EDT (times subject to change); see the ACIP website for updates: <https://www.cdc.gov/vaccines/acip/index.html>.

Written comments must be received between June 3–17, 2024.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2024–

0043, by either of the methods listed below. CDC does not accept comments by email.

• **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments.

• **Mail:** Ms. Stephanie Thomas, ACIP Meeting, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H24–8, Atlanta, Georgia 30329–4027. Attn: Docket No. CDC–2024–0043.

Instructions: All submissions received must include the Agency name and docket number. All relevant comments received in conformance with the <https://www.regulations.gov> suitability policy will be posted without change to <https://www.regulations.gov>, including any personal information provided. For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

The meeting will be webcast live via the World Wide Web. The webcast link can be found on the ACIP website at <https://www.cdc.gov/vaccines/acip/index.html>.

FOR FURTHER INFORMATION CONTACT:

Stephanie Thomas, Committee Management Specialist, Advisory Committee on Immunization Practices, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H24–8, Atlanta, Georgia 30329–4027. Telephone: (404) 639–8836; Email: ACIP@cdc.gov.

SUPPLEMENTARY INFORMATION:

Purpose: The Advisory Committee on Immunization Practices (ACIP) is charged with advising the Director, Centers for Disease Control and Prevention (CDC), on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the Committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under applicable provisions of the Affordable Care Act and Section 2713 of the Public Health Service Act, immunization recommendations of ACIP that have been approved by the Director, CDC, and appear on CDC immunization schedules generally must be covered by applicable health plans.

Matters to be Considered: The agenda will include discussions on influenza vaccines, chikungunya vaccine, COVID–19 vaccines, pneumococcal vaccines, meningococcal vaccines, Human

papillomavirus (HPV) vaccines, Respiratory Syncytial Virus (RSV) vaccines for adults, RSV vaccines for maternal and pediatric populations, a combined diphtheria and tetanus toxoids and acellular pertussis, inactivated poliovirus, Haemophilus influenzae type B conjugate, and hepatitis B vaccine (Vaxelis®), and dengue vaccine. Recommendation votes are scheduled for influenza vaccines, COVID–19 vaccines, pneumococcal vaccine, Vaxelis®, and RSV vaccines for adults. A Vaccines for Children (VFC) vote is scheduled for Vaxelis®. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda, visit <https://www.cdc.gov/vaccines/acip/meetings/index.html>.

Meeting Information: The meeting will be webcast live via the World Wide Web. For more information on ACIP, please visit the ACIP website: <https://www.cdc.gov/vaccines/acip/index.html>.

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on <https://www.regulations.gov>. Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near-duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

Written Public Comment: The docket will be opened to receive written comments on June 3–17, 2024. Written comments must be received by June 17, 2024.

Oral Public Comment: This meeting will include time for members of the public to make an oral comment. Oral public comment will occur before any scheduled votes, including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the

meeting according to the procedures below.

Procedure for Oral Public Comment: All persons interested in making an oral public comment at the June 26–28, 2024, ACIP meeting must submit a request at <https://www.cdc.gov/vaccines/acip/meetings/index.html> between June 3–17, 2024, and no later than 11:59 p.m., EDT, June 17, 2024, according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for the scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by June 24, 2024. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to three minutes, and each speaker may speak only once per meeting.

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. 2024–11439 Filed 5–23–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7075–N]

Announcement of the Advisory Panel on Outreach and Education (APOE) Virtual Meeting

AGENCY: Centers for Medicare & Medicaid Services (CMS), Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the APOE (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) (the

Secretary) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Health Insurance Marketplace®, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES: *Meeting Date:* Thursday, June 27, 2024 from 12 p.m. to 5 p.m. eastern daylight time (e.d.t.).

Deadline for Meeting Registration, Presentations, Special Accommodations, and Comments: Thursday, June 13, 2024 5 p.m. (e.d.t.).

ADDRESSES:

Meeting Location: Virtual. All those who RSVP will receive the link to attend.

Presentations and Written Comments: Presentations and written comments should be submitted to: Walt Gutowski, Designated Federal Official (DFO), Office of Communications, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mailstop S1–04–08, Baltimore, MD 21244–1850, 410–786–6818, or via email at APOE@cms.hhs.gov.

Registration: Persons wishing to attend this meeting must register at the website <https://CMS-APOE-June2024.rsvpify.com> or by contacting the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Walt Gutowski, Designated Federal Official, Office of Communications, 7500 Security Boulevard, Mailstop S1–04–08, Baltimore, MD 21244–1850, 410–786–6818, or via email at APOE@cms.hhs.gov.

Additional information about the APOE is available at: <https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE>. Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background and Charter Renewal Information

A. Background

The Advisory Panel for Outreach and Education (APOE) (the Panel) is governed by the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5

U.S.C. appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Social Security Act (the Act) (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a).

The Panel, which was first chartered in 1999, advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (the Department) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare, Medicaid, Children's Health Insurance Program (CHIP) and Health Insurance Marketplace outreach and education programs.

The APOE has focused on a variety of laws, including the Medicare Modernization Act of 2003 (Pub. L. 108–173), and the Affordable Care Act (Patient Protection and Affordable Care Act, (Pub.L. 111–148) and Health Care and Education Reconciliation Act of 2010 (Pub.L. 111–152)).

The APOE helps the Department determine the best communication channels and tactics for various programs and priorities, as well as new rules and laws. In the coming years, we anticipate the American Rescue Plan (Pub. L. 117–2), the Inflation Reduction Act of 2022 (Pub.L. 117–169), and the SUPPORT for Patients and Communities Act (SUPPORT) Act (Pub.L. 115–271) will be some of the topics the Panel will discuss. The Panel will provide feedback to CMS staff on outreach and education strategies, communication tools and messages and how to best reach minority, vulnerable and Limited English Proficiency populations.

B. Charter Renewal

The Panel's charter was renewed on January 19, 2023, and will terminate on January 19, 2025, unless renewed by appropriate action. The Charter can be found at <https://www.cms.gov/regulations-and-guidance/guidance/faca/apoe>.

In accordance with the renewed charter, the APOE will advise the Secretary and the CMS Administrator concerning optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, the CHIP, and coverage available through the Health Insurance Marketplace® and other CMS programs.

- Enhancing the federal government's effectiveness in informing Medicare, Medicaid, CHIP, or the Health Insurance Marketplace® consumers, issuers,

providers, and stakeholders, pursuant to education and outreach programs regarding these programs, including public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers, partners and stakeholders.

- Expanding outreach to minority and underserved communities, including racial and ethnic minorities, in the context of Medicare, Medicaid, CHIP, and the Health Insurance Marketplace® education programs and other CMS programs as designated.

- Assembling and sharing an information base of “best practices” for helping consumers evaluate health coverage options.

- Building and leveraging existing community infrastructure for information, counseling, and assistance.

- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

The current members of the Panel as of April 18, 2024 are as follows:

- Mitchell Balk, President, The Mt. Sinai Health Foundation.
- Paula Campbell, Director of Health Equity and Emergency Response, Illinois Primary Care Association.
- Dr. Matthew Fullen, Associate Professor of Counselor Education, Virginia Tech.
- Justin Gust, Vice President of Community Engagement, El Centro, Inc.
- Andrea Haynes, MD, Family Medicine Physician, PPC Austin Family Health Center.
- Lydia Isaac, Vice President for Health Equity and Policy, National Urban League.
- Vacheria Keys, Director of Policy and Regulatory Affairs, National Association of Community Health Centers.
- Daisy Kim, Assistant Director for Government Relations and Legislative Analysis, University of California System.
- Lynn Kimball, Executive Director, Aging and Long-Term Care of Eastern Washington.
- Erin Loubier, Senior Director for Health and Legal Integration and Payment Innovation, Whitman-Walker Health.
- Dr. Alister Martin, Physician and Assistant Professor, Harvard Medical School and Harvard Kennedy School.
- Neil Meltzer, President and CEO, LifeBridge Health.

- Dr. Carol Podgorski, Professor of Psychiatry, Associate Chair of Academic Affairs, University of Rochester Medical Center.

- Melanie Prince, CEO MAPYourWay, LLC; Immediate Past President, Case Management Society of America.

- Carrie Rogers, Associate Director, Community Catalyst.

- Tricia Sandiego, Senior Advisor, Caregiving and Health Team, AARP.

- Marsha Schofield, President, Marsha Schofield & Associates LLC.

- Mina Schultz, Health Policy and Advocacy Manager, Young Invincibles.

- Daniel Spirn, Vice President, Government Relations, Utilization Review Accreditation Commission.

- Emily Whicheloe, Director of Education, Medicare Rights Center.

II. Meeting Format and Agenda

In accordance with section 10(a) of the FACA, this notice announces a meeting of the APOE. The agenda for the June 27, 2024 meeting will include the following:

- Welcome and opening remarks from CMS leadership.
- Recap of the previous (April 18, 2024) meeting.
- Presentations on CMS programs, initiatives, and priorities; discussion of panel recommendations.
- An opportunity for public comment.
- Meeting adjourned.

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

III. Meeting Participation

The meeting is open to the public, but attendance is limited to registered participants. Persons wishing to attend this meeting must register at the following weblink <https://CMS-APOE-June2024.rsvpify.com> by contacting the DFO at the address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice. This meeting will be held virtually. Individuals who are not registered in advance will be unable to attend this meeting.

IV. Collection of Information

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Chyana Woodyard, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024–11473 Filed 5–23–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10185 and CMS–10008]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or

other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by June 24, 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

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. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. Type of Information Collection
Request: Revision of a currently approved collection; *Title of Information Collection:* Medicare Part D Reporting Requirements; *Use:* Section 1860D–12(b)(3)(D) of the Act provides broad authority for the Secretary to add terms to the contracts with Part D sponsors, including terms that require the sponsor to provide the Secretary with information as the Secretary may find necessary and appropriate.

Pursuant to our statutory authority, we codified these information collection requirements for Part D sponsors in regulation at 42 CFR 423.514(a).

Data collected via the Medicare Part D reporting requirements will be an integral resource for oversight, monitoring, compliance, and auditing activities necessary to ensure quality provision of the Medicare Prescription Drug Benefit to beneficiaries. For all reporting sections (Enrollment and Disenrollment, Medication Therapy Management (MTM) Programs, Grievances, Improving Drug Utilization Review Controls, Coverage Determinations and Redeterminations, and Employer/Union Sponsored Sponsors, and Medicare Prescription Payment Plan), data are reported electronically to CMS. The data collected via the MTM and Grievances reporting sections are used in the Medicare Part C and D Star Ratings and Display Measures. The other reporting sections’ data are analyzed for program oversight to ensure the availability, accessibility, and acceptability of sponsors’ services, such as coverage determinations and appeals processes, and opioid safety edits at the time of dispensing. *Form Number:* CMS–10185 (OMB Control Number: 0938–0992); *Frequency:* Yearly; *Affected Public:* Business or other for-profits; *Number of Respondents:* 1,019; *Number of Responses:* 14,325; *Total Annual Hours:* 23,094. (For policy questions regarding this collection contact Abigale Sanft at 410–786–6068.)

2. Type of Information Collection
Request: Extension currently approved collection; *Title of Information Collection:* Transitional Pass through payments related to Drugs, Biologicals, and Radiopharmaceuticals to determine eligibility under the Outpatient Prospective Payment System; *Use:* Section 1833(t)(6)(D)(i) of the Act sets the payment rate for pass-through eligible drugs and biologicals (assuming that no pro rata reduction in pass-through payment is necessary) as the amount determined under section 1842(o) of the Act. Section 303(c) of Public Law 108–173 amended Title XVIII of the Act by adding new section 1847A. This new section establishes the use of the average sales price (ASP) methodology for payment for drugs and biologicals described in section 1842(o)(1)(C) of the Act furnished on or after January 1, 2005. Therefore, as we stated in the November 15, 2004 **Federal Register** (69 FR 65776), in CY 2005, we will pay under the OPPTS for drugs, biologicals and radiopharmaceuticals with pass-through status consistent with

the provisions of section 1842(o) of the Act as amended by Public Law 108–173 at a rate that is equivalent to the payment these drugs and biologicals will receive in the physician office setting, and established in accordance with the methodology described in the CY 2005 Physician Fee Schedule final rule.

Interested parties such as hospitals, pharmaceutical companies, and physicians will apply for transitional pass-through payment for drugs, biologicals, and radiopharmaceuticals used with services covered under the hospital OPPTS. After we receive all requested information, we will evaluate the information to determine if the criteria for making a transitional pass-through payment are met and if an interim healthcare common procedure coding system (HCPCS) code for a new drug, biological, or radiopharmaceutical is necessary. We will advise the applicant of our decision and update the hospital OPPTS during its next scheduled quarterly update to reflect any newly approved drug, biological, or radiopharmaceutical. Based on experience gained in processing transitional pass-through and new technology applications, we have reworded some of the statements for clarity and have more clearly requested information in a format that will allow us to determine if the drug, biological, or radiopharmaceutical meets the cost significance test, as well as to estimate the associated pass-through payment amount. In addition, we have also eliminated the requirement for applicants to obtain a national Level II HCPCS code prior to seeking transitional pass-through payment eligibility or provide us with a copy of their application for a national HCPCS code, as we had originally required in the April 7, 2000, final rule. *Form Number:* CMS–10008 (OMB control number: 0938–0802); *Frequency:* Once; *Affected Public:* Private Sector, Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 35; *Total Annual Responses:* 35; *Total Annual Hours:* 560. (For policy questions regarding this collection contact Andrew Wang at 410–786–8233.)

William N. Parham, III,
Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–11397 Filed 5–23–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-3450-N]

Medicare Program; Announcement of the Re-Approval of the Joint Commission as an Accreditation Organization Under the Clinical Laboratory Improvement Amendments of 1988

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the application of the Joint Commission for re-approval as an accreditation organization for clinical laboratories under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) program for the following specialty and subspecialty areas under CLIA: Microbiology, including Bacteriology, Mycobacteriology, Mycology, Parasitology, and Virology; Diagnostic Immunology, including Syphilis Serology, and General Immunology; Chemistry, including Routine Chemistry, Toxicology, and Endocrinology; Hematology, including routine hematology and coagulation; Immunohematology, including ABO Group, D (Rho) typing, Unexpected Antibody Detection, Compatibility Testing, and Antibody Identification; Pathology, including Histopathology, Oral Pathology, and Cytology. We have determined that the Joint Commission meets or exceeds the applicable CLIA requirements. We are announcing the re-approval and grant the Joint Commission deeming authority for a period of 6 years.

DATES: *Applicable Date:* This notice is applicable from May 24, 2024 to May 24, 2030.

FOR FURTHER INFORMATION CONTACT: Raymond Castillo, 312-886-3595.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

On October 31, 1988, the Congress enacted the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. 100-578) (CLIA). CLIA amended section 353 of the Public Health Service Act. We issued a final rule implementing the accreditation provisions of CLIA on July 31, 1992 (57 FR 33992). Under those provisions, we may grant deeming authority to an accreditation organization if its requirements for laboratories accredited

under its program are equal to or more stringent than the applicable CLIA program requirements in 42 CFR part 493 (Laboratory Requirements). Subpart E of part 493 (Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program) specifies the requirements an accreditation organization must meet to be approved by CMS as an accreditation organization under CLIA.

II. Notice of Re-Approval of the Joint Commission as an Accreditation Organization

In this notice, we approve the Joint Commission as an organization that may accredit laboratories for purposes of establishing their compliance with CLIA requirements for the following specialty and subspecialty areas under CLIA:

- Microbiology, including Bacteriology, Mycobacteriology, Mycology, Parasitology, and Virology.
- Diagnostic Immunology, including Syphilis Serology, and General Immunology.
- Chemistry, including Routine Chemistry, Toxicology, and Endocrinology.
- Hematology, including routine Hematology and Coagulation.
- Immunohematology, including ABO Group, D (Rho) typing, Unexpected Antibody Detection, Compatibility Testing, and Antibody Identification.
- Pathology, including Histopathology, and Oral Pathology, and Cytology.

We have examined the initial Joint Commission application and all subsequent submissions to determine its accreditation program's equivalency with the requirements for re-approval of an accreditation organization under subpart E of part 493. We have determined that the Joint Commission meets or exceeds the applicable CLIA requirements. We have also determined that the Joint Commission will ensure that its accredited laboratories will meet or exceed the applicable requirements in subparts H, I, J, K, M, Q, and the applicable sections of R. Therefore, we grant the Joint Commission re-approval as an accreditation organization under subpart E of part 493, for the period stated in the **DATES** section of this notice for all specialty and subspecialty areas under CLIA. As a result of this determination, any laboratory that is accredited by the Joint Commission during the time period stated in the **DATES** section of this notice will be deemed to meet the CLIA requirements for the listed subspecialties and specialties, and therefore, will generally

not be subject to routine inspections by a state survey agency to determine its compliance with CLIA requirements. The accredited laboratory, however, is subject to validation and complaint investigation surveys performed by CMS, or its agent(s).

III. Evaluation of the Joint Commission Request for Re-Approval as an Accreditation Organization Under CLIA

The following describes the process we used to determine that the Joint Commission accreditation program meets the necessary requirements to be approved by CMS and that, as such, we may approve the Joint Commission as an accreditation program with deeming authority under the CLIA program. The Joint Commission formally applied to CMS for re-approval as an accreditation organization under CLIA for the following specialties and subspecialties under CLIA on August 31, 2023.

- Microbiology, including Bacteriology, Mycobacteriology, Mycology, Parasitology, and Virology.
- Diagnostic Immunology, including Syphilis Serology, and General Immunology.
- Chemistry, including Routine Chemistry, Toxicology, and Endocrinology.
- Hematology, including routine Hematology and Coagulation.
- Immunohematology, including ABO Group, D (Rho) typing, Unexpected Antibody Detection, Compatibility Testing, and Antibody Identification.
- Pathology, including Histopathology, and Oral Pathology, and Cytology.

In reviewing these materials, we reached the following determinations for each applicable part of the CLIA regulations:

A. Subpart E—Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program

The Joint Commission submitted a description of its mechanisms for monitoring compliance with all requirements equivalent to condition-level requirements, a list of all its client laboratories and the expiration date of their accreditations, and a detailed comparison of the Joint Commission's individual accreditation requirements with the comparable condition-level requirements. We determined that the Joint Commission's policies and procedures for oversight of laboratory testing for all CLIA specialties and subspecialties with respect to inspection, monitoring proficiency

testing (PT) performance, investigating complaints, and making PT information available, are equivalent to those of CLIA. The Joint Commission also submitted descriptions of its infrastructure and procedures for monitoring and inspecting laboratories in the areas of data management, the inspection process, procedures for removal or withdrawal of accreditation, notification requirements, and accreditation organization resources. We have determined that the requirements of the Joint Commission accreditation program are equal to or more stringent than the requirements of the CLIA regulations.

Our evaluation determined that the Joint Commission requirements regarding waived testing are more stringent than the CLIA requirements set out at § 493.15(e) that require eligible laboratories to follow the manufacturer's instructions for performing tests and obtain a certificate of waiver as outlined in CMS regulations at 42 CFR part 493, subpart B, Certificate of Waiver. The Joint Commission waived testing requirements include the following:

- Defining the extent that waived test results are used in patient care.
- Identifying the personnel responsible for performing and supervising waived testing.
- Assuring that personnel performing waived testing have adequate, specific training and orientation to perform the testing and can demonstrate satisfactory levels of performance.
- Making certain that policies and procedures governing waived testing-related procedures are current and readily available.
- Conducting defined quality control checks.
- Maintaining quality control and test records.

B. Subpart H—Participation in Proficiency Testing for Laboratories Performing Nonwaived Testing

The Joint Commission's requirements are equal to the CLIA requirements at §§ 493.801 through 493.865.

C. Subpart J—Facility Administration for Nonwaived Testing

The Joint Commission's requirements are equal to the CLIA requirements at §§ 493.1100 through 493.1105.

D. Subpart K—Quality System for Nonwaived Testing

The Joint Commission requirements are equal to or more stringent than the CLIA requirements at §§ 493.1200

through 493.1299. For instance, the Joint Commission has control procedure requirements for all waived complexity testing performed.

E. Subpart M—Personnel for Nonwaived Testing

We have determined that the Joint Commission requirements are equal to the CLIA requirements at §§ 493.1403 through 493.1495 for laboratories that perform moderate and high complexity testing.

F. Subpart Q—Inspections

We have determined that the Joint Commission requirements are equal to the CLIA requirements at §§ 493.1771 through 493.1780.

G. Subpart R—Enforcement Procedures

We have determined that the Joint Commission laboratory enforcement and appeal policies are equal to or more stringent than the requirements of part 493 subpart R as they apply to accreditation organizations. The Joint Commission policy sets forth the actions the organization takes when laboratories it accredits do not comply with its requirements and standards for accreditation. When appropriate, the Joint Commission will deny, suspend, or revoke accreditation in a laboratory accredited by the Joint Commission and report that action to us within 30 days. The Joint Commission also provides an appeals process for laboratories that have had accreditation denied, suspended, or revoked.

IV. Federal Validation Inspections and Continuing Oversight

The Federal validation inspections of laboratories accredited by the Joint Commission may be conducted on a representative sample basis or in response to substantial allegations of noncompliance (that is, complaint inspections). The outcome of those validation inspections, performed by CMS or our agents, or the state survey agencies, will be our principal means for verifying that the laboratories accredited by the Joint Commission remain in compliance with CLIA requirements. This federal monitoring is an ongoing process.

V. Removal of Deeming Authority as an Accrediting Organization

CLIA regulations provide that we may withdraw the approval of an accreditation organization, such as that of the Joint Commission, for cause, before the end of the effective date of

approval in certain circumstances, in accordance with § 493.575. If we determine that the Joint Commission has failed to adopt, maintain and enforce requirements that are equal to, or more stringent than, the CLIA requirements, or that systemic problems exist in its monitoring, inspection or enforcement processes, we may impose a probationary period 30 days following the date of CMS' determination, not to exceed 1 year, in which the Joint Commission would be allowed to address any identified issues. Should the Joint Commission be unable to address the identified issues, we may, in accordance with the applicable regulations, revoke the Joint Commission's deeming authority under CLIA.

Should circumstances result in our withdrawal of the Joint Commission's re-approval, we will publish a notice in the **Federal Register** explaining the basis for removing its re-approval.

VI. Collection of Information Requirements

The information collection requirements associated with the accreditation process for clinical laboratories under the CLIA program are currently OMB-approved under OMB control number 0938-0686 and expires May 31, 2025. Additionally, this notice does not impose any new or revised information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, it does not need to be reviewed by the Office of Management and Budget (OMB) under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

VII. Executive Order 12866 Statement

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Trenesha Fultz-Mimms,
Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024-11421 Filed 5-23-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Testing Identified Elements for Success in Fatherhood Programs (0970–0622)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, Department of Health and Human Services.
ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) Office of Planning, Research, and Evaluation (OPRE) launched the Testing Identified Elements for Success in Fatherhood Programs (Fatherhood TIES) project in 2022. Using a mix of research methods, this study will test “core components” of fatherhood programs to identify program elements that are effective at improving the lives of fathers who participate in fatherhood programs and their children. The study includes an implementation and an impact study. A request for initial data collection materials was approved by the Office of Management and Budget in December 2023. This notice provides information about additional data collection activities to support this study.
DATES: *Comments due* July 23, 2024. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF

is soliciting public comment on the specific aspects of the information collection described above.
ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing OPREinfocollection@acf.hhs.gov. Identify all requests by the title of the information collection.
SUPPLEMENTARY INFORMATION:
Description: Core components are the essential functions, principles, and elements that are judged as being necessary to produce positive outcomes. Fatherhood programs usually offer workshops and case management services for fathers to provide, for example, parenting strategies to strengthen their relationships with their children, help finding a steady job, skills to enhance their relationships, and support dealing with other life or family challenges they might experience. Five Fatherhood FIRE (Fatherhood—Family-focused, Interconnected, Resilient, and Essential) grant recipients are partnering with the Fatherhood TIES study team to participate in an implementation and impact study. The implementation study will examine how the core components are implemented and what fathers think of them. The impact study will rigorously evaluate whether promising core components bring about positive outcomes for fathers and their families which may include understanding effects of program engagement, economic stability, father-

child relationship quality and co-parenting relationship quality.
Initial study (Phase 1) materials, including consent to participate in the study, additional baseline information from program participants, and initial implementation study data were approved and are in use by the study team. We are now requesting approval of Phase 2 data collection materials including semi-structured interviews, focus groups, and the participatory research methods of photo voice and audio journaling. Audio journaling and photo voice are participatory research methods that the study team will use with up to 60 fathers in total to generate information about how fathers are applying knowledge and skills gained through their participation in the fatherhood program.
Respondents: Fathers enrolled in the Fatherhood TIES study, co-parents of fathers enrolled, and program staff involved in supporting and implementing the Fatherhood TIES study.
Annual Burden Estimates
Data collection time frames vary by instrument. Instruments with a star (*) will be fielded in the first year. The follow-up survey is anticipated to continue into early 2027. Therefore, this request is for two and a half years of approval and annual burden estimates reflect this timeframe (total burden/2.5).

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Staff Interview (including consent) *	50	2	1	100	40
Co-Parent Interview (including consent) *	4	1	1	4	2
Father focus group (including consent) *	80	1	1	80	32
Photo Voice (collection + focus group + debrief) *	5	1	3.25	16	7
Audio Journaling (collection + debrief) *	55	1	1	55	22
Nine-month Follow-up survey	1369	1	0.75	1027	411
Photo Voice Training *	5	1	2	10	4
Audio Journaling Training *	55	1	0.5	28	11
Estimated Annual Burden Total					529

Comments: The Department specifically requests comments 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; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.
Authority: Section 413 of the Social Security Act, as amended by the fiscal

year 2017 Consolidated Appropriations Act, 2017 (Pub. L. 115–31).
Mary C. Jones,
ACF/OPRE Certifying Officer.
[FR Doc. 2024–11393 Filed 5–23–24; 8:45 am]
BILLING CODE 4184–73–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Resources and Services Administration****Agency Information Collection****Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: The Maternal, Infant, and Early Childhood Home Visiting Program Statewide Needs Assessment Update**

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 23, 2024.

ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Joella Roland, the HRSA Information Collection Clearance Officer, at (301) 443-3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: The Maternal, Infant, and Early Childhood Home Visiting Program Statewide Needs Assessment Update—OMB No. 0906-0038—Revision

Abstract: HRSA is requesting approval to collect amended statewide needs assessment updates from Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program awardees. The 2020 statewide needs assessment update approved under OMB control number 0906-0038 expired November 30, 2021, and is discontinued. The prior approval was discontinued as the requirement was for a one-time data collection in response to the 2018 reauthorizing statute. This request will reinstate this information

collection with no changes. Eligible entities that are states, jurisdictions, and non-profit organizations submitted statewide needs assessment updates in response to the 2020 Needs Assessment Update Supplemental Information Request (SIR) (and a corresponding SIR for jurisdiction awardees). Eligible entities that wish to amend their previously submitted needs assessment updates will have the opportunity to do so prior to submitting their fiscal year 2025 base and matching grant funding application and in response to new instructions provided by the agency for this purpose.

The MIECHV Program, authorized by section 511 of the Social Security Act, 42 U.S.C. 711, and administered by HRSA in partnership with the Administration for Children and Families, supports voluntary, evidence-based home visiting services during pregnancy and to parents with young children up to kindergarten entry. States, jurisdictions, and tribal entities, and nonprofit organizations, in certain circumstances, are eligible to receive funding through MIECHV and have the flexibility, within the parameters of the authorizing statute, to tailor the program to serve the specific needs of their communities.

The statewide needs assessment is a critical and foundational resource that assists awardees in identifying and understanding how to meet the needs of eligible families living in at-risk communities in their states.

Need and Proposed Use of the Information: Congress, through enactment of the Social Security Act, Title V, Section 511 (42 U.S.C. 711), as amended, established the MIECHV Program. The MIECHV Program is designed to: (1) strengthen and improve the programs and activities carried out under Title V of the Social Security Act; (2) improve coordination of services for at risk communities; and (3) identify and provide comprehensive services to improve outcomes for families who reside in at risk communities. Section 511(b)(1) of the Social Security Act requires that states review and update their statewide needs assessments (which may be separate from, but in coordination with, the Title V statewide needs assessment) no later than October 1, 2020, as a condition of receiving payments from Title V Block Grant allotments. Since completing the needs assessment update, state and jurisdiction awardees may wish to amend their needs assessment update to identify communities where families with the most need are located in their state or jurisdiction.

In response to the 2020 Needs Assessment Update SIR, state and jurisdiction awardees were required to submit an updated statewide needs assessment that identified all the following information, as required by the MIECHV authorizing statute:

(1) Communities with concentrations of (a) premature birth, low-birth weight infants, and infant mortality, including infant death due to neglect, or other indicators of at-risk prenatal, maternal, newborn, or child health; (b) poverty; (c) crime; (d) domestic violence; (e) high rates of high-school drop-outs; (f) substance abuse; (g) unemployment; or (h) child maltreatment.

(2) The quality and capacity of existing programs or initiatives for early childhood home visitation in the state including: the number and types of individuals and families who are receiving services under such programs or initiatives; the gaps in early childhood home visitation in the state; and the extent to which such programs or initiatives are meeting the needs of eligible families.

(3) The state's capacity for providing substance abuse treatment and counseling services to individuals and families in need of such treatment or services.

The SIR provided guidance to states in updating their statewide needs assessments and submitting the required information to HRSA. States that elected not to apply or be awarded MIECHV funds were encouraged to work with nonprofit organizations that received awards to provide MIECHV services within the state and indicate whether they will submit their needs assessments directly or through the nonprofit organization awardee. HRSA and recipients providing MIECHV services within states used the information collected through the needs assessment update to reaffirm the provision of MIECHV home visiting services in at-risk communities. The information is also used to support program planning, improvement, and decision-making. States wishing to amend their needs assessment will be asked to provide new information and supporting data. HRSA will provide specific instructions to awardees who request to amend their needs assessment update in advance of their fiscal year 2025 funding application. HRSA is not proposing any changes to the previously approved Needs Assessment SIR.

Likely Respondents: MIECHV Program Awardees that are states, jurisdictions, and, where applicable, nonprofit organizations providing services within states.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying

information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden

hours estimated for this ICR are summarized in the table below. Burden hours reflect that existing needs assessments will be amended rather than fully developed.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Maternal, Infant, and Early Childhood Home Visiting Program Statewide Needs Assessment Update—Amended	35	1	35	30	1,050
Total	35		35		1,050

HRSA specifically requests comments on (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.

Maria G. Button,
Director, Executive Secretariat.
[FR Doc. 2024–11489 Filed 5–23–24; 8:45 am]
BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Home Visiting Assessment of Implementation Quality Study: Understanding Supervisor Supports in Home Visiting

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.
ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA’s ICR only after the 30-day

comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than June 24, 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 Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Joella Roland, the HRSA Information Collection Clearance Officer, at paperwork@hrsa.gov or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Home Visiting Assessment of Implementation Quality Study: Understanding Supervisor Supports in Home Visiting OMB No. 0906–xxxx–NEW.

Abstract: The Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program, authorized by Social Security Act, title V, section 511 (42 U.S.C. 711) and administered by HRSA in partnership with the Administration for Children and Families, supports voluntary, evidence-based home visiting services during pregnancy and for parents with young children up to kindergarten entry. States, tribal entities, and certain nonprofit organizations are eligible to receive funding from the MIECHV Program and have the flexibility to tailor the Program to serve the specific needs of their communities. Funding recipients may subaward grant funds to local implementing agencies (LIAs) to

provide home visiting services to eligible families in at-risk communities.

Through the Home Visiting Assessment of Implementation Quality study, HRSA aims to examine specific components of the Home Visiting Implementation Quality Conceptual Framework to inform strategies for implementing high quality home visiting programs. One of the three quality components the study will focus on is support for supervisors of home visitors. A qualified, stable, and supported home visitor workforce is an important quality component of home visiting, and supervision is a key part of supporting that workforce. The requested information collection will explore how training for supervisors may be linked to home visitor job satisfaction. It will also examine how supervisor training in important content areas (e.g., substance use, intimate partner violence) may affect the extent to which home visitors talk to families about these topics. Data collection will include an online recruitment survey, interviews, and focus groups.

A 60-day notice was published in the **Federal Register** on February 2, 2024 at 89 FR 7400–01. There were no public comments.

Need and Proposed Use of the Information: HRSA is seeking additional information about how the MIECHV Program can train and support supervisors of home visitors to provide high-quality supervision. HRSA intends to use this information to identify practices that MIECHV awardees and LIAs could use to best support home visiting supervisors, improving home visitors’ ability to deliver high-quality home visiting services.

Likely Respondents: MIECHV-funded LIA staff, including program directors, coordinators, supervisors, and home visitors.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose

of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to

transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Recruitment Survey	250	1	250	0.17	42.5
LIA Program Director Interview Guide	50	1	50	1.00	50.0
Supervisor Focus Group Protocol	50	1	50	1.50	75.0
Home Visitor Focus Group Protocol	50	1	50	1.50	75.0
Total	400		400		242.5

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2024–11494 Filed 5–23–24; 8:45 am]

BILLING CODE 4165–15–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: Oncology 1—Basic Translational Integrated Review Group; Tumor Host Interactions Study Section.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102 (In-Person Meeting).

Contact Person: Angela Y. Ng, Ph.D. MBA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 710–C, MSC 7806, Bethesda, MD 20892, (301) 435–1715, nga@csr.nih.gov.

Name of Committee: Aging and Neurodegeneration Integrated Review Group;

Clinical Neuroscience and Neurodegeneration Study Section.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 9:00 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: Jordan M. Moore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002A1, Bethesda, MD 20892, (301) 451–0293, jordan.moore@nih.gov.

Name of Committee: Applied Therapeutics for Cancer Integrated Review Group; Mechanisms of Cancer Therapeutics B Study Section.

Date: June 20–21, 2024.

Time: 8:00 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: Maria Dolores Arjona Mayor, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 806D, Bethesda, MD 20892, (301) 827–8578, dolores.arjonamayor@nih.gov.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Respiratory Integrative Biology and Translational Research Study Section.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: North Bethesda Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852 (In-Person Meeting).

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC7814, Bethesda, MD 20892, (301) 451–8754, nussb@csr.nih.gov.

Name of Committee: Vascular and Hematology Integrated Review Group;

Integrative Vascular Physiology and Pathology Study Section.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Bethesda Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814 (In-Person Meeting).

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 806–7314, shahb@csr.nih.gov.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Immunity and Host Defense Study Section.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854 (In-Person Meeting).

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, mulky@mail.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Maximizing Investigators' Research Award—E Study Section.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Bethesda Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814 (In-Person Meeting).

Contact Person: Vandana Kumari, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3290, vandana.kumari@nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Technology Development Study Section.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852 (In-Person Meeting).

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, (301) 237-9870, xuguofen@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neurodegenerative and Neurological Disorders.

Date: June 20–21, 2024.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Watergate, 2650 Virginia Avenue NW, Washington, DC 20037 (In-Person Meeting).

Contact Person: Kathryn Partlow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1016D, Bethesda, MD 20892, (301) 594-2138, partlowkc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Musculoskeletal, Oral, Rheumatology and Dermatology.

Date: June 20–21, 2024.

Time: 8:30 a.m. to 7:30 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: Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 237-9931, ansaria@csr.nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.

Date: June 20–21, 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: E. Bryan Crenshaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-7129, bryan.crenshaw@nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Molecular Genetics Study Section.

Date: June 20–21, 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: Altaf Ahmad Dar, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-2680, altaf.dar@nih.gov.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Molecular Cancer Diagnosis and Classification Study Section.

Date: June 20–21, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: North Bethesda Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852 (In-Person Meeting).

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 2089, 301-435-1719, ngkl@csr.nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Adult Psychopathology and Disorders of Aging Study Section.

Date: June 20–21, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott Georgetown, 1221 22nd Street NW, Washington, DC 20037 (In-Person Meeting).

Contact Person: Benjamin G. Shaper, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, (301) 402-4786, shaperobg@mail.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.

Date: June 20–21, 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: Todd Everett White, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-3962, todd.white@nih.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Glia Study Section.

Date: June 20–21, 2024.

Time: 9:00 a.m. to 10:00 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: Sung-Wook Jang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812P, Bethesda, MD 20892, (301) 435-1042, jangs2@csr.nih.gov.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated

Review Group; Enabling Bioanalytical and Imaging Technologies Study Section.

Date: June 20–21, 2024.

Time: 9:30 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: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301-435-0229, kenneth.ryan@nih.hhs.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular, Molecular and Integrative Reproduction Study Section.

Date: June 20–21, 2024.

Time: 10:00 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: Anthony Wing Sang Chan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 809K, Bethesda, MD 20892, (301) 496-9392, chana2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Short Courses to Promote the Broad and Rigorous Use of Common Fund Data R25.

Date: June 20, 2024.

Time: 12:00 p.m. to 6:00 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: Jonathan Arias, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, (301) 435-2406, ariasj@csr.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: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11430 Filed 5-23-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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: National Cancer Institute Special Emphasis Panel; Cancer Adoptive Cellular Therapy Network for Pediatric Cancers.

Date: June 25, 2024.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W124, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Eun Ah Cho, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W124, Rockville, Maryland 20850, 240-276-6342, choe@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP-5: NCI Clinical and Translational Cancer Research.

Date: July 10-11, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W254, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Susan Lynn Spence, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Rockville, Maryland 20850, 240-620-0819, susan.spence@nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; Collaborative Research at the NIH Clinical Center.

Date: July 12, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W608, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W608, Rockville, Maryland 20850, 240-276-5856, nadeem.khan@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 20, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11396 Filed 5-23-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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: National Institute of Dental and Craniofacial Research Special Emphasis Panel; DSR Member Conflict and Research Training and Training/Education Review.

Date: July 10, 2024.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Dental & Craniofacial Research, 6701 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Thomas John O'Farrell, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Dental & Craniofacial Research, 6701 Democracy Blvd., Bethesda, MD 20892, (301) 584-4859, tom.ofarrell@nih.gov.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of Fellowship Applications.

Date: July 17, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Dental & Craniofacial Research, 6701 Democracy

Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jingshan Chen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Dental & Craniofacial Research, 6701 Democracy Blvd., Bethesda, MD 20892, (301) 451-2405, jingshan.chen@nih.gov.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of Clinical Study Applications.

Date: July 26, 2024.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Dental & Craniofacial Research, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yun Mei, M.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental & Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892, (301) 827-4639, yun.mei@nih.gov.

(Catalogue of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: May 20, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11394 Filed 5-23-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Microphysiological Systems to Advance Precision Medicine for AD/ADRD Treatment and Prevention.

Date: July 19, 2024.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nesar Uddin Akanda, M.D., Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Room: 2E405, Bethesda, MD 20814, (301) 594-8984, nesar.akanda@nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11426 Filed 5-23-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Mouse Aging Interventions and Genetics.

Date: July 11, 2024.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kaitlyn Noel Hardell, Ph.D., M.P.H., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Room: 2E405, Bethesda, MD 20814, (301) 555-1234, kaitlyn.hardell@nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11431 Filed 5-23-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Aging Research Dissertation Awards.

Date: June 20, 2024.

Time: 10:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., M.P.H., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Room: 2C212, Bethesda, MD 20814, 301-402-7703, cmoten@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11428 Filed 5-23-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Longevity Consortium.

Date: June 25, 2024.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., M.P.H., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Room: 2C212, Bethesda, MD 20814, 301-402-7703, cmoten@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11427 Filed 5-23-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; 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: Office of Research Infrastructure Programs Special Emphasis Panel; (ZOD1).

Date: July 25, 2024.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kenneth Ryan, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Rockledge II,

Room 903–F, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–0229, ryank2@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: May 17, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–11464 Filed 5–23–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS Ancillary Studies Review Meeting.

Date: July 16, 2024.

Time: 11:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Archana Jha, Ph.D., Scientific Review Officer, Scientific Review Branch (SRB), National Institute of Arthritis and Musculoskeletal and Skin Diseases, One Democracy Plaza, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, (240) 921–1233, archana.jha@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis,

Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–11463 Filed 5–23–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Chemically Precise Design of Tauopathy-Specific Fibrils and Probes.

Date: July 1, 2024.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ivan Tadeu Rebustini, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Room: 100 Bethesda, MD 20814, (301) 555–1212, ivan.rebustini@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–11432 Filed 5–23–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Resources Across Phenotyped Longitudinal Behavioral and Social Studies of Aging.

Date: June 18, 2024.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., M.P.H., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Room: 2C212, Bethesda, MD 20814, 301–402–7703, cmoten@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–11429 Filed 5–23–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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: National Institute of Environmental Health Sciences Special Emphasis Panel; R25 Undergraduate Research Education Program (UP) to Enhance Diversity in the Environmental Health Sciences.

Date: June 25, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Science, 530 Davis Drive, Keystone Building, Durham, NC 27713 (Virtual Meeting).

Contact Person: Beverly W. Duncan, Ph.D., Scientific Review Officer, National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Room 3130, Durham, NC 27713, (240) 353-6598, beverly.duncan@nih.gov.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; R25 Summer Research Education Experience Program.

Date: June 27, 2024.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Science, 530 Davis Drive, Keystone Building, Durham, NC 27713 (Virtual Meeting).

Contact Person: Beverly W. Duncan, Ph.D., Scientific Review Officer, National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Room 3130, Durham, NC 27713, (240) 353-6598, beverly.duncan@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: May 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-11465 Filed 5-23-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651-0020]

Agency Information Collection Activities; Extension; Crew's Effects Declaration (Form 1304)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than July 23, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651-0020 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email: Submit comments to: CBP_PRA@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, Telephone number 202-325-0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should

address one or more of the following four points: (1) 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) 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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Crew's Effects Declaration.

OMB Number: 1651-0020.

Form Number: Form 1304.

Current Actions: This submission will extend the expiration date with a change to the information collection. The burden hour estimates were adjusted to reflect accurate usage.

Type of Review: Extension (with change).

Affected Public: Businesses.

Abstract: CBP Form 1304, *Crew's Effects Declaration*, was developed through an agreement by the United Nations' Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. The form is used as part of the entrance and clearance of vessels pursuant to the provisions of 19 CFR 4.7 and 4.7a, 19 U.S.C. 1431, and 19 U.S.C. 1434. CBP Form 1304 is completed by the master of the arriving carrier to record and list the crew's effects that are onboard the vessel. This form is accessible at <https://www.cbp.gov/newsroom/publications/forms?title=1304>.

The CBP Form 1304 is part of the Vessel Entrance and Clearance System (VECS) Public Test currently on-going, the paper Form 1304 is not required if submissions are made in VECS, on a voluntary basis.

Once public testing is done, PRA approval and formalized rulemaking will make VECS permanent.

Type of Information Collection: Form 1304.

Estimated Number of Respondents: 1,678.
Estimated Number of Annual Responses per Respondent: 52.
Estimated Number of Total Annual Responses: 85,824.
Estimated Time per Response: 1 hour.
Estimated Total Annual Burden Hours: 85,824.

Dated: May 21, 2024.

Seth D. Renkema,
Branch Chief, Economic Impact Analysis
Branch, U.S. Customs and Border Protection.
[FR Doc. 2024–11461 Filed 5–23–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection [OMB Control Number 1651–0114]

Agency Information Collection Activities; Extension; Crewmembers Landing Permit (CBP Form I–95)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted no later than July 23, 2024 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0114 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email: Submit comments to: CBP_PRA@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information

provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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) 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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Crewman's Landing Permit (CBP Form I–95).

OMB Number: 1651–0114.

Form Number: I–95.

Current Actions: This submission will extend the expiration date with an increase to the burden hours previously reported, no change to the information collected or method of collection.

Type of Review: Extension (with change).

Affected Public: Businesses.

Abstract: CBP Form I–95, *Crewman's Landing Permit*, is prepared and presented to CBP by the master or agent of vessels and aircraft arriving in the United States for nonimmigrant crewmembers applying for landing privileges. This form is provided for by 8 CFR 251.1(c) which states that, with certain exceptions, the master, captain, or agent must present this form to CBP for each nonimmigrant crewmember on

board. In addition, pursuant to 8 CFR 252.1(e), CBP Form I–95 serves as the physical evidence that a nonimmigrant crewmember has been granted a conditional permit to land temporarily, and it is also a prescribed registration form under 8 CFR 264.1 for crewmembers arriving by vessel or air. CBP Form I–95 is authorized by section 252 of the Immigration and Nationality Act of 1952, Public Law 82–414, 66 Stat. 163, as amended (8 U.S.C. 1282) and is accessible at: <https://www.cbp.gov/sites/default/files/assets/documents/2018-Nov/CBP%20Form%20I-95.pdf>.

Type of Information Collection: Form I–95.

Estimated Number of Respondents: 1,072,428.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 1,072,428.

Estimated Time per Response: 4 minutes.

Estimated Total Annual Burden Hours: 71,853.

Dated: May 21, 2024.

Seth D. Renkema,
Branch Chief, Economic Impact Analysis
Branch, U.S. Customs and Border Protection.
[FR Doc. 2024–11459 Filed 5–23–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection [OMB Control Number 1651–0064]

Agency Information Collection Activities; Extension; Create/Update Importer Identity Form (CBP Form 5106)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than July 23, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s)

contained in this notice must include the OMB Control Number 1651–0064 in the subject line and the agency name. Please submit written comments and/or suggestions in English. Please use the following method to submit comments:

Email: Submit comments to: CBP_PRA@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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) 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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Create/Update Importer Identity Form.

OMB Number: 1651–0064.

Form Number: 5106.

Current Actions: This submission will extend the collection authority with an increase in the estimated numbers of respondents and annual burden.

Type of Review: Extension (w/ change).

Affected Public: Businesses.

Abstract: The collection of the information on the “Create/Update Importer Identity Form”, commonly referred to as “CBP Form 5106,” is the basis for establishing bond coverage, release and entry of merchandise, liquidation and the issuance of bills and refunds. Members of the trade community use the Create/Update Importer Identification Form to register an entity as an Importer of Record (IOR) in the Automated Commercial Environment (ACE). Registering as IOR with CBP is required if an entity intends to transact Customs business and be involved as an importer, consignee/ultimate consignee, any individual or organization involved as a party, such as 4811 party, or sold to party on an informal or formal entry. The number used to identify an IOR is either an Internal Revenue Service (IRS) Employer Identification Number (EIN), a Social Security Number (SSN), or a CBP-Assigned Number. By collecting, certain information from the importer enables CBP to verify the identity of the importers, meeting IOR regulatory requirements for collecting information. 19 CFR 24.5.

Importers (each person, business firm, government agency, or other organization that intends to file an import entry) shall file CBP Form 5106 with the first formal entry or request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. This form is also filed for the ultimate consignee for whom an entry is being made.

CBP Form 5106 is authorized by 19 U.S.C 1484 and 31 U.S.C. 7701 and provided for by 19 CFR 24.5. The current version of the form is accessible at: CBP Forms | U.S. Customs and Border Protection.

Type of Information Collection: Importer ID Import Record (Form 5106).

Estimated Number of Respondents: 432,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 432,000.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 324,000.

Dated: May 21, 2024.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2024–11460 Filed 5–23–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2024–0012]

Homeland Security Advisory Council; Notice of Meeting

AGENCY: Office of Partnership and Engagement (OPE), Department of Homeland Security (DHS).

ACTION: Notice of partially closed Federal advisory committee meeting.

SUMMARY: OPE is publishing this notice that the Homeland Security Advisory Council (HSAC) will meet in-person on Thursday, June 6, 2024. This meeting will be partially closed to the public.

DATES: *Meeting Registration:* Registration to attend the meeting is required and must be received no later than 5 p.m. eastern daylight time (EDT) on Friday, May 31, 2024. The meeting will take place from 9 a.m. ET to 11 a.m. ET on Thursday, June 6, 2024. The meeting will be closed to the public from 9:30 a.m. to 11 a.m. ET. The meeting will be open to the public from 9 a.m. to 9:30 a.m. ET. The meeting may end early if the Council has completed its business.

ADDRESSES: The HSAC meeting will be held at DHS St. Elizabeths Campus in Washington, DC. Members of the public interested in participating may do so via teleconference or in person by following the process outlined below. There is limited seating available to the public and will be first come first serve. For those attending the public session you will be in listen-only mode except for the public comment portion of the meeting. Written comments must be submitted by 5 p.m. ET on May 30, 2024. Comments must be identified by Docket No. DHS–2024–0012 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* HSAC@hq.dhs.gov. Include Docket No. DHS–2024–0012 in the subject line of the message.

- *Mail:* Rebecca Sternhell, Acting Executive Director of the Homeland Security Advisory Council, Office of Partnership and Engagement, Mailstop 0385, Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20032.

Instructions: All submissions received must include the words “Department of Homeland Security” and “DHS–2024–0012”, the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided. You may wish to review the Privacy and Security Notice found via a link on the homepage of www.regulations.gov.

Docket: For access to the docket to read comments received by the Council, go to <http://www.regulations.gov>, search “DHS–2024–0012,” “Open Docket Folder” to view the comments.

FOR FURTHER INFORMATION CONTACT: Rebecca Sternhell, Acting Executive Director, HSAC at 771–203–9284 or HSAC@hq.dhs.gov.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under section 10(a) of the Federal Advisory Committee Act (FACA), Public Law 92–463 (5 U.S.C. ch. 10), which requires each FACA committee meeting to be open to the public unless the President, or the head of the agency to which the advisory committee reports, determines that a portion of the meeting may be closed to the public in accordance with 5 U.S.C. 552b(c).

The HSAC provides organizationally independent, strategic, timely, specific, actionable advice, and recommendations to the Secretary of Homeland Security on matters related to homeland security. The Council consists of senior executives from government, the private sector, academia, law enforcement, and non-governmental organizations.

The Council will meet in an open session between 11 a.m. to 11:20 a.m. ET. The Council was tasked to create the Combating Online Child Sexual Exploitation and Abuse (CSEA) Subcommittee on November 14, 2023. The CSEA Subcommittee is tasked with (1) an assessment of how DHS can streamline and strengthen internal operations across components to effectively coordinate and collectively address online child sexual exploitation and abuse alongside our international partners, the technology industry, and non-governmental organizations. (2) An assessment and development of recommended actions for the technology industry to proactively identify, report, and prevent future sexual exploitation and abuse of children online. The assessment should include (a) a review of existing authorities and how DHS could utilize these authorities to move our interests forward; and (b) identification of the barriers impeding industry from

providing actionable information to law enforcement to identify victims and perpetrators. (3) An assessment to gauge the strengths, gaps, and opportunities in public awareness, industry engagement, and whole-of-community involvement. The HSAC CSEA assessment should include recommendations for cross-industry collaboration to raise public awareness of online CSEA.

The open session will include a briefing from the CSEA Subcommittee, public comment, HSAC member deliberation, and voting on the draft report from the CSEA Subcommittee.

For the open session, members of the public will be in listen-only mode except during the public comment session.

Meeting instructions for virtual and in person attendance. Members of the public may register to participate in this Council meeting via teleconference under the following procedures. Each individual must provide their full legal name and email address no later than 5 p.m. ET on Friday, May 31, 2024, to Rebecca Sternhell, Acting Executive Director of the Homeland Security Advisory Council via email to HSAC@hq.dhs.gov or via phone at 771–203–9284. Members of the public who have registered to participate will be provided the teleconference call-in number. Members of the public who would like to participate in person will follow the above instructions and inform the Acting Executive Director via email that you will be attending in person. You will receive specific instructions on how to attend. Seating is limited and is on a first come first serve basis. All public participants will receive the meeting agenda, and the draft subcommittee report after the closing of the public registration period and prior to the start of the meeting. For more information about the HSAC, please visit our website: <https://www.dhs.gov/homeland-securityadvisory-council>.

For information on services for individuals with disabilities, or to request special assistance, please email HSAC@hq.dhs.gov by 5:00 p.m. ET on Friday, May 31, 2024 or call 771–203–9284. The HSAC is committed to ensuring all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact Rebecca Sternhell at 771–203–9284 or HSAC@hq.dhs.gov as soon as possible.

The Council will meet in a closed session from 9:30 a.m. to 11 a.m. ET to participate in a sensitive discussion with DHS senior leaders regarding DHS operations. *Basis for Partial Closure:* In

accordance with section 10(d) of FACA, the Secretary of Homeland Security has determined this meeting must be closed during this session as the disclosure of the information relayed would be detrimental to the public interest for the following reasons:

The Council will participate in a sensitive operational discussion containing For Official Use Only and Law Enforcement Sensitive information. This discussion will include information regarding threats facing the United States and how DHS plans to address those threats. The session is closed pursuant to 5 U.S.C. 552b(c)(9)(B) because the disclosure of this information could significantly frustrate implementation of proposed agency actions.

Dated: May 21, 2024.

Rebecca Sternhell,

Acting Executive Director, Homeland Security Advisory Council, Department of Homeland Security.

[FR Doc. 2024–11495 Filed 5–23–24; 8:45 am]

BILLING CODE 9112–FN–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7086–N–11]

60-Day Notice of Proposed Information Collection: Energy Efficient Mortgage (EEM) Program OMB Control No.: 2502–0561

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 23, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 60-day Review—Open for Public Comments” or by using the

search function. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; telephone 202–402–3577 (this is not a toll-free number) or email:

PaperworkReductionActOffice@hud.gov.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email; *Colette.Pollard@hud.gov*, telephone (202) 402–3400 for Colette. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Energy Efficient Mortgage (EEM) Program.

OMB Approval Number: 2502–0561.

Type of Request: Extension of a previously approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: Lenders provide the required information to determine the eligibility of a mortgage to be insured under Section 513 of the Housing and Community Development Act of 1992 (Section 106 of the Energy Policy Act of 1992). Section 2123 of the Housing and Economic Recovery Act of 2008 (HERA) (Public Law 110–289, approved July 30, 2008) amended Section 106 of the Energy Policy Act of 1992 by revising the maximum dollar amount that can be added to an FHA-insured mortgage for energy efficient improvements.

Respondents: Business or other for-profit (lenders).

Estimated Number of Respondents: 3.

Estimated Number of Responses: 17.

Frequency of Response: On occasion.

Average Hours per Response: 4.25.

Total Estimated Burdens: 29.75.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information; (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 through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Jeffrey D. Little,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2024–11486 Filed 5–23–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/
A0A501010.999900; OMB Control Number
1076–0179]

**Agency Information Collection
Activities; Submission to the Office of
Management and Budget for Review
and Approval; Solicitation of
Nominations for the Advisory Board
for Exceptional Children**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 24, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection request (ICR) should be sent within 30 days of publication of this notice to the Office of Information and Regulatory Affairs (OIRA) through https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202212-1076-005 or by visiting <https://www.reginfo.gov/public/do/PRAMain> and selecting “Currently under Review—Open for Public Comments” and then scrolling down to the “Department of the Interior.”

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; *comments@bia.gov*; (202) 924–2650. 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. You may also view the ICR at <https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0179>.

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), we provide the general public, and other Federal agencies, with an opportunity 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.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 5, 2023 (88 FR 879). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. 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. 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: The Individuals with Disabilities Education Improvement Act (IDEA) of 2004, (20 U.S.C. 1400 *et seq.*) requires BIE to establish an Advisory Board on Exceptional Education. See 20 U.S.C. 1411(h)(6). BIE is seeking renewal for an information collection that would allow it to collect information regarding individuals' qualifications to serve on the Federal advisory committee known as the Advisory Board for Exceptional Children (Board). This information collection requires persons interested in being nominated to serve on the Board to provide information regarding their qualifications. This Board is currently in operation. This information collection allows BIE to better manage the nomination process for future appointments to the Board.

Title of Collection: Solicitation of Nominations for the Advisory Board for Exceptional Children.

OMB Control Number: 1076–0179.

Form Number: Membership nomination form.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 20, per year.

Total Estimated Number of Annual Responses: 20, per year.

Estimated Completion Time per Response: 1 hour.

Total Estimated Number of Annual Burden Hours: 20 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: \$0.

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.*).

Steven Mullen,

*Information Collection Clearance Officer,
Office of Regulatory Affairs and Collaborative
Action—Indian Affairs.*

[FR Doc. 2024–11510 Filed 5–23–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NV_FRN_MO 4500178788]

Notice of Availability of the Final Environmental Impact Statement for the Bald Mountain Mine Plan of Operations Amendment, Juniper Project, White Pine County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Ely District, Bristlecone Field Office (BFO), Nevada announces the availability of the Final Environmental Impact Statement (EIS) for the Bald Mountain Mine Plan of Operations Amendment (Juniper Project) in White Pine County, Nevada.

DATES: The BLM will not issue a decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: The Final EIS is available for review on the BLM ePlanning project website at <https://go.usa.gov/xAm2g>.

Written comments related to the Bald Mountain Mine Juniper Project may be submitted by any of the following methods:

- **ePlanning Website:** <https://go.usa.gov/xAm2g>.
- **Email:** blm_nv_eydo_juniper_eis@blm.gov.

• **Mail:** BLM Bristlecone Field Office, ATTN: BMM EIS Project, 702 North Industrial Way, Ely, Nevada 89301.

Documents pertinent to this proposal may be examined online at the ePlanning website and at the Bristlecone Field Office.

FOR FURTHER INFORMATION CONTACT: Greg Gresh, Planning and Environmental Specialist, telephone 775–289–1809; address 702 North Industrial Way, Ely, Nevada 89301; email ggresh@blm.gov. Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. Gresh. 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: KG Mining (Bald Mountain) Inc. (KG–BM) owns and operates the Bald Mountain Mine (BMM), a large-scale, open-pit gold mine primarily on public lands administered by the BLM Bristlecone Field Office. The BMM is in northwestern White Pine County, Nevada, approximately 60 miles southeast of the city of Elko, Nevada and 60 miles northwest of Ely, Nevada. The BMM operates on patented and unpatented Federal mining claims owned, leased, or otherwise controlled by KG–BM. The BMM has been in continuous operation for more than 40 years; therefore, mine areas and facilities are in various stages of development, operation, and reclamation. The BMM is subdivided into two plan of operation areas, which consist of the North Operations Area (NOA) and South Operations Area. KG–BM is proposing to amend its plan of operations for the NOA (NOA Plan) to enable continued mining, processing, exploration, and reclamation of the open pit mining operations and to reestablish underground mining.

Purpose and Need for the Proposed Action

BLM

The BLM's purpose for this Federal action is to evaluate and respond to KG–BM's proposed amendment to the NOA Plan in accordance with all applicable laws, regulations, and policies. The need for the action is established by the BLM's responsibility under FLPMA, the Mining Law of 1872, the BLM's Surface Management Regulations (43 Code of Federal Regulations [CFR] 3809), and its Use and Occupancy Regulations (43 CFR 3715) to respond to KG–BM's

proposal, while preventing unnecessary or undue degradation of public land.

USFWS

As a cooperating agency for this EIS, the U.S. Fish and Wildlife's (USFWS) purpose for this Federal action is to evaluate and respond to KG-BM's proposed nest removal and incidental take permit application in accordance with applicable laws, regulations, and policies. The USFWS's need for this action is established by the USFWS's responsibility under the Bald and Golden Eagle Protection Act to respond to KG-BM's request for a nest removal and incidental take permit authorization, while maintaining stable or increasing breeding populations in all eagle management units and the persistence of local populations throughout their geographic range.

BLM Proposed Action and Alternatives

Proposed Action

KG-BM's proposed NOA Plan Amendment, referred to as the Juniper Project, would develop, expand, modify, reconfigure, reclassify, realign, or eliminate select mine components or portions thereof in the NOA. Specifically, this action involves the expansion or modification (*i.e.*, pit floor elevation change, backfill) of 7 authorized open pits (Redbird, Rat, Top, Poker Flats, Bida, Saga, and Winrock South), the development of the Royale and South Duke Pits, the development of 3 rock disposal areas (RDAs) (Royale, South Duke RDA 2, and Bida), the modification of 13 authorized RDAs, and the elimination of a portion of the authorized but not yet constructed Poker Flats RDA. Modification or development is proposed for heap leach facilities, haul roads, interpit areas, process areas, ancillary areas, and support facilities (infrastructure).

Other aspects of the Juniper Project include conducting planned concurrent reclamation activities, implementing a growth media stockpile management program, applying a road design strategy to select haul roads, creating haul road placement zones for three haul roads, reestablishing the Top Pit underground mine, creating a sequencing and backfill schedule for the Poker Flats Pit, increasing the height of the Poker Flats heap, and reusing spent heap leach ore. Proposed non-surface disturbing activities involve administrative actions such as renaming authorized mine components or recategorizing authorized surface disturbance. The Juniper Project would extend the authorized NOA Plan boundary in five areas totaling 3,425 acres. Life-of-mine

surface disturbance in the NOA would increase from 10,782 acres to 14,752 acres, resulting in a net surface disturbance increase of approximately 3,969 acres. Mine life would extend for an additional 11 years.

Alternative A (Agency Preferred)

Alternative A, the agency preferred alternative, was developed to address refinements to two designated mule deer migration corridors through the western portion of the NOA. Under Alternative A, some of the surface disturbance described in the Proposed Action would not be developed, some of the authorized but not constructed disturbance would be canceled, some partial pit backfilling would occur, and some of the existing surface disturbance would undergo concurrent reclamation. The Alternative A design modifications were developed in coordination with the Nevada Department of Wildlife and are intended to improve mule deer migration through the NOA and reduce energy expenditure of migrating mule deer compared to the Proposed Action. Alternative A would remove 6.9 acres of proposed new surface disturbance and 10.5 acres of authorized surface disturbance that would not be constructed, resulting in a 17.4-acre reduction in comparison with the Proposed Action. The total proposed surface disturbance under Alternative A would be about 14,735 acres. Alternative A is the same as the Proposed Action in all other respects.

No-Action Alternative

Under the No-Action Alternative, the BLM would not authorize the proposed NOA Plan Amendment (Juniper Project). The Juniper Project would not be developed, and KG-BM would continue its construction, operations, closure, reclamation, and post-mining monitoring activities within the authorized NOA Plan boundary under the terms, permits, and approvals as authorized by the BLM and State of Nevada. Operations in the NOA would continue for 7 years after the disapproval of the Juniper Project.

USFWS Proposed Action and Alternatives

The decision for the eagle take permit is independent of the BLM's decision of whether to authorize the Juniper Project.

Proposed Action

Under the Eagle Conservation Plan Proposed Action, the USFWS would authorize the removal of up to 5 nests and up to 15 incidents of take resulting from disturbance to breeding territories for up to 19 years as requested by KG-

BM. Under this alternative, KG-BM would be required to implement nest protection buffers to ensure it does not exceed its take authorization of 15 disturbance incidents. Under the Eagle Conservation Permit Proposed Action, KG-BM would provide the compensatory mitigation as required by regulations to ensure that effects of take caused by KG-BM are offset at the population level. Additional mitigation for nest removals would also be required.

USFWS Preferred Alternative

Under the USFWS Preferred Alternative, the USFWS would issue a permit with increased take authorizations and experimental compensatory mitigation measures. Under this alternative, the USFWS would authorize up to 27 incidents of eagle take from disturbance, consistent with the USFWS risk assessment, for a period of up to 30 years to allow for take coverage to extend into the mine closure and final reclamation phases. As required by regulation, KG-BM would provide compensatory mitigation for authorized take and additional mitigation for nest removals. Under this alternative, KG-BM would have increased flexibility to implement its mining activities without potentially needing to alter mining operation or exploration plans.

USFWS No-Action Alternative

Under the USFWS No-Action Alternative, the USFWS would not issue an incidental take permit for golden eagles to KG-BM. For purposes of analyzing the USFWS No-Action Alternative, the USFWS assumes that KG-BM would implement all measures required by other agencies and jurisdictions to conduct the proposed Juniper Project, but the conservation measures proposed in the eagle incidental take permit application package would not be required. KG-BM may choose to implement some, none, or all of those conservation measures.

Schedule for the Decision-Making Process

The final EIS is tentatively scheduled to be published on May 24, 2024, with a Record of Decision on or after July 8, 2024.

Draft EIS Comment Response

The BLM received a total of 376 comment submittals during the public comment period, which included 69 unique submittals, 300 copies of one form letter in support of the Juniper Project, 6 copies of a second form letter in support of the Juniper Project, and

one duplicate comment. Following statements of general support or opposition, the greatest number of comment excerpts were associated with special status species, especially Greater Sage-Grouse; water quality and quantity; wildlife and fisheries resources; golden eagles; and monitoring and mitigation. Comments on the draft EIS received from the public, cooperating agencies, and internal BLM review were considered and incorporated, as appropriate, into the Final EIS.

Robbie J. McAboy,

District Manager, Ely District Office.

[FR Doc. 2024–11501 Filed 5–23–24; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0037982;
PPWOCRADNO–PCU00RP14.R50000]**

Notice of Inventory Completion: University of California, Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Riverside has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 24, 2024.

ADDRESSES: Megan Murphy, University of California, Riverside, 900 University Avenue, Riverside, CA 92517–5900, telephone (951) 827–6349, email megan.murphy@ucr.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Riverside, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The eight associated funerary objects are one lot of ceramics, one lot of lithic objects, one lot of animal bone, one lot of unmodified shell, one lot of shell beads, one lot of quartz crystal, one lot of botanical remains, and one stone pipe. In 1972, Christopher Chaloupka, a student of archaeology at the University of California, Riverside, conducted a survey of Martinez Canyon, which runs about 15 km through the Santa Rosa Mountains in the Coachella Valley. Chaloupka conducted surface surveys of the canyon over the course of a year with the goal of documenting archaeological sites. In the process of his survey, Chaloupka collected objects from the surface of the canyon which were compiled into a collection and accessioned at UCR under accession #15. From several locations in the canyon Chaloupka collected bone fragments that were identified decades later in 2024 during tribal consultation by an osteologist as being cremated human remains. Tribal representatives also identified a number of objects in the collection as being funerary and ceremonial.

Cultural Affiliation

Based on the information available and the results of consultation cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The University of California, Riverside has determined that:

- The human remains described in this notice represent the physical remains of one individuals of Native American ancestry.
- The eight objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Torres Martinez Desert Cahuilla Indians, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after June 24, 2024. If competing requests for repatriation are received, the University of California, Riverside must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of California, Riverside is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 15, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–11444 Filed 5–23–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–NPS0037980;
PPWOCRADNO–PCU00RP14.R50000]**

Notice of Inventory Completion: City of Evansville Water and Sewer Utility, Evansville, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the City of Evansville Water and Sewer Utility (EWSU) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 24, 2024.

ADDRESSES: Andrew V. Martin, Cultural Resource Analysts, Inc., 201 NW 4th Street, Evansville, IN 47713, telephone

(812) 253-3009, email amartin@craily.com.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the EWSU, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, eight individuals have been reasonably identified. The six associated funerary objects were found in association with two burials. Two concentrations of amorphous silver flecking that measured approximately 5 cm in diameter were found at the left shoulder area and at the mid-abdominal area of one burial. Another burial had a total of four copper buttons found in association with a likely male adult. The remaining six burials did not have any associated funerary objects.

In 2023, human remains representing 75 individuals were archaeologically excavated from a known early nineteenth-century cemetery, McGary's Burial Ground (Archaeological Site 12VG2126), in downtown Evansville, Vanderburgh County, IN. These human remains are represented by individual burials. The burials consisted of infants through old adults who, based on the recovered cultural materials, were most likely interred from 1816 through 1829. The identities of all exhumed individuals could not be determined. Due to poor preservation, physical analysis of the remains was limited, and biological affinity could not be assessed for most of the individuals. Although, morphological characteristics from dental elements examined indicate American Indian ancestry for eight individuals. Based on the information available and the results of consultation, cultural affiliation for the eight individuals of American Indian ancestry is reasonably identified by the geographical location of the cemetery described in this notice. Specifically, southern Indiana is known to have been occupied by the people of the Miami and Peoria Tribes before their removal from Indiana in the early and mid-19th century. Historical and ethnographic documents also place the Delaware and Shawnee in southern Indiana during the early historic periods (16th through 18th centuries) and they were present

elsewhere in Indiana until their removal in the early 19th century.

There were no known potentially hazardous substances used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

The City of Evansville Water and Sewer Utility has determined that:

- The human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- The six objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Delaware Tribe of Indians; Miami Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; and the Shawnee Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after June 24, 2024. If competing requests for repatriation are received, the City of Evansville Water and Sewer Utility must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The City of Evansville Water and Sewer Utility is responsible for sending a copy of this notice to the Indian Tribes and Native

Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 15, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-11451 Filed 5-23-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0037977; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: University of Tennessee, Department of Anthropology, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Tennessee, Department of Anthropology (UTK) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 24, 2024.

ADDRESSES: Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37921-6053, telephone (865) 974-3370, email nagpra@utk.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UTK, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, six individuals have been reasonably identified. These individuals were removed from an unknown site in Woodville (Wilkinson County), Mississippi. The burials were exposed in late September or early October 1978 during road construction and reported to the Sheriff's Office. Probably after

determining the burials were Native American and not a case for law enforcement, the individuals were transferred to Robert W. Neuman, Curator of Anthropology at Louisiana State University. In November 1978, Sharon Goad brought the individuals to UTK on Neuman's behalf and gave them to Charles Faulkner for William Bass to examine. Once Bass completed his assessment and sent a report to Neuman (January 1979), the individuals were retained by the UTK Forensic Anthropology Center (FAC) as case 1978/78AA. They remained in the FAC until they were transferred to the UTK Office of Repatriation. No associated funerary objects are present. While some of the human remains have been "repaired" using glue, no known hazardous substances were used to treat any of the remains.

Wilkinson County, MS is part of lands ceded to the United States by the Choctaw in the Treaty of Fort Adams in 1801.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

UTK has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and The Choctaw Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 24, 2024. If competing requests for repatriation are received, UTK must determine the most

appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. UTK is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 15, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-11448 Filed 5-23-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS-WASO-NAGPRA-NPS0037976;
PPWOCRADN0-PCU00RP14.R50000]**

Notice of Inventory Completion: Peabody Museum of Natural History, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Natural History, Yale University (hereafter the Yale Peabody Museum) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 24, 2024.

ADDRESSES: Professor David Skelly, Director, Yale Peabody Museum of Natural History, P.O. Box 208118, New Haven, CT 06520-8118, telephone (203) 432-3752, email david.skelly@yale.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Yale Peabody Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, four individuals have been reasonably identified. The two associated funerary objects are one lot of shells, shell beads, glass beads, stone bifaces, and one lot of shells, shell beads, red ochre. Prior to 1876, George Bird Grinnell removed the collections from Mescalitan Island, a mound on Santa Cruz Island, and an unknown location within Santa Barbara County. Grinnell donated the collection to the Yale Peabody Museum in 1876.

Human remains representing, at least, two individuals have been reasonably identified. The associated funerary objects are one lot of faunal remains. Circa 1864-1872, Benjamin Silliman, Jr., removed the human remains from the area between the cities of Santa Barbara and Ventura, donating them to the Yale Peabody Museum in 1877. The one associated object is one lot of faunal remains.

Human remains representing, at least four individuals have been reasonably identified. The 15 associated funerary objects are three perforated stones, nine stones, one blue bead, and two lots of shell beads. The Reverend Stephen Bowers removed the human remains and cultural items from three proveniences within Santa Barbara County, which are Mescalitan Island, the region of Santa Barbara, and the Sisquoc River area, in 1875 and then sold the collection to Elias Root Beadle circa 1876. The collection was donated to the Yale Peabody Museum in 1916 by Herbert H. Beadle.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Yale Peabody Museum has determined that:

- The human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- The 18 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after June 24, 2024. If competing requests for repatriation are received, the Yale Peabody Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Yale Peabody Museum is responsible for sending a copy of this notice to the Indian Tribe identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 15, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024-11447 Filed 5-23-24; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0037978;
PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Repatriation: Western Washington University, Department of Anthropology, Bellingham, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Western Washington University (WWU) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 24, 2024.

ADDRESSES: Dr. Judith Pine, Western Washington University, Department of Anthropology, Arntzen Hall 340, 516 High Street, Bellingham, WA 98225, telephone (360) 650-4783, email pinej@www.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the WWU, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of nine cultural items have been requested for repatriation. The nine unassociated funerary objects are level bags (lots) containing non-human mammal, bird and fish bones from five different units. These are newly identified as unassociated funerary objects because of consultation with the Swinomish Indian Tribal Community in January of 2024. No hazardous chemicals are known to have been used to treat the unassociated funerary objects while in the custody of WWU.

The site 45-SK-35 is located near the Skagit River, on the southwestern end of Pleasant Ridge, on an alluvial flat at the base of a hill. This site is part of the Swikwikwab complex. Western Washington State College conducted a field school excavation, led by Herbert C. Taylor, on July 2, 1960. Additional research identified the 45-SK-35 as a cemetery site and included in the National Register of Historic Places. In 1960, remains representing at minimum three individuals were removed from the Dunlap/Sedro Wooley [Woolley] Site (45-SK-35) during a University of Washington Field School. In 2023, human skeletal remains were found during excavations for a culvert (HR23-00055).

The unassociated funerary objects have been determined to be Native American based on ethnographic, geographic, and archeological evidence. Comparison of the location of site 45-SK-35 with Suttles and Lane's map indicates that it is in an area associated with Nookachamps, Kikiallus, and Swinomish (Suttles and Lane 1990, Handbook of North American Indians, Volume 7, Northwest Coast: Figure 1). Many descendants of these cultural entities are today associated with the

Swinomish Indian Tribal Community, as confirmed through consultation.

Determinations

The WWU has determined that:

- The nine unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Swinomish Indian Tribal Community.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 24, 2024. If competing requests for repatriation are received, the WWU must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The WWU is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: May 15, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–11449 Filed 5–23–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0037979;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Fort Ticonderoga Association, Ticonderoga, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The Fort Ticonderoga Association has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice. The human remains were removed from Essex County, NY.

DATES: Repatriation of the human remains in this notice may occur on or after June 24, 2024.

ADDRESSES: Margaret Staudter, The Fort Ticonderoga Association, 30 Fort Ti Rd, Ticonderoga, NY 12883, telephone (518) 585–1015, email mstaudter@fort-ticonderoga.org.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of The Fort Ticonderoga Association, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. In September 1936, members of the Champlain Valley Archaeology Society led an excavation of a rock shelter (Ticonderoga Rock Shelter #2) near "Sentinel Rock", a point on the Ticonderoga peninsula, in Essex County, New York. Individuals and their associated funerary objects were removed during the excavations and were housed at Fort Ticonderoga. In 1994, the presence of three individuals

and their associated funerary objects were confirmed by an osteologist. A Notice of Inventory Completion describing these individuals and their associated funerary objects was published in the **Federal Register** in January 2024. In April 2024, one additional individual was identified.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

The Fort Ticonderoga Association has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Cayuga Nation; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Saint Regis Mohawk Tribe; Seneca Nation of Indians; Seneca-Cayuga Nation; Stockbridge Munsee Community, Wisconsin; Tonawanda Band of Seneca; and the Tuscarora Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 24, 2024. If competing requests for repatriation are received, the Fort Ticonderoga Association must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Fort Ticonderoga Association is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 15, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–11450 Filed 5–23–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0037981;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Riverside, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Riverside has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 24, 2024.

ADDRESSES: Megan Murphy, University of California, Riverside, 900 University Avenue, Riverside, CA 92517–5900, telephone (951) 827–6349, email megan.murphy@ucr.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of California, Riverside, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present.

At an unknown date human remains were removed by an unknown individual from a gravel pit in Madison County, Nebraska known as the "Norfolk Gravel Pit" (archaeological site 25MD7) and were donated to the Nebraska State Historical Society. At some point prior to 2001, Steve Holen loaned the remains from the Nebraska State Historical Society to Robson

Bonnichsen, at Oregon State University, as part of “the Human Skeletal Dating Project”. Bonnichsen obtained human remains that he believed to be of great antiquity as part of the project to send for radiocarbon dating analysis. The remains were submitted to the radiocarbon dating laboratory at the University of California, Riverside, under the direction of Dr. R.E. Taylor, and were tested on September 7, 2001 according to laboratory records. Although Taylor was well-aware of NAGPRA and his obligations under the federal law, he concealed the remains on campus until they were discovered in 2022 by UCR’s Repatriation Coordinator. The UCR NAGPRA Program contacted the University of Nebraska State Museum upon discovering the remains, as similar remains were reported in a Notice of Inventory Completion published by the museum in 2000 which had reportedly been donated by the Nebraska State Historical Society to the museum. The Nebraska State Museum indicated that although the remains are likely from the same or a nearby site, they could not confirm if they were from the same individual previously repatriated by the museum and declined legal responsibility for the repatriation.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The University of California, Riverside has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Iowa Tribe of Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Oglala Sioux Tribe; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Winnebago Tribe of

Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under

ADDRESSES. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 24, 2024. If competing requests for repatriation are received, the University of California, Riverside must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The University of California, Riverside is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: May 15, 2024.

Melanie O’Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–11443 Filed 5–23–24; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1402]

Certain High-Strength Aluminum or Aluminum Alloy-Coated Steel, and Automotive Products and Automobiles Containing Same; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 17, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of ArcelorMittal of Luxembourg. Supplements to the complaint were filed on April 24 and May 1, 2024. The

complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain high-strength aluminum or aluminum alloy-coated steel, and automobile products and automobiles containing same by reason of the infringement of certain claims of U.S. Patent No. 10,961,602 (“the ‘602 patent”) and U.S. Patent No. 11,326,227 (“the ‘227 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited/general exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Heidi Yoo, The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2024).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 17, 2024, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of

infringement of one or more of claims 1–3, 5–10, 12, 20–22, 24–26, and 28 of the '602 patent and claims 1, 2, 4–11, 13, 15–17, 22, 24, and 25 of the '227 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "high-strength aluminum or aluminum alloy-coated steel for use in automobiles, automobiles that include high-strength aluminum or aluminum alloy-coated steel and automotive products that include high-strength aluminum or aluminum alloy-coated steel";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

ArcelorMittal, 24–26, Boulevard d'Avranches L–1160, Luxembourg, Grand Duchy of Luxembourg

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

VinFast Auto Ltd., Dinh Vu—Cat Hai Economic Zone, Cat Hai Islands, Cat Hai Town, Cat Hai District, Hai Phong City, Vietnam

VinFast Auto, LLC, 12777 West Jefferson Boulevard, Suite A–101, Los Angeles, CA 90066

VinFast USA Distribution, LLC, 12777 West Jefferson Boulevard, Suite A–101, Los Angeles, CA 90066

Vingroup USA, LLC, 12777 West Jefferson Boulevard, Suite A–101, Los Angeles, CA 90066

VinFast Trading and Production JSC, Dinh Vu—Cat Hai Economic Zone, Cat Hai Islands, Cat Hai Town, Cat Hai District, Hai Phong City, Vietnam

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20

days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 20, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–11399 Filed 5–23–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–710–711 and 731–TA–1673–1674 (Preliminary)]

2,4-Dichlorophenoxyacetic Acid ("2,4-D") From China and India Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of 2,4-Dichlorophenoxyacetic acid ("2,4-D") from China and India, provided for in subheading 2918.99.20 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value ("LTFV") and imports of the subject merchandise from China and India that are alleged to be subsidized by the governments of China and India.²

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² 89 FR 34200 and 34205 (April 30, 2024).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce ("Commerce") of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>), for comment.

Background

On March 14, 2024, Corteva Agriscience LLC (Indianapolis, Indiana) filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of 2,4-D from China and India and LTFV imports of 2,4-D from China and India. Accordingly, effective March 14, 2024, the Commission instituted countervailing duty investigation Nos. 701–TA–710–711 and antidumping duty investigation Nos. 731–TA–1673–1674 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in

connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on March 20, 2024 (89 FR 19876). The Commission conducted its conference on April 4, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on May 20, 2024. The views of the Commission are contained in USITC Publication 5511 (May 2024), entitled *2,4-Dichlorophenoxyacetic Acid ("2,4-D") from China and India: Investigation Nos. 701-TA-710-711 and 731-TA-1673-1674 (Preliminary)*.

By order of the Commission.

Issued: May 20, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024-11409 Filed 5-23-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint *Certain Eye Cosmetics and Packaging Therefor*, DN 3747; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information 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 United States International Trade Commission (USITC) at <https://www.usitc.gov>. The

public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.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: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Amarte USA Holdings, Inc. on May 20, 2024. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain eye cosmetics and packaging therefor. The complainant names as a respondent: AHC-Unilever United States, Inc. of Englewood Cliffs, NJ; Bourne & Morgan Ltd. of United Kingdom; MZ Skin Ltd. of United Kingdom; Kaibeauty of Taiwan; I'll Global Co., Ltd. of South Korea; Hikari Laboratories Ltd. of Israel; Iman Cosmetics of United Kingdom; Strip Lashed of United Kingdom; and Kelz Beauty of Hungary. The complainant requests that the Commission issue a general exclusion order, limited exclusion order, cease and desist orders, and impose a bond upon respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation 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 requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial 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 requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3747") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹).

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. 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,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 21, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–11456 Filed 5–23–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–716–719 and 731–TA–1683–1687 (Preliminary)]

Epoxy Resins From China, India, South Korea, Taiwan, and Thailand; Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of epoxy resins from South Korea, Taiwan, and Thailand, provided for in

subheading 3907.30.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”) and alleged to be subsidized by the governments of South Korea and Taiwan.² The Commission also determines that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of epoxy resins from China and India, provided for in subheading 3907.30.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at LTFV and alleged to be subsidized by the governments of China and India.³

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (“Commerce”) of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document

Information System (EDIS, <https://edis.usitc.gov>), for comment.

Background

On April 3, 2024, the U.S. Epoxy Resin Producers *Ad Hoc* Coalition, which is composed of Olin Corp., Clayton, Missouri and Westlake Corp., Houston, Texas, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of epoxy resins from China, India, South Korea, and Taiwan and LTFV imports of epoxy resins from China, India, South Korea, Taiwan, and Thailand. Accordingly, effective April 3, 2024, the Commission instituted countervailing duty investigation Nos. 701–TA–716–719 and antidumping duty investigation Nos. 731–TA–1683–1687 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 9, 2024 (89 FR 24860). The Commission conducted its conference on April 24, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on May 20, 2024. The views of the Commission are contained in USITC Publication 5510 (May 2024), entitled *Epoxy Resins from China, India, South Korea, Taiwan, and Thailand: Investigation Nos. 701–TA–716–719 and 731–TA–1683–1687 (Preliminary)*.

By order of the Commission.

Issued: May 20, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–11401 Filed 5–23–24; 8:45 am]

BILLING CODE 7020–02–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2024–4]

Notice of Intent To Audit

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Public notice.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² 89 FR 33319 and 89 FR 33324 (April 29, 2024).

³ 89 FR 33319 and 89 FR 33324 (April 29, 2024).

SUMMARY: The U.S. Copyright Office is announcing receipt of a notice of intent to conduct an audit pursuant to the section 115 blanket license.

FOR FURTHER INFORMATION CONTACT: Rhea Efthimiadis, Assistant to the General Counsel, by email at meft@copyright.gov or telephone at 202-707-8350.

SUPPLEMENTARY INFORMATION: The Orrin G. Hatch-Bob Goodlatte Music Modernization Act (the “MMA”) substantially modified the compulsory “mechanical” license for reproducing and distributing phonorecords of nondramatic musical works under 17 U.S.C. 115.¹ It did so by switching from a song-by-song licensing system to a blanket licensing regime that became available on January 1, 2021 (the “license availability date”), administered by a mechanical licensing collective (the “MLC”) designated by the Copyright Office (the “Office”).² Digital music providers (“DMPs”) are able to obtain this new statutory mechanical blanket license (the “blanket license”) to make digital phonorecord deliveries of nondramatic musical works, including in the form of permanent downloads, limited downloads, or interactive streams (referred to in the statute as “covered activity” where such activity qualifies for a blanket license), subject to various requirements, including reporting and payment obligations.³ The MLC is tasked with collecting royalties from DMPs under the blanket license and distributing them to musical work copyright owners.⁴

In connection with the new blanket license, the MMA also provides for certain audit rights. Under the MMA, the MLC may periodically audit DMPs operating under the blanket license to verify the accuracy of royalty payments made by DMPs to the MLC.⁵ Likewise, musical work copyright owners may periodically audit the MLC to verify the accuracy of royalty payments made by the MLC to copyright owners.⁶ To commence an audit, a notice of intent to conduct an audit must be filed with the Office and delivered to the party(ies) being audited.⁷ The Office must then cause notice to be published in the **Federal Register** within 45 days of receipt.⁸

On April 29, 2024, the Office received a notice of intent to conduct an audit of the MLC from the Songwriters Guild of America, Inc. for the period of January 1, 2021, through December 31, 2023. A copy of the notice will be made available on the Office’s website at <https://copyright.gov/music-modernization/audits/>.

Dated: May 21, 2024.

Suzanne V. Wilson,
General Counsel and Associate Register of Copyrights.

[FR Doc. 2024-11496 Filed 5-23-24; 8:45 am]

BILLING CODE 1410-30-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the National Endowment for the Humanities (NEH) is seeking comment concerning a proposed revision to an existing information collection that it uses to solicit grant applications, recruit peer reviewers, and monitor the performance of recipients.

DATES: Please submit comments by July 23, 2024.

ADDRESSES: Submit comments to Lutie Rodriguez, Data Coordination & Enablement Officer, Office of Data and Evaluation, National Endowment for the Humanities: 400 Seventh Street SW, Washington, DC 20506, or lrodriguez@neh.gov.

FOR FURTHER INFORMATION CONTACT: Lutie Rodriguez, Data Coordination & Enablement Officer, Office of Data and Evaluation, National Endowment for the Humanities: 400 Seventh Street SW, Washington, DC 20506, or lrodriguez@neh.gov.

SUPPLEMENTARY INFORMATION:

Overview of This Information Collection

Type of Review: Revision of an existing information collection.

Title of Information Collection: Generic Clearance Authority for the National Endowment for the Humanities.

Abstract: The National Endowment for the Humanities is seeking to renew

its generic clearance authority. The generic clearance authority includes all NEH information collections, except one-time evaluations, questionnaires, and surveys. We do not anticipate any significant changes to the previous burden estimate for associated forms and reporting requirements.

OMB Number: 3136-0134.

Affected Public: Applicants to NEH grant programs, reviewers of NEH grant applications, and NEH award recipients.

Frequency of Collection: On occasion.

Total Respondents: 6,767.

Total Responses: 6,767.

Estimated Time per Response: Varies according to type of information collection.

Estimated Total Burden Hours: 296,433.

Request for Comments

NEH will make comments submitted in response to this notice, including names and addresses where provided, a matter of public record. NEH will summarize the contents and include them in the request for OMB approval. We are requesting comments on all aspects of this clearance request, including (a) 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) 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: May 21, 2024.

Jessica Graves,

Paralegal Specialist, National Endowment for the Humanities.

[FR Doc. 2024-11529 Filed 5-23-24; 8:45 am]

BILLING CODE 7536-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0097]

Effect of Statutory Prohibition on Uranium Imports From the Russian Federation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a notice

¹ Public Law 115-264, 132 Stat. 3676 (2018).

² 17 U.S.C. 115(d).

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 115(d)(4)(D).

⁶ *Id.* at 115(d)(3)(L).

⁷ *Id.* at 115(d)(3)(L)(i)(IV), (d)(4)(D)(i)(IV).

⁸ *Id.* at 115(d)(3)(L)(i)(IV), (d)(4)(D)(i)(IV).

explaining how recently enacted legislation that prohibits imports of certain uranium products (natural uranium and low-enriched uranium) from the Russian Federation affects imports under NRC licenses. After the statutory prohibition becomes effective, importers will no longer be able to use the NRC general license to import these materials from the Russian Federation unless they first obtain a waiver from the U.S. Department of Energy (DOE). The NRC will return any specific license applications for such imports without action.

DATES: May 24, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0097 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–2024–0097. Address questions about Dockets 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.

- *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: Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–287–9241, email: IP.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC regulates imports of special nuclear material (including low-enriched uranium) and source material (including natural uranium) under part 110 of title

10 of the *Code of Federal Regulations* (10 CFR), "Export and Import of Nuclear Equipment and Material," pursuant to its authority in sections 53 and 62 of the Atomic Energy Act of 1954, as amended. The NRC is providing this notice to inform persons who are subject to NRC regulation under 10 CFR part 110 of recent legislation that prohibits certain uranium imports.

On May 13, 2024, President Biden signed into law the Prohibiting Russian Uranium Imports Act (the Act) (Pub. L. 118–62, 138 Stat. 1022). The Act amends section 3112A of the United States Enrichment Corporation (USEC) Privatization Act (42 U.S.C. 2297h–10a) to prohibit imports into the United States of unirradiated low-enriched uranium and natural uranium that are produced in the Russian Federation or by a Russian entity (defined as "an entity organized under the laws of or otherwise subject to the jurisdiction of the Government of the Russian Federation").¹ The Act also prohibits imports of unirradiated low-enriched uranium and natural uranium that are determined to have been exchanged with, swapped for, or otherwise obtained in lieu of unirradiated low-enriched uranium or natural uranium produced in the Russian Federation or by a Russian entity in a manner designed to circumvent the import prohibition. This statutory import prohibition becomes effective on August 11, 2024.

The Act grants the Secretary of Energy the authority, for a finite period, to waive the import prohibition and authorize imports of unirradiated low-enriched uranium and natural uranium that fall within the statutory prohibition. A notice from the DOE describing the process for seeking a waiver is being published concurrently in the **Federal Register**. Imports of low-enriched uranium and natural uranium under DOE waivers remain subject to all applicable NRC regulations, including the general import license in 10 CFR 110.27.

Accordingly, after the statutory prohibition takes effect on August 11, 2024, the general license in 10 CFR 110.27 can no longer be used for imports that fall within the statutory prohibition, unless the importer obtains

¹ In this notice, the terms "low-enriched uranium" and "natural uranium" have the meanings given in 10 CFR 110.2. Section 3112A of the USEC Privatization Act (42 U.S.C. 2297h–10a)(5) defines low-enriched uranium as any form of uranium, including uranium hexafluoride and uranium oxide, in which the uranium contains less than 20 percent uranium-235, including natural uranium. This statutory definition encompasses low-enriched uranium and natural uranium as those terms are defined in 10 CFR 110.2.

a waiver from the DOE. Additionally, specific licenses under 10 CFR part 110 will not be available for imports that fall within the prohibition. If the NRC receives any applications for such specific licenses, including cases where the DOE has denied a waiver request or because waivers are no longer available, those applications will be returned by the NRC without action.

Dated: May 16, 2024.

For the Nuclear Regulatory Commission.

David L. Skeen,

Director, Office of International Programs.

[FR Doc. 2024–11164 Filed 5–23–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0206]

Information Collection: General Domestic Licenses for Byproduct Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "General Domestic Licenses for Byproduct Material."

DATES: Submit comments by July 23, 2024. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0206. 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.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and

Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2023-0206 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0206.
- *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 supporting statement and burden spreadsheet are available in ADAMS under Accession Nos ML24059A034 and ML24059A032.
- *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.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0206, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 31, General Domestic Licenses for Byproduct Material.
2. *OMB approval number:* 3150-0016.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Reports are submitted as events occur. General license registration requests may be submitted at any time. Changes to the information on the registration may be submitted as they occur. Devices meeting certain criteria must be registered annually.
6. *Who will be required or asked to respond:* Persons receiving, possessing, using, or transferring devices containing byproduct material.
7. *The estimated number of annual responses:* 172,694 (10,418 reporting responses + 226 third-party responses + 162,050 recordkeepers).
8. *The estimated number of annual respondents:* 162,050 (18,843 NRC licensee respondents + 143,207, Agreement State licensee respondents).
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 45,116 hours.

10. *Abstract:* Part 31 of title 10 of the *Code of Federal Regulations* (10 CFR), “General Domestic Licenses for Byproduct Material” establishes general licenses for the possession and use of

byproduct material in certain devices. General licensees are required to keep testing records and submit event reports identified in 10 CFR part 31, which assist the NRC in determining, with reasonable assurance, that devices are operated safely and without radiological hazard to users or the public.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: May 20, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024-11407 Filed 5-23-24; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of May 27, June 3, 10, 17, 24, and July 1, 2024. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of May 27, 2024

There are no meetings scheduled for the week of May 27, 2024.

Week of June 3, 2024—Tentative

Tuesday, June 4, 2024

10:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting) (Contact: Angie Randall: 301-415-6806).

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Friday, June 7, 2024

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Robert Krsek: 301-415-1766).

Additional Information: The meeting will be held in the Commissioners' Hearing Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of June 10, 2024—Tentative

There are no meetings scheduled for the week of June 10, 2024.

Week of June 17, 2024—Tentative

There are no meetings scheduled for the week of June 17, 2024.

Week of June 24, 2024—Tentative

There are no meetings scheduled for the week of June 24, 2024.

Week of July 1, 2024—Tentative

There are no meetings scheduled for the week of July 1, 2024.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Wesley Held at 301-287-3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: May 22, 2024.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2024-11613 Filed 5-22-24; 4:15 pm]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-560, OMB Control No. 3235-0622]

Proposed Collection; Comment Request; Extension: Interagency Statement on Sound Practices

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in the Interagency Statement on Sound Practices Concerning Elevated Risk Complex Structured Finance Transactions ("Statement") under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) and the Investment Advisers Act of 1940 (15 U.S.C. 80b *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

The Statement was issued by the Commission, together with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision (together, the "Agencies"), in May 2006. The Statement describes the types of internal controls and risk management procedures that the Agencies believe are particularly effective in assisting financial institutions to identify and address the reputational, legal, and other risks associated with elevated risk complex structured finance transactions.

The primary purpose of the Statement is to ensure that these transactions receive enhanced scrutiny by the institution and to ensure that the institution does not participate in illegal or inappropriate transactions.

The Commission estimates that approximately 5 registered broker-dealers or investment advisers will spend an average of approximately 25 hours per year complying with the

Statement. Thus, the total time burden is estimated to be approximately 125 hours per year.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed 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 July 23, 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: May 21, 2024.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-11469 Filed 5-23-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-656, OMB Control No. 3235-0715]

Proposed Collection; Comment Request; Extension: Rule 3a71-6

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 3a71-6 (17 CFR 240.3a71-6), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 3a71–6 provides that non-U.S. security-based swap dealers and major security-based swap participants may comply with certain Exchange Act requirements via compliance with requirements of a foreign financial regulatory system that the Commission has determined by order to be comparable to those Exchange Act requirements, taking into account the scope and objectives of the relevant foreign requirements, and the effectiveness of supervision and enforcement under the foreign regulatory regime.

Requests for substituted compliance may come from parties or groups of parties that may rely on substituted compliance, or from foreign financial authorities supervising such parties or their security-based swap activities. In practice, the Commission continues to expect that the greater portion of any such substituted compliance requests will be submitted by foreign financial authorities. For purposes of the PRA, the Commission continues to estimate that three security-based swap dealers or major security-based swap participants will submit substituted compliance applications.

The Commission staff estimates that the total annual time burden associated with Rule 3a71–6 is 240 hours per year and the total annual cost burden associated with Rule 3a71–6 is \$350,400 per year.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed 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 July 23, 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: May 21, 2024.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024–11470 Filed 5–23–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100182; File No. SR–CboeEDGX–2024–026]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a New Connectivity Offering Through Dedicated Cores

May 20, 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 May 10, 2024, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) 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

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) proposes to introduce a new connectivity offering. A notice of the proposed rule change for publication in the **Federal Register** is attached as *Exhibit 1* [sic].

The text of the proposed rule change is also available on the Exchange's website (http://markets.cboe.com/us/options/regulation/rule_filings/edgx/), at the Exchange's Office of the Secretary, 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 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 introduce a new connectivity offering relating to the use of Dedicated Cores. By way of background, all Central Processing Units (“CPU Cores”) have historically been shared by logical order entry ports (*i.e.*, multiple logical ports from multiple firms may connect to a single CPU Core). Starting June 3, 2024, the Exchange will allow Users⁵ to assign a single Binary Order Entry (“BOE”) logical order entry port⁶ to a single dedicated CPU Core (“Dedicated Core”).⁷ Use of Dedicated Cores can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. This offering is completely voluntary and will be available to all Users.⁸ Users will also continue to have the option to utilize BOE logical order entry ports on shared CPU Cores as they do today, either in lieu of, or in addition to, their use of Dedicated Core(s). As such, Users will be able to operate across a mix of shared and dedicated CPU Cores which the Exchange believes provides additional risk and capacity management, especially during times of market

⁵ A User may be either a Member or Sponsored Participant. The term “Member” shall mean any registered broker or dealer that has been admitted to membership in the Exchange, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. A Sponsored Participant may be a Member or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member subject to certain conditions. See Exchange Rule 11.3.

⁶ Users may currently connect to the Exchange using a logical port available through an application programming interface (“API”), such as the Binary Order Entry (“BOE”) protocol. A BOE logical order entry port is used for order entry.

⁷ The Exchange notes that firms will not have physical access to their Dedicated Core and thus cannot make any modifications to the Dedicated Core or server. All Dedicated Cores (including servers used for this service) are owned and operated by the Exchange.

⁸ The Exchange intends to submit a separate rule filing to adopt monthly fees related to the use of Dedicated Cores.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b–4(f)(6).

volatility and high message traffic. Further, Dedicated Cores are not required nor necessary to participate on the Exchange and as such Users may opt not to use Dedicated Cores at all.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.⁹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹⁰ requirements that the rules of an exchange be 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)¹¹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposal would provide Users the option to assign a single BOE logical entry port to a single Dedicated Core. As described above, CPU Cores have historically been shared by logical order entry ports (*i.e.*, multiple logical ports from multiple firms may connect to a single CPU Core). Use of Dedicated Cores can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. The Exchange also emphasizes that the use of Dedicated Cores is not necessary for trading and as noted above, is entirely optional. Indeed, Users can continue to access the Exchange through shared CPU Cores at no additional cost. Depending on a firm’s specific business needs, the proposal enables Users to choose to use Dedicated Cores in lieu of, or in addition to, shared CPU Cores (or as noted, not use Dedicated Cores at all). The Exchange believes the proposal to operate across a mix of shared and dedicated CPU Cores may further

provide additional risk and capacity management. The Exchange also notes that its affiliated exchanges, Cboe EDGA Exchange, Inc., and Cboe BYX Exchange, Inc., recently introduced Dedicated Cores and that another Exchange also provides a similar connectivity offering.¹²

Furthermore, this service is optional and is available to all Users. In this regard, some Users may determine it does not want or need Dedicated Cores and may continue their use of the shared CPU Cores, unchanged. The Exchange has no current plans to eliminate shared Cores nor require subscription to the dedicated offering.

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. Particularly, 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 because Dedicated Cores will be available to all Users. While the Exchange believes that the proposed Dedicated Cores provide a valuable service, Users can choose to purchase, or not purchase, Dedicated Cores based on their own determination of the value and their business needs. Indeed, no User is required or under any regulatory obligation to use Dedicated Cores.

Additionally, nothing in the proposal imposes any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges offer various connectivity services as a means to facilitate the trading and other market activities of those market participants and at least one other exchange has an offering comparable to Dedicated Cores.¹³

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁴ and Rule 19b-4(f)(6) thereunder.¹⁵

A proposed rule change filed under Rule 19b-4(f)(6)¹⁶ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁷ 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 so that the proposal may become operative immediately upon filing. The Exchange states that its affiliated exchanges, Cboe EDGA Exchange, Inc. and Cboe BYX Exchange Inc., recently introduced Dedicated Cores and another exchange has a connectivity offering comparable to Dedicated Cores.¹⁸ The Commission believes that the proposed rule change presents no novel legal or regulatory issues, and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.¹⁹

¹⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

¹⁵ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief 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.

¹⁶ 17 CFR 240.19b-4(f)(6).

¹⁷ 17 CFR 240.19b-4(f)(6)(iii).

¹⁸ See *supra* note 12.

¹⁹ For purposes only of waiving the 30-day operative delay, the Commission has also

¹² See Securities Exchange Act Release No. 99818 (March 21, 2024), 89 FR 21294 (March 27, 2024) (SR-CboeEDGA-2024-008) and Securities Exchange Act Release No. 100062 (May 6, 2024), 89 FR 40517 (May 10, 2024) (SR-CboeBYX-2024-013). See also The Nasdaq Stock Market, Equity 7 Pricing Schedule, Section 115(g)(3), Dedicated Ouch Port Infrastructure.

¹³ See Securities Exchange Act Release No. 99818 (March 21, 2024), 89 FR 21294 (March 27, 2024) (SR-CboeEDGA-2024-008). See also The Nasdaq Stock Market, Equity 7 Pricing Schedule, Section 115(g)(3), Dedicated Ouch Port Infrastructure.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

¹¹ *Id.*

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) of the Act²⁰ 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-CboeEDGX-2024-026 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-CboeEDGX-2024-026. 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

considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁰ 15 U.S.C. 78s(b)(2)(B).

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-CboeEDGX-2024-026 and should be submitted on or before June 14, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11406 Filed 5-23-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-668, OMB Control No. 3235-0751]

Submission for OMB Review; Comment Request; Extension: Rule 18a-6

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Rule 18a-6, which is modeled on Rule 17a-4, establishes record maintenance and preservation requirements for stand-alone and bank security-based swap dealers ("SBSDs") and major security-based swap participants ("MSBSPs") (collectively, "SBS entities"). Specifically, Rule 18a-6 prescribes the period of time the records required to be made and kept current under Rule 18a-5 must be preserved by stand-alone SBSDs and MSBSPs and the manner in which the records must be preserved. Rule 18a-6 also identifies additional types of records that must be preserved (*e.g.*, written communications and agreements relating to the firm's

²¹ 17 CFR 200.30-3(a)(12), (59).

business) if the record is made or received by the SBS entity.

The Commission estimates that the total hour burden under Rule 18a-6 is approximately 15,626 burden hours per year, and the total cost burden is approximately \$1,349,098 per year. Since the last approval of this information collection, the estimated total burden hours per year has decreased due to a decrease in the number of respondents subject to the requirements of the Rule. The estimated total cost burden per year, however, increased due to changes in the number of respondents with respect to certain provisions of Rule 18a-6.

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.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent by June 24, 2024 to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: May 20, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-11413 Filed 5-23-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-205, OMB Control No. 3235-0194]

Proposed Collection; Comment Request; Extension: Rule 24b-1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 24b-1 (17 CFR 240.24b-1) under the Securities

Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rule 24b–1 requires a national securities exchange to keep and make available for public inspection a copy of its registration statement and exhibits filed with the Commission, including any amendments thereto.

There are 24 national securities exchanges that spend approximately one-half hour each per year complying with this rule, for an aggregate total time burden of approximately 12 hours per year. The staff estimates that the average cost per respondent is approximately \$82.45 per year (\$17.67 for copying plus \$64.78 for storage), resulting in a total cost burden for all respondents of approximately \$1,979 per year.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s estimates of the burden of the proposed 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 July 23, 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: May 20, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–11412 Filed 5–23–24; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 12416]

30-Day Notice of Proposed Information Collection: Reta Jo Lewis Local Diplomat Program—City Applications

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to June 24, 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.

- *Email:* subnational@state.gov.
- You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Hazel Castillo, who may be reached on 202–647–2615 or at subnational@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Reta Jo Lewis Local Diplomat Program—Local Offices Application.
- *OMB Control Number:* 1405–XXXX.
- *Type of Request:* New Collection.
- *Originating Office:* E/SDU.
- *Form Number:* DS–4320.
- *Respondents:* Local government offices, including city, State, and county offices.
- *Estimated Number of Respondents:* 2,000.
- *Estimated Number of Responses:* 2,000.
- *Average Time per Response:* 0.5 hours.
- *Total Estimated Burden Time:* 1,000 hours.
- *Frequency:* Once.

• *Obligation to Respond:* Voluntary. We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Subnational Diplomacy Unit under the Department runs the Reta Jo Lewis Local Diplomat Program, which details a Foreign Service Officer or Civil Service employee to a local office, including a city, State, or county, for a year. The selection of local offices for this program must be competitive to provide a fair opportunity to all local offices that are interested in participating in the program. Therefore, to select local offices to participate in the program, the Subnational Diplomacy Unit must collect applications from local offices interested in the program.

Methodology

The form will be emailed to local governments. After completion by the local governments, the form will be submitted via Microsoft Forms to the Department.

Daniel J. Ricchetti,

Deputy Special Representative for City and State Diplomacy, Subnational Diplomacy Unit, Department of State.

[FR Doc. 2024–11435 Filed 5–23–24; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advanced Aviation Advisory Committee (AAAC); Notice of Public Meeting

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice of Advanced Aviation Advisory Committee (AAAC) meeting.

SUMMARY: This notice announces multiple meetings of the AAAC.

DATES: The meeting will be held on June 11, 2024, and October 9, 2024, between the hours of 1:00 p.m. and 4:30 p.m. Eastern Time.

Requests for accommodations for a disability must be received at least one week in advance of the meeting.

Requests to submit written materials to be reviewed during the meeting must be received at least one week in advance of the meeting.

ADDRESSES: The meetings will be held at the FAA Headquarters, 800 Independence Avenue SW, Washington, DC 20591. In-person attendance is limited to Advanced Aviation Advisory Committee members and selected FAA support staff. Members of the public who wish to observe the meeting through virtual means can access the livestream on the following FAA social media platform on the day of the event: <https://www.youtube.com/FAAnews>. For copies of meeting minutes along with all other information, please visit the AAAC internet website at https://www.faa.gov/uas/programs_partnerships/advanced_aviation_advisory_committee/.

FOR FURTHER INFORMATION CONTACT: Gary Kolb, Advanced Aviation Advisory Committee Manager, Federal Aviation Administration, U.S. Department of Transportation, at gary.kolb@faa.gov or 202-267-4441. Any committee-related request or reasonable accommodation request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The AAAC was created under the Federal Advisory Committee Act (FACA), as amended, Public Law 92-463, 5 U.S.C. ch. 10, to provide the FAA with advice on key drone and advanced air mobility (AAM) integration issues by helping to identify challenges and prioritize improvements.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Official Statement of the Designated Federal Officer
- Approval of the Agenda and Minutes
- Opening Remarks
- FAA Update
- Industry-Led Technical Topics
- New Business/Agenda Topics
- Closing Remarks
- Adjourn

Additional details will be posted on the AAAC internet website address listed in

the **ADDRESSES** section at least 5 days in advance of the meeting.

III. Public Participation

The meetings will be open to the public via livestream. Members of the public who wish to observe the virtual meetings can access the livestream on the following FAA social media platform on the day of the event: <https://www.youtube.com/FAAnews>. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at these meetings due to time constraints. Written statements submitted by the deadline will be provided to the AAAC members before the meetings. Any member of the public may submit a written statement to the committee at any time.

Issued in Washington, DC.

Sherita L. Jones,

*Acting Chief of Staff, UAS Integration Office,
Federal Aviation Administration.*

[FR Doc. 2024-11440 Filed 5-23-24; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2023-0099]

Notice of Nonavailability Waiver of Buy America Requirements for the Nevada Department of Transportation To Purchase Certain High-Speed Rail Components

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The Federal Railroad Administration (FRA) is issuing a waiver of its Buy America requirements to the Nevada Department of Transportation (NDOT) for high-speed rail components that are not produced in the United States for use in the Brightline West High-Speed Intercity Passenger Rail System between Las Vegas, NV and Rancho Cucamonga, CA (Project). FRA selected the Project for funding under the Federal-State Partnership for Intercity Passenger Rail Program (FSP Program), and therefore FRA's Buy America requirements apply to the Project. FRA's Buy America requirements include: FRA's statutory

requirements, which require 100 percent of the manufactured products, steel, and iron used in an FRA-funded project to be produced in the United States; and the Build America, Buy America Act (BABA), which requires all construction materials used in the FRA-funded project to be produced in the United States. FRA is not waiving the applicable BABA requirements for construction materials, and therefore this waiver does not apply to the construction materials used in the Project. Brightline West, the project sponsor, has selected Siemens as its preferred rolling stock vendor, and requested that FRA proceed with finalizing the Buy America waiver request for the Siemens trains and other components as included in the previously submitted documentation. Therefore, FRA is waiving its requirements for the first two Siemens trainsets, car shells, signal systems, high-speed rail turnout, and fire alarm systems based on the domestic nonavailability of these components, as described in the proposed waiver. NDOT and Brightline West estimate that more than 95 percent of the total direct dollar expenditures for the Project will be spent on domestically sourced products and labor, including 100 percent of the civil infrastructure costs.

DATES: This waiver is effective May 29, 2024.

ADDRESSES: Please submit all comments electronically to the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the instructions for submitting comments.

Instructions: All submissions must refer to the Federal Railroad Administration and the docket number in this notice (FRA-2023-0099). Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public on <https://www.regulations.gov>. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Ryan Arbuckle, Chief, Program Coordination and Strategy, Office of Railroad Development, FRA, telephone: (202) 617-0212, email: Ryan.Arbuckle@dot.gov. For legal questions, please contact Faris Mohammed, Attorney-Adviser, Office of the Chief Counsel, FRA, telephone: (202) 763-3230, email: Faris.Mohammed@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Project History and Background

On December 7, 2022, FRA published a Notice of Funding Opportunity (NOFO) announcing application requirements and procedures to obtain grant funding under the FSP Program for projects not located on the Northeast Corridor (NEC) for Fiscal Year 2022. The FSP Program provides a federal funding opportunity to improve American passenger rail assets to expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service if an eligible applicant is involved, reduce the state of good repair backlog, improve performance, and enhance rail safety. On February 3, 2023, FRA published a notice adding funding and extending the application period for the FSP Program NOFO. On March 22, 2023, FRA published a notice (March Notice) inviting high-speed rail project sponsors to voluntarily submit, in advance of being selected to receive FRA funding, their domestic sourcing and workforce plans (DSWP) to demonstrate how they will maximize the use of domestic goods, products, and materials consistent with FRA's Buy America requirements.¹

NDOT submitted an application for FSP Program funding that expressed NDOT's intent to partner with Brightline West, a privately-owned railroad, to advance a high-speed passenger rail system between Las Vegas, NV and Rancho Cucamonga, CA (Project). Brightline West, under the supervision and oversight of NDOT, would construct the Project, which would consist of a fully grade separated high-speed train system largely within the I-15 right-of-way with stations in Rancho Cucamonga, Hesperia, and Victor Valley, CA, and Las Vegas, NV. Brightline West would then operate and maintain the system.

Consistent with FRA's March Notice, NDOT and Brightline West submitted a DSWP,² which included a request for a waiver of FRA's Buy America requirements³ for certain components of the high-speed rail system that the applicant indicated are not produced in the United States. FRA reviewed the DSWP, including Brightline West's

market research and consideration of qualifying alternate items, products, or materials.

On December 8, 2023, FRA selected the Project to receive up to \$3,000,000,000 in funding under the FSP Program. On December 26, 2023, FRA published a proposed waiver for the Project based on the domestic nonavailability of certain components, which was made available with a 30-day public comment period. FRA received 619 unique comments, which are discussed below. In addition, FRA consulted with the National Institute of Standards and Technology Manufacturing Extension Partnership (NIST-MEP) through its supplier scouting program to research whether any domestic manufacturers produce the identified components.

This notice summarizes FRA's Buy America requirements, NDOT and Brightline West's request for a waiver, discussion of public comments received on FRA's proposed waiver, a summary of consultation with NIST-MEP, and FRA's final waiver.

II. FRA's Buy America Requirements and Policy

Projects that receive funding under the FSP Program are subject to FRA's Buy America requirements. FRA's Buy America requirements include both: (A) FRA's statutory requirements for steel, iron, and manufactured goods at 49 U.S.C. 22905(a); and (B) requirements under the BABA and 2 CFR 184.6 for construction materials. This means that FRA can fund a project only if the steel, iron, and manufactured goods used in the project are produced in the United States. 49 U.S.C. 22905(a). In addition, FRA-funded projects must also comply with the relevant provisions of BABA, including the requirement that all construction materials used in the project must also be produced in the United States. Public Law 117–58, 70914(a); 2 CFR 184.6.

FRA strictly enforces compliance with its Buy America requirements to ensure that FRA-funded projects maximize the use of materials produced in the United States. FRA expects recipients to work with suppliers to conduct thorough market research and adequately consider, where appropriate, qualifying alternate items, products, or materials. Compliance with FRA's Buy America requirement supports domestic industry and good-paying jobs.

III. FRA's Authority To Waive Buy America Requirements

There are limited circumstances in which FRA can waive its Buy America requirements under section 22905(a)

and BABA. FRA will grant a waiver request that is consistent with the statutory criteria for a waiver and where a project sponsor has adequately justified the need for a waiver.

FRA may waive its Buy America requirements if FRA determines that: (A) applying the Buy America requirements would be inconsistent with the public interest; (B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; (C) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time; or (D) including domestic material will increase the cost of the overall project by more than 25 percent. 49 U.S.C. 22905(a)(2); *see also* Public Law 117–58, Sec. 70914(b) (prescribing similar, but not identical, statutory conditions for waivers); and 2 CFR 184.7 (doing the same).

IV. Summary of the Proposed Waiver

On December 26, 2023, FRA issued a Notice of Proposed Nonavailability Waiver of Buy America Requirements for NDOT to Purchase Certain High-Speed Rail Components, at 88 FR 89015. At the time of the proposed waiver, Brightline West had not selected its preferred vendor for rolling stock. Therefore, FRA included components from the two proposals that Brightline West received from Siemens and Alstom in the proposed waiver.

In the proposed waiver, for the Siemens proposal, FRA concluded that the following components were not available in the United States:

- First Two Complete Trainsets; and
- Car Shells for All 10 Trainsets (shell structure, frame, vehicle paintwork).

For the Alstom proposal, FRA concluded the following components were not available in the United States:

- Car Shells (shell structure, frame, vehicle paintwork); and
- Brake Control Units.⁴

In addition, based on information provided by Brightline West, FRA concluded that the following components were not available in the United States regardless of the selected rolling stock vendor:

- Eurobalises and Euroloops;
- Counting Heads and Axle Counter Sensors;

⁴ After publication of the proposed waiver, Alstom commented on the proposed waiver stating that it would be able to produce the brake control units in the United States. Comment letter from Alstom (FRA–2023–0099–0026), dated January 24, 2024. As such, FRA would not have included these components in the final waiver if Brightline West had selected Alstom.

¹ Advancing High-Speed Rail Projects Intended for Operations Over 160 Miles Per Hour Through Domestic Sourcing Plans and Buy America Compliance, 88 FR 17289 (March 22, 2023).

² The DSWP contains proprietary information that FRA has determined is confidential business information. As such, FRA is not making the DSWP available to the public at this time; however, pertinent non-proprietary information provided in the DSWP is discussed in this notice.

³ For FRA's Buy America requirements, see section II.

- Truck Press (test stand);
- Turnout Systems including Derailers; and
- Fire Alarm Systems.

V. Summary of Changes in the Final Waiver

FRA is not making significant changes from the proposed waiver but notes that the final waiver reflects the needs for the project given Brightline West's decision to select Siemens as its preferred rolling stock vendor. The project sponsor notified FRA of this selection and requested to finalize the Buy America waiver for the Siemens trains and components as included in the previously submitted documentation. As this is a project-specific waiver, FRA is therefore publishing a final waiver for the vendor selected to deliver rolling stock and other components for the Brightline West project. However, FRA notes that the Alstom proposal also meets the statutory criteria for a waiver based on domestic nonavailability. Neither vendor would be capable of delivering the rolling stock for the FRA-funded project without a waiver based on domestic nonavailability.

VI. Discussion of Public Comments

Comments on the waiver were due January 25, 2024. As of January 29, 2024, FRA received a total of 619 unique comments on the proposed waiver, with 104 of those comments being received after the end of the comment period. Comments submitted after January 25 were received late but are discussed below. Due to the volume of comments, FRA did not consider comments received after January 30, 2024. FRA received 567 comments that generally supported the proposed waiver, and 52 comments that generally opposed the proposed waiver. The waiver facilitated a broad range of interest and input from the public and other stakeholders, and FRA greatly appreciates the robust feedback from members of the public. This section discusses the general themes raised in the comments. The comments are available on the docket, at *regulations.gov*, Docket (FRA–2023–0099).

A. Domestic Availability of Components, Alternate Products, and Domestic Capacity

Three commenters (the Aluminum Extruders Council, ANTA Electric, and Westinghouse Air Brake Technologies Corporation (Wabtec)) stated that specific components in the proposed waiver could be manufactured domestically. In addition, 12

commenters (members of the U.S. House of Representatives;⁵ New York State Assembly members;⁶ New York State Senators;⁷ Mayor John J. Buckley, City of Hornell, NY; Robert Duffy of the Greater Rochester Chamber of Commerce; the International Association of Machinists and Aerospace Workers; and the Steuben County Industrial Development Agency) opposed the proposed waiver, citing to the domestic production capabilities in New York, specifically Alstom's existing manufacturing facilities that have produced the Acela trainsets used by Amtrak and a new facility in Hornell, NY that will produce new streetcars for the Southeastern Pennsylvania Transportation Authority.

FRA Response: FRA appreciates these comments and consulted with Brightline West to ensure that alternate products were considered in Brightline West's domestic sourcing analysis and market research. FRA confirmed that Brightline West engaged with Wabtec and ANTA Electric and determined the components described in the comment letters did not meet Project requirements. FRA notes that Wabtec identified itself as a domestic supplier of the Interoperable Electronic Train Management System (I-ETMS), a Positive Train Control (PTC) system certified and approved by FRA for operation on all Class I railroad required track segments and many passenger railroad operations. I-ETMS has been successfully deployed in the United States and is approved for speeds up to 125 mph. Brightline West proposes to use the European Rail Traffic Management System (ERTMS), which is service proven in Europe at speeds in excess of 125 mph under a different regulatory system from that in the United States. Brightline West selected ERTMS because it is service proven at higher speeds in Europe, and Brightline West states that ERTMS is designed to perform the same functions required for operation in the United States.⁸ Since

⁵ See Comment Letter (FRA–2023–0099–0062) signed jointly by U.S. Representatives: Nicholas Langworthy [NY–23], Anthony D'Esposito [NY–04], Nicole Malliotakis [NY–11], Dan Meuser [PA–09], Marcus Molinaro [NY–19], Joseph Morelle [NY–25], and Elise Stefanik [NY–21].

⁶ See Comment Letters from New York Assemblymembers: Billy Jones (FRA–2023–0099–0020), William Magnarelli (FRA–2023–0099–0018), and Philip Palmesano (FRA–2023–0099–0009).

⁷ See Comment Letters from New York Senators: Jeremy Cooney (FRA–2023–0099–0015), Tim Kennedy (FRA–2023–0099–0011), Thomas O'Mara (FRA–2023–0099–0016), and Daniel Stec (FRA–2023–0099–0010).

⁸ ERTMS has not yet been tested, certified, and approved for operation in the United States. Design documentation, testing, and submission of a PTC Safety Plan and associated HSR–125 document will

ERTMS uses Eurobalises and Euroloops, these components are required for the Project. Brightline West did not identify a domestic manufacturer that could produce Eurobalises and Euroloops. As a result, FRA concluded that these components are not produced in the United States. Similarly, FRA notes that ANTA Electric identified itself as a domestic supplier of fire suppressions systems, specifically the assembly of electronic components. However, this is different from the fire alarm system needed for the Project.

In addition, FRA did not identify any domestic location that can produce aluminum car body shells that meet the safety standards required for high-speed passenger rail operations. Both Siemens and Alstom sought domestic facilities for the car body shells through NIST–MEP's supplier scouting program but did not locate any domestic sources.

Furthermore, FRA recognizes that Alstom's facilities in New York are capable of producing domestic rolling stock and trainset components for conventional rail and transit systems. However, there are currently no domestic manufacturers of high-speed trainsets (*i.e.*, trainsets that are service proven at speeds in excess of 125 mph). Although Alstom does not currently manufacture high-speed rail trainsets at its facilities in New York, Alstom represented that it would be able to manufacture and deliver the trainsets within Brightline West's project schedule. Alstom has represented that it would be able to manufacture its proposed Avelia trainsets, which it will adapt for high speed (*i.e.*, in excess of 125 mph), in its New York facilities, with the exception of the car body shell, which is not available in the United States.

Similarly, there is no domestic manufacturing capacity for Siemens' Velaro NOVO Electric-Multiple-Unit (EMU) trainsets. Siemens has represented that it would be able to manufacture 8 of the 10 trainsets at a planned facility in the United States, but the first 2 trainsets would need to be manufactured in Germany to ensure quality control, as well as be tested and commissioned in Germany. As more high-speed rail technology is deployed in the United States, FRA expects domestic capacity will ramp up to meet demand, similar to the way that

be required to obtain PTC certification and approval to operate. The operational experience of ERTMS across the European high-speed rail network will provide operational safety and reliability data to support the PTC Safety Plan and HSR–125 document.

manufacturing facilities in New York have grown and developed.⁹

B. Importance of Buy America Requirements and Need for a Narrow Waiver Scope

Three commenters, (Bradley Supply, Inc.; U.S. Senator Charles E. Schumer [D-NY]; and the Transportation Trades Department, AFL-CIO) emphasized the need to limit the issuance of Buy America waivers to situations in which domestic manufacturing does not currently exist, and to ensure a clear justification is provided. The commenters stated that limiting the use of the waivers and establishing clear justification for needing waivers helps reinforce the importance of Buy America requirements, including BABA. Finally, one of the commenters stated that Buy America requirements are important to small businesses and that issuing Buy America waivers undermines small business activities.

FRA Response: FRA appreciates comments that address the importance of limiting waivers to only those situations in which domestic manufacturing does not currently exist. FRA notes that the proposed waiver does not waive the applicable BABA requirements and does not apply to construction materials used in the Project. In addition, FRA requested that high-speed rail project sponsors provide a domestic sourcing and workforce plan in waiver requests to ensure that FRA could tailor waivers to include only those components that are not produced in the United States. The proposed waiver reflects approximately five percent of the total direct expenditures for the Project and notably does not include any construction materials. The waiver is narrowly tailored to safety-critical, specialized high-speed rail components that are not produced in the United States, as established through Brightline West's market research, FRA's expertise in high-speed rail, supplier scouting through NIST-MEP, and robust public engagement. In addition, the waiver applies only to the Project and does not apply to other projects or project sponsors.

FRA received several comments related to the Siemens proposal, specifically regarding the first two trainsets that would be manufactured in Germany. Twenty-six commenters¹⁰

supported the proposed components waiver and manufacturing the first two trainsets in Germany. Generally, commenters stated that the development of the first two trainsets abroad would ensure that the technology is transferred in a safe and efficient manner while also allowing for the domestic ramp-up to be established for the remaining trainsets.

Three commenters (Alstom; LB Steel; and Transitair Systems, LLC) supported the waiver but opposed Siemens' proposal to manufacture the first two trainsets in Germany. The commenters stated that the manufacturing of the first two trainsets overseas would not follow Buy America requirements as there is domestic manufacturing capability for high-speed trainsets. Furthermore, the commenters stated that the issuance of a partial waiver, when domestic manufacturing of those components is available, can undermine domestic investment and create unfair advantages to those entities that receive such waivers.

One commenter (Alliance for American Manufacturing) opposed the waiver, including Siemens' proposal to manufacture the first two trainsets overseas. The commenter urged FRA and NDOT to consider whether the Siemens proposal could be modified to align with the Alstom proposal and specifically require that the first two Siemens trainsets also be manufactured domestically. Furthermore, the commenter encouraged the development of consultation processes that can identify potential domestic manufacturing and could help facilitate the domestic manufacturing ramp up, such as with the NIST-MEP.

FRA Response: FRA appreciates these comments and clarifies that the two proposals from Siemens and Alstom, as described in the proposed waiver, are for two distinct trainset designs and technology. Siemens proposed to introduce the next generation Velaro NOVO EMU for the Project. Alstom proposed to adapt the Avelia technology planned for deployment on the NEC for use in the Project by increasing power capacity and traction to achieve the speed and performance capability required by Brightline West, which would be consistent with performance achieved by Alstom's TGV trains in Europe. As these trainsets involve

different technologies, the domestic availability of trainset components varies by technology.

Amtrak and Alstom received Buy America waivers in 2014 and 2015 for final assembly of two prototype Avelia Liberty trainsets and eight components for use on the Northeast Corridor. Since that time, Alstom has established a robust domestic manufacturing base for its Avelia Liberty trainsets. Alstom's facilities in New York have capacity to manufacture the Avelia Liberty trainsets in the United States. In contrast, Siemens does not currently have a domestic facility equipped to manufacture the Siemens Velaro NOVO EMU trainsets. As such, the first two Velaro NOVO EMU trainsets would have to be manufactured in Germany.

High-speed rail trainsets are highly specialized and require highly skilled labor and specific equipment, manufacturing, testing, and commissioning facilities to ensure safe and efficient operations. As more high-speed rail technology is deployed in the United States, FRA expects domestic capacity will ramp up to meet demand, similar to the way that manufacturing facilities in New York have grown and developed. FRA has concluded that both proposals meet the criteria for a waiver of FRA's Buy America requirements based on domestic nonavailability, and limiting the Siemens proposal to only the first two trainsets is consistent with the Biden-Harris Administration's efforts to maximize the use of available domestic content and build capacity for future demand. See 49 U.S.C. 22905(a)(2)(B).

C. Impact of the Waiver on Domestic Jobs

Five commenters (Associated General Contractors of America, Brotherhood of Railroad Signalmen, High Speed Rail Alliance, Rail Passengers Association, and United Steelworkers) favored the issuance of the waiver, stating that the Project will create domestic jobs and facilitate the domestic market for the safety-critical high-speed rail components that are not currently manufactured domestically. Furthermore, the commenters generally stated that the proposed waiver and completion of the Project would facilitate increased demand for the high-speed rail technology, which could result in increased domestic manufacturing capacity to meet the demand for high-speed rail components.

FRA Response: FRA appreciates these comments. The creation of good-paying jobs is a priority for FRA, the U.S. Department of Transportation, and the Biden-Harris Administration. In the

⁹ See i.e., Comment letter (FRA-2023-0099-0013) from Mayor John J. Buckley, City of Hornell (explaining how increased demand for rolling stock has led to job creation and growth in the city).

¹⁰ Acro Industries, Inc.; Baker Bellfield; Bentech, Div. PPBCo; Clerprems USA Corp.; EuropTec, USA, LLC; Flinchbaugh Engineering, Inc.; GST Manufacturing; HOPPECKE Batteries, Inc.; Jarmu

Zrt.; Knorr-Bremse Espana, S.A.U.; Knorr-Bremse/ EVAC GmbH; Mannington Commercial; Mid-States Aluminum Corp.; Milwaukee Composites, Inc.; Siemens Energy, Inc.; Siemens Mobility; SKF USA, Inc.; Stahl Bahnkuchen Technik GmbH; Teknoware; Televic US, Inc.; The Timken Company; Trelleborg Industrial Products USA, Inc.; UKM Transit Products; Ultimate Europe Transportation Equipment GmbH; United Mechanical and Metal Fabricators, Inc.; and UTCRAS.

proposed waiver, FRA explained that the Project is expected to support approximately 35,000 domestic jobs across the construction period and includes a project labor agreement. As noted in the proposed waiver, Brightline West has reached an agreement with rail labor which may result in ongoing operations and maintenance work being performed by union labor.¹¹

D. Comments Generally Supporting or Opposing the Proposed Waiver

FRA received 527 comments from the public generally in favor of the issuance of the waiver. Additionally, several commenters noted that the completion of a high-speed rail project could increase domestic manufacturing and help reduce the need for waivers in the future. FRA received 29 comments from the public generally opposing the proposed waiver and emphasizing the need to develop domestic manufacturing in the high-speed rail industry.

FRA Response: FRA appreciates these comments and expects that the successful deployment of high-speed rail technology in the United States will facilitate and encourage domestic manufacturing capacity to meet increased demand. FRA further clarifies that the proposed waiver was narrowly tailored and limited to include only those components that are not produced in the United States, and the waiver is limited only to the Project and does not apply to other projects or project sponsors.

VII. NIST-MEP Supplier Scouting Results

Consistent with section 70916(c) of BABA, FRA requested that the project sponsor, Brightline West, engage with the NIST-MEP through the NIST-MEP's supplier scouting program. The NIST-MEP supplier scouting opportunity allows agencies, manufacturers, and project sponsors to identify potential manufacturers from across the Nation to assist in market research on domestic availability. Brightline West was not able to identify a domestic manufacturer for the components listed in the proposed waiver through the NIST-MEP supplier scouting program. This further supports FRA's conclusion that the components listed in the proposed waiver are not produced in the United States.

¹¹ In March 2023, 13 rail unions representing more than 160,000 workers signed a Memorandum of Understanding with Brightline West, establishing a commitment for the use of highly skilled union labor required to operate and maintain the System.

VIII. Final Waiver

Based on its review of the waiver request and DSWP, and in consideration of comments received on the proposed waiver, FRA is waiving its Buy America requirements for the following components:

- First Two Complete Trainsets; and
- Car Shells for All 10 Trainsets (shell structure, frame, vehicle paintwork).
- Eurobalises and Euroloops;
- Counting Heads and Axle Counter Sensors;
- Truck Press (test stand);
- Turnout Systems including Derailers; and
- Fire Alarm Systems.

The waiver applies only to components listed above for use in the Project. However, FRA concludes that Alstom's proposal would have also met the criteria for a waiver if Brightline West had selected Alstom. FRA is not waiving any applicable requirements under BABA, and the waiver does not apply to any construction materials used in the Project. The waiver does not apply to other FRA recipients or to other grants that might be made to NDOT or Brightline West for other projects (including any future phases related to the Project). This waiver will expire upon the end of the period of performance and closeout of the grant agreement for the Project.

Issued in Washington, DC.

Amitabha Bose,
Administrator.

[FR Doc. 2024-11467 Filed 5-23-24; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Fair Credit Reporting: Affiliate Marketing

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently

valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, "Fair Credit Reporting: Affiliate Marketing."

DATES: Comments must be received by July 23, 2024.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0230, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.
- *Fax:* (571) 293-4835.

Instructions: You must include "OCC" as the agency name and "1557-0230" in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

• **Viewing Comments Electronically:** Go to www.reginfo.gov. Hover over the "Information Collection Review" tab and click on "Information Collection Review" from the drop-down menu. From the "Currently under Review" drop-down menu, select "Department of Treasury" and then click "submit." This information collection can be located by searching OMB control number "1557-0230" or "Fair Credit Reporting: Affiliate Marketing." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link

to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal/revision of this collection.

Title: Fair Credit Reporting: Affiliate Marketing.

OMB Control No.: 1557-0230.

Type of Review: Regular.

Description: Section 214 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act),¹ which added section 624 to the Fair Credit Reporting Act (FCRA),² generally prohibits a person from using certain information received from an affiliate to solicit a consumer for marketing purposes, unless the consumer is given notice and an opportunity and simple method to opt out of such solicitations.

Twelve CFR 1022.20-1022.27 require financial institutions to issue notices informing consumers about their rights under section 214 of the FACT Act. Consumers use the notices to decide if they want to receive solicitations for marketing purposes or opt out. Financial institutions use consumers' opt-out responses to determine the permissibility of making a solicitation for marketing purposes.

If a person receives certain consumer eligibility information from an affiliate,

the person may not use that information to solicit the consumer about its products or services, unless the consumer is given notice and a simple method to opt out of such use of the information, and the consumer does not opt out. Exceptions include a person using eligibility information: (1) to make solicitations to a consumer with whom the person has a pre-existing business relationship; (2) to perform services for another affiliate subject to certain conditions; (3) in response to a communication initiated by the consumer; or (4) to make a solicitation that has been authorized or requested by the consumer. A consumer's affiliate marketing opt-out election must be effective for a period of at least five years. Upon expiration of the opt-out period, the consumer must be given a renewal notice and an opportunity to renew the opt-out before information received from an affiliate may be used to make solicitations to the consumer.

Affected Public: Businesses or other for-profit.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 97,723.

Estimated Total Annual Burden: 10,281 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2024-11445 Filed 5-23-24; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0073]

Agency Information Collection Activity: VA Enrollment Certification

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before July 23, 2024.

ADDRESSES: Comments must be submitted through www.Regulations.gov. Instead of a physical address.

FOR FURTHER INFORMATION CONTACT: Program-Specific information: [Nancy Kessinger], 202-632-8924, nancy.kessinger@va.gov.

VA PRA information: Maribel Aponte, 202-461-8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA Enrollment Certification, VA Form 22-1999.

¹ Public Law 108-159, 117 Stat. 1952 (December 4, 2003).

² 15 U.S.C. 1681 *et seq.*

OMB Control Number: 2900–0073.
<https://www.reginfo.gov/public/do/PRASearch> (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the information collected on VA Form 22–1999 to determine the amount of educational benefits payable to the student during the period of enrollment or training. Additionally, with the exception of chapter 33, VA also uses these forms to determine whether the student has requested an advance payment or accelerated payment of benefits. Without this information, VA would not have a basis upon which to make payment or to know if a person was requesting an advance or accelerated payment.

Affected Public: Individuals and Households.

Estimated Annual Burden: 633,307 hours.

Estimated Average Burden Time Per Respondent: 10 minutes.

Frequency of Response: On Occasion.

Estimated Number of Respondents: 3,799,847.

Authority: 44 U.S.C. 3501 et seq.; 38 U.S.C. 3034, 3241, 3323, 3680; and 3684, 10 U.S.C. 16136; title 38 CFR 21.4203, 21.5200(d), 21.7152, 21.7652, and 21.9720.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–11471 Filed 5–23–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Request for Information on the Department of Veterans Affairs Medical Technologist Standard of Practice

AGENCY: Department of Veterans Affairs.

ACTION: Request for information.

SUMMARY: The Department of Veterans Affairs (VA) is requesting information to assist in developing a national standard of practice for VA Medical Technologists. VA seeks comments on various topics to help inform VA's development of this national standard of practice.

DATES: Comments must be received on or before July 23, 2024.

ADDRESSES: Comments must be submitted through <http://www.regulations.gov/>. Except as

provided below, comments received before the close of the comment period will be available at <http://www.regulations.gov/> for public viewing, inspection, copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov/>. VA will not post on <http://www.regulations.gov/> public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm the individual. VA encourages individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period's closing date will not be accepted.

FOR FURTHER INFORMATION CONTACT:

Ethan Kalett, Office of Regulations, Appeals and Policy (10BRAP), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202–461–0500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Authority

Chapters 73 and 74 of 38 U.S.C. and 38 U.S.C. 303 authorize the Secretary to regulate VA health care professions to make certain that VA's health care system provides safe and effective health care by qualified health care professionals to ensure the well-being of those Veterans who have borne the battle.

On November 12, 2020, VA published an interim final rule confirming that VA health care professionals may practice their health care profession consistent with the scope and requirements of their VA employment, notwithstanding any State license, registration, certification, or other State requirements that unduly interfere with their practice. 38 CFR 17.419; 85 FR 71838. Specifically, this rulemaking confirmed VA's current practice of allowing VA health care professionals to deliver health care services in a State other than the health care professional's State of licensure, registration, certification, or other State requirement, thereby enhancing beneficiaries' access to critical VA health care services. The rulemaking also confirmed VA's authority to establish national standards of practice for its health care professionals which would standardize a health care

professional's practice in all VA medical facilities, regardless of conflicting state laws, rules, regulations, or other state requirements.

The rulemaking explained that a national standard of practice describes the tasks and duties that a VA health care professional practicing in the health care profession may perform and may be permitted to undertake. Having a national standard of practice means that individuals from the same VA health care profession may provide the same type of tasks and duties regardless of the State where they are located or the State license, registration, certification, or other State requirement they hold. We emphasized in the rulemaking and reiterate here that VA will determine, on an individual basis, that a health care professional has the proper education, training, and skills to perform the tasks and duties detailed in the national standard of practice, and that they will only be able to perform such tasks and duties after they have been incorporated into the individual's privileges, scope of practice, or functional statement. The rulemaking explicitly did not create any such national standards and directed that all national standards of practice would be subsequently created via policy.

Preemption of State Requirements

The national standard of practice will preempt any State laws, rules, regulations, or requirements that both are and are not listed in the national standard as conflicting, but that do in fact conflict with the tasks and duties as authorized in VA's national standard of practice. In the event that a State changes their requirements and places new limitations on the tasks and duties it allows in a manner that would be inconsistent with what is authorized under the national standard of practice, the national standard of practice will preempt such limitations and authorize the VA health care professional to continue to practice consistently with the tasks and duties outlined in the national standard of practice.

In cases where a VA health care professional's license, registration, certification, or other State requirement allows a practice that is not included in a national standard of practice, the individual may continue that practice so long as it is permissible by Federal law and VA policy, is not explicitly prohibited by the national standard of practice, and is approved by the VA medical facility.

Need for National Standards of Practice

It is critical that VA, the Nation's largest integrated health care system,

develops national standards of practice to ensure, first, that beneficiaries receive the same high-quality care regardless of where they enter the system and, second, that VA health care professionals can efficiently meet the needs of beneficiaries when practicing within the scope of their VA employment. National standards are designed to increase beneficiaries' access to safe and effective health care, thereby improving health outcomes. The importance of this initiative has been underscored by the Coronavirus Disease 2019 (COVID-19) pandemic. The increased need for mobility in VA's workforce, including through VA's Disaster Emergency Medical Personnel System, highlighted the importance of creating uniform national standards of practice to better support VA health care professionals who practice across State lines. Creating national standards of practice also promotes interoperability of medical data between VA and the Department of Defense (DoD), providing a complete picture of a Veteran's health information, and improving VA's delivery of health care to our Nation's Veterans. DoD has historically standardized practice for certain health care professionals, and VA has closely partnered with DoD to learn from their experience.

Process To Develop National Standards of Practice

As authorized by 38 CFR 17.419, VA is developing national standards of practice via policy. There is one overarching directive to describe Veterans Health Administration (VHA) policy on national standards of practice. The directive is accessible on the VHA Publications website at <https://vawww.va.gov/vhapublications/> (internal) and <https://www.va.gov/vhapublications/> (external). As each individual national standard of practice is finalized, it is published as an appendix to the directive and accessible at the same websites.

To develop these national standards, VA is using a robust, interactive process that adheres to the requirements of Executive Order (E.O.) 13132 to preempt conflicting State laws, rules, regulations, or other requirements. The process includes consultation with internal and external stakeholders, including State licensing boards, VA employees, professional associations, Veterans Service Organizations, labor partners, and others. For each VA occupation, a workgroup comprised of VA health care professionals in the identified occupation conducts research to identify internal best practices that may not be authorized under every State

license, certification, or registration but would enhance the practice and efficiency of the profession throughout VA. If a best practice is identified that is not currently authorized by every State, the workgroup determines what education, training, and skills are required to perform such tasks and duties. The workgroup then drafts a proposed VA national standard of practice using the data gathered during the research and incorporates internal stakeholder feedback into the standard. The workgroup may consult with internal or external stakeholders at any point throughout the process.

The proposed national standard of practice is then internally reviewed, to include by an interdisciplinary VA workgroup consisting of representatives from Quality Management; VA medical facility Chiefs of Staff; Academic Affiliates; Veterans Integrated Services Network (VISN) Chief Nursing Officers; Ethics; Workforce Management and Consulting; Surgery; Credentialing and Privileging; VISN Chief Medical Officers; and Electronic Health Record Modernization.

Externally, VA hosts listening sessions for members of the public, professional associations, and VA employees to provide comments on the variance between state practice acts for specific occupations and what should be included in the national standard of practice for that occupation. The listening session for Medical Technologists was held on September 7, 2023. No professional associations presented comments on the Medical Technologist scope of practice.

VA has developed a robust process to engage with partners, members of the public, states, and employees on the proposed national standard of practice. VA provides the proposed national standard of practice to our DoD partners as an opportunity to flag inconsistencies with DoD standards. VA also engages with labor partners informally as part of a pre-decisional collaboration. Consistent with E.O. 13132, VA sends a letter to each State board and certifying organization or registration organization, as appropriate, which includes the proposed national standard and offers the recipient an opportunity to discuss the national standard with VA. After the State boards, certifying organizations, or registration organizations have received notification, the proposed national standard of practice is posted in the **Federal Register** for 60 days to obtain feedback from the public, professional associations, and any other interested parties. At the same time, the proposed national standard is posted to an

internal VA site to obtain feedback from VA employees. Responses received through all vehicles—from state boards, professional associations, unions, VA employees, and any other individual or organization who provides comments via the **Federal Register** will be reviewed. VA will make appropriate revisions in light of the comments, including those that present evidence-based practice and alternatives that help VA meet our mission and goals. VA will publish a collective response to all comments at <https://www.va.gov/standardspractice/>.

After the national standard of practice is finalized, approved, and published in VHA policy, VA will implement the tasks and duties authorized by that national standard of practice. Any tasks or duties included in the national standard will be properly incorporated into an individual health care professional's privileges, scope of practice, or functional statement once it has been determined by their VA medical facility that the individual has the proper education, training, and skills to perform the task or duty. Implementation of the national standard of practice may be phased in across all VA medical facilities, with limited exemptions for health care professionals, as needed.

Format for the Proposed National Standard for Medical Technologists

The format for the proposed national standards of practice when there are national certification bodies, and there are State licenses is as follows. The first paragraph provides general information about the profession and what the health care professionals can do. For this national standard, Medical Technologists are highly skilled medical laboratory professionals responsible for the testing of blood, other body fluids, and tissue specimens, using a variety of manual and automated methods. We reiterate that the proposed standard of practice does not contain an exhaustive list of every task and duty that each VA health care professional can perform. Rather, it is designed to highlight generally what tasks and duties the health care professionals perform and how they will be able to practice within VA notwithstanding their state license, certification, registration, or other state requirements.

The second paragraph references the education and certification needed to practice this profession at VA. Qualification standards for employment of health care professionals by VA are outlined in VA Handbook 5005, Staffing, dated November 8, 2023. VA follows the requirements outlined in the

VA qualification standards even if the requirements conflict with or differ from a State requirement. National standards of practice do not affect those requirements. This includes, but is not limited to, when a state requires a license to practice a specific occupation, but VA does not require a state license as part of the qualification standards. For Medical Technologists, VA qualification standards require an active, current, full, and unrestricted certification from either the American Society for Clinical Pathology (ASCP) or from American Medical Technologists (AMT).

The second paragraph also notes whether the national standard of practice explicitly excludes individuals who practice under “grandfathering” provisions. Qualification standards may include provisions to permit employees who met all requirements prior to revisions to the qualification standards to maintain employment at VA even if they no longer meet the new qualification standards. This practice is referred to as grandfathering. Medical Technologists have grandfathering provisions included within their qualification standards, and VA proposes to have those individuals be authorized to follow the Medical Technologist national standard of practice. Therefore, there would be no notation regarding grandfathered employees in the national standard of practice as they would be required to adhere to the same standard as any other VA Medical Technologist who meets the current qualification standards.

The third paragraph confirms which standard the profession will follow under this VA national standard of practice. VA qualification standards for Medical Technologists require a national certification from either ASCP or AMT. VA proposes to adopt a standard of practice consistent with ASCP. There is no variance between these two national certifications; however, ASCP provides a more detailed scope of practice for the Medical Technologist profession. Therefore, VA Medical Technologists will follow the standard as set by this national certification. The national certification body standard can be found at <https://www.ascp.org/content/docs/default-source/policy-statements/ascp-pdf/pp-personnel-standards.pdf>

?sfvrsn=2. For Medical Technologist, VA confirmed that all individuals follow the Medical Technologist standards from ASCP.

The fourth paragraph defines if there are additional registrations, regulations, certifications, licenses, or Federal exemptions for the profession. It explains if VA is preempting any conflicting state laws, rules, regulations, or requirements. VA found that 11 States also require a State license for Medical Technologists, and seven of these States exempt Federal employees from their State license requirements. Furthermore, the tasks and duties set forth in the State license requirements for all seven States are consistent with what is permitted by the ASCP.

Therefore, there is no variance in how Medical Technologists practice in any State. VA thus proposes to adopt a standard of practice consistent with the ASCP standards of practice. VA Medical Technologists will continue to follow this standard.

This national standard of practice does not address training because it will not authorize VA Medical Technologists to perform any tasks or duties not already authorized under their national certification and/or state license.

Following public and VA employee comments and revisions, each national standard of practice that is published into policy will also include the date for recertification of the standard of practice and a point of contact for questions or concerns.

Proposed National Standard of Practice for Medical Technologists

1. Medical Technologists are highly skilled medical laboratory professionals responsible for the testing of blood, other body fluids, and tissue specimens using a variety of manual and automated methods. Medical Technologists maintain laboratory testing instrumentation and equipment and ensure accurate reporting of test results which aid health care providers in the prevention (monitoring), diagnosis, and treatment of disease.

2. Medical Technologists in the Department of Veterans Affairs (VA) possess the education and certification required by VA qualification standards. See VA Handbook 5005, Staffing, Part II, Appendix G24, dated May 12, 2014.

3. VA Medical Technologists practice in accordance with the Medical

Technologist national certification standards from the American Society for Clinical Pathology, available at: <https://www.ascp.org/>. VA reviewed license and certification requirements for this occupation in January 2024 and confirmed that all Medical Technologists in VA followed this national certification.

4. Although VA only requires a certification, the following 11 states currently require a State license in order to practice as Medical Technologists in that state: California, Florida, Hawaii, Louisiana, Montana, Nevada, New York, North Dakota, Puerto Rico, Tennessee, and West Virginia.

Of these, the seven following States exempt Federal employees from their state license requirements: Florida, Louisiana, Montana, New York, North Dakota, Tennessee, and West Virginia.

VA reviewed license and certification requirements for this occupation in January 2024 and confirmed there was no variance in how VA Medical Technologists practice in any state.

Request for Information

1. Are there any required or necessary trainings for Medical Technologists that we should consider?

2. Are there any factors that would inhibit or delay the implementation of the aforementioned tasks and duties for VA Medical Technologists in any States?

3. Is there any variance in the license, certification, or the tasks and duties that we have not listed?

4. Is there anything else you would like to share with us about this national standard of practice for VA Medical Technologists?

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on May 10, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Michael P. Shores,

Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

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Part II

Department of Transportation

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14 CFR Part 21

Airworthiness Criteria: Special Class Airworthiness Criteria for the Archer Aviation, Inc. Model M001 Powered-Lift; Final Rule

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 21**

[Docket No. FAA–2022–1548]

Airworthiness Criteria: Special Class Airworthiness Criteria for the Archer Aviation, Inc. Model M001 Powered-Lift**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Issuance of final airworthiness criteria.

SUMMARY: The FAA announces the special class airworthiness criteria for the Archer Aviation, Inc. (Archer) Model M001 powered-lift. This document sets forth the airworthiness criteria the FAA finds to be appropriate and applicable for the powered-lift design.

DATES: These airworthiness criteria are effective June 24, 2024.

FOR FURTHER INFORMATION CONTACT: James Clary, Emerging Technology Coordination Section, AIR–611, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone 817–222–5138; email james.clary@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

On March 30, 2022, Archer applied for a type certificate for the Model M001 powered-lift. The Archer Model M001 powered-lift has a maximum gross takeoff weight of 6,500 lbs. and is capable of carrying a pilot and four passengers. The aircraft has a high-wing and V-tail¹ configuration with fixed tricycle landing gear. The aircraft uses 12 electric engines powered by onboard batteries for propulsion instead of conventional air and fuel combustion. Six engines with five-bladed variable-pitch propellers are mounted on the forward edge of the main wing, three to each side, which are capable of tilting to provide both vertical and forward thrust. The other six electric engines drive two-bladed fixed-pitch propellers and are mounted on the aft edge of the main wing, three to each side; they are fixed in place to provide only vertical thrust. The aft-mounted engines operate only during thrust-borne or semi-thrust-

borne flight; in wing-borne forward flight, these engines are switched off and the propellers are faired in line with the aircraft fuselage. The aircraft structure and propellers are constructed of composite materials. The Archer Model M001 powered-lift is intended to be used for Title 14, Code of Federal Regulations (14 CFR) parts 91 and 135 operations, with a single pilot onboard, under visual flight rules (VFR).

The FAA issued a notice of proposed airworthiness criteria for the Model M001 powered-lift, which published in the **Federal Register** on December 20, 2022 (87 FR 77749).

Discussion

Because the FAA has not yet established powered-lift airworthiness standards in 14 CFR, the FAA type certificates powered-lift as special class aircraft. Under the procedures in § 21.17(b), the airworthiness requirements for special class aircraft, including the engines and propellers installed thereon, are the portions of the requirements in 14 CFR parts 23, 25, 27, 29, 31, 33, and 35 found by the FAA to be appropriate and applicable to the specific type design and any other airworthiness criteria found by the FAA to provide an equivalent level of safety to the existing standards. These final airworthiness criteria announce the applicable regulations and other airworthiness criteria developed, under § 21.17(b), for type certification of the Model M001 powered-lift.

The Model M001 powered-lift has characteristics of both a rotorcraft and an airplane. It is designed to function as a rotorcraft for takeoff and landing and as an airplane cruising at speeds higher than a rotorcraft during the enroute portion of flight operations. The electric engines on the Model M001 powered-lift will use electrical power instead of air and fuel combustion to propel the aircraft through six five-bladed composite variable-pitch propellers for all phases of flight, and six two-bladed fixed-pitch propellers for vertical and transitional flight modes only. Accordingly, the Archer Model M001 powered-lift proposed airworthiness criteria contained standards from parts 23, 33, and 35 as well as other proposed airworthiness criteria specific for a powered-lift and the electric engines and propellers installed thereon.

For the existing regulations that were included without modification, the proposed airworthiness criteria included all amendments to the existing parts 23, 33, and 35 airworthiness standards in effect as of the application date of March 30, 2022. These are part 23, amendment 23–64, part 33,

amendment 33–34, and part 35, amendment 35–10.

The Archer Model M001 powered-lift proposed airworthiness criteria also included new performance-based airworthiness criteria. The FAA developed these criteria because no existing standard captured the powered-lift's various flight modes and electric engines and some unique characteristics of their propellers. The new requirements specific to the Archer Model M001 in the proposed airworthiness criteria used an “AM1.xxxx” section-numbering scheme.

Because many of the proposed airworthiness criteria are performance-based, like the regulations found in part 23, the FAA has proposed to adopt § 23.2010 by reference, which would require that the means of compliance used to comply with the airworthiness criteria be accepted by the Administrator. Because no powered-lift consensus standards are currently accepted by the Administrator, the means of compliance will be accepted through the issue paper process.²

Summary of Changes From the Proposed Airworthiness Criteria

These final airworthiness criteria reflect the following changes, in addition to others as explained in more detail under Discussion of Comments: The FAA made changes to the aircraft performance section to incorporate an optional, “increased performance” approval, which requires greater aircraft performance capabilities beyond that of the baseline “essential performance” approval. The expectations for aircraft performance at both levels are clearly defined at the requirement level. Requirements to address various scenarios involving failures that can lead to loss of thrust were clarified and consolidated into a consistent terminology across all airworthiness criteria. Expectations were added for the aircraft to be capable of a controlled emergency landing following any condition where the aircraft can no longer provide the commanded power or thrust required for continued safe flight and landing (CSFL). The proposed requirement to incorporate a bird strike deterrent system was not adopted in these final airworthiness criteria, nor were other requirements not applicable to the Model M001, such as requirements for operations on water, approval for aerobatic flight, and others, as discussed in further detail under

¹ A V-Tail aircraft design incorporates two slanted tail surfaces instead of the horizontal and vertical fins of a conventional aircraft empennage. The two fixed tail surfaces of a V-Tail act as both horizontal and vertical stabilizers and each has a moveable flight-control surface referred to as a ruddervator.

² See Order 8110.112A, *Standardized Procedures for Usage of Issue Papers and Development of Equivalent Levels of Safety Memorandums*.

Discussion of Comments. The FAA modified and developed revised aeroelasticity criteria to more directly address concerns expressed by commenters related to “whirl flutter” and aeromechanical stability. The FAA revised requirements in response to numerous comments requesting clarification or recommending changes to address safety gaps in the proposed criteria, particularly in the areas of aircraft handling and control, structural airframe loads and durability, flight controls, protection of occupants, and protection of systems from high-intensity radiated fields (HIRF) and lightning. The FAA updated requirements for electric engines in response to requests for improved clarity on applicability and relationship to the airframe requirements. The FAA also updated definitions for “controlled emergency landing,” “CSFL,” and “sources of lift” and added a definition for “local events.”

Lastly, the FAA clarified that, should Archer apply to amend the type certificate to include another model powered-lift, these airworthiness criteria would apply to that model also, provided the criteria remain appropriate to the changed aircraft in accordance with part 21, subpart D. This change was necessary so that each future change to the aircraft will not necessarily require an application for a new type certificate.

Discussion of Comments

The FAA received responses from 22 commenters. The majority of commenters were government agencies, private companies, and organizations as follows: Agência Nacional de Aviação Civil (ANAC); Airbus; Air Line Pilots Association (ALPA); Alaka'i Technologies Corporation (Alaka'i); Aerospace, Security and Defence Industries Association of Europe (ASD-Europe); Association for Uncrewed Vehicle Systems International (AUVSI); United Kingdom Civil Aviation Authority (UKCAA); European Union Aviation Safety Agency (EASA); General Aviation Manufacturers Association (GAMA); IPR; Japan Civil Aviation Bureau (JCAB); Leonardo Helicopters (Leonardo); Lilium eAircraft GmbH (Lilium); Odys Aviation (Odys); Overair Inc. (Overair); Rolls-Royce Deutschland Ltd & Co KG (Rolls-Royce); SkyDrive, Inc. (SkyDrive); Transport Canada Civil Aviation (TCCA); Vertical Aerospace; and Volocopter GmbH (Volocopter). The FAA received comments from one individual commenter and from one anonymous commenter as well.

Support

AUVSI and ASD-Europe expressed support for type certification of the Model M001 as a special class of aircraft and establishing airworthiness criteria under § 21.17(b). ALPA expressed support for the use of 14 CFR part 35 propeller airworthiness standards.

Definitions

The FAA proposed criteria that created new or modified definitions for the Model M001 powered-lift. The FAA received and reviewed comments from ASD-Europe, ALPA, Alaka'i, ANAC, EASA, GAMA, Leonardo, Lilium, Odys, Overair, TCCA, UKCAA, and an individual commenter that requested the FAA clarify, revise, or adopt as proposed certain definitions. Specifically, these comments were focused on the topic areas of “CSFL,” “controlled emergency landing (CEL),” and “loss of power/thrust,” along with requests for clarification on other uses of the term “thrust.” GAMA and Overair also proposed modifications to the “source of lift” definition. Additionally, comments from Airbus, ALPA, ASD-Europe, EASA, Odys, TCCA, UKCAA, and an individual commenter requested the establishment of a higher safety target for powered-lift like the Model M001. In response, the FAA created an “increased performance” approval that may be granted based on the aircraft's ability to meet higher performance standards for continued flight under certain failure conditions. The FAA modified AM1.2000(a) to provide for the higher safety target of “increased performance” as well as to establish the proposed minimum safety target for CSFL as “essential performance.” The Model M001 must meet either the essential or increased performance requirements in this certification basis. Additionally, the Model M001 may be approved for both essential and increased performance with appropriate and different operating limitations.

The FAA has modified the definition of “CSFL” to establish the different expected outcomes based on the performance approval sought. The definition of “CSFL” was modified slightly for the essential performance approval to include pilot alertness; however, the ability to continue to the planned destination or alternate is a requirement to meet the increased performance approval. Increased performance is a higher level of safety that guarantees fly-away capability after any failure not shown to be extremely improbable. Essential performance does not require the aircraft to have the capability to land at the planned or an

alternate landing site as is required for increased performance.

Several commenters suggested the FAA adopt EASA's special condition for vertical take-off and landing aircraft (SC-VTOL) requirements for powered-lift. The FAA disagrees and has instead adopted “essential” and “increased” performance approvals. Although the FAA's “essential” and “increased” performance approvals are similar to EASA's “Category Basic” and “Category Enhanced” approvals, differences remain. The FAA is establishing these airworthiness criteria for the Model M001 to provide a certification basis for aircraft design approval, while the operational approval is accomplished outside of the aircraft certification process. Additionally, both the FAA's and EASA's performance levels include the aircraft's ability to conduct a controlled emergency landing after a condition when the aircraft can no longer provide the commanded power or thrust required for CSFL as specified in AM1.2105(g). To complete the integration of these defined levels of safety requirements, the FAA modified AM1.2115 “Takeoff performance,” AM1.2120 “Climb requirements,” and AM1.2130 “Landing” to incorporate the essential and increased performance requirements.

The FAA received several comments that the proposed definition of a “CEL” was not sufficient to ensure that the relevant instances that may be encountered in operation are addressed beyond a “critical loss of thrust” as required under the proposed AM1.2105(g). The FAA agrees with the concerns raised by these commenters. As such, the FAA revised the proposed CEL definition and the requirements of AM1.2105(g) to establish the minimum level of safety required when the aircraft can no longer provide the commanded power or thrust required for CSFL.

One commenter requested the FAA remove the part of the CEL definition that requires that the pilot be capable of choosing the direction and area of touchdown and instead require a controlled descent. As indicated by the term itself, “controlled emergency landing” is a defined airworthiness attribute in which the design maintains sufficient control to change direction to an area of touchdown, while reasonably protecting occupants from serious injury. However, the FAA has updated the definition of CEL by relocating the pilot reference to focus the requirement on aircraft functionality. Overall pilot controllability requirements are addressed in AM1.2135, which requires that the aircraft be controllable and maneuverable without requiring

exceptional piloting skill, alertness, or strength. The intent of the definition of CEL is to provide equivalency to the part 23 airplane gliding requirements and the part 27 rotorcraft autorotation requirements. Both minimize the aircraft's speed (forward and vertically) while still allowing directional control of the aircraft to an emergency landing.

One commenter requested the FAA clarify the statement "reasonably protecting occupants" in the definition of "CEL" and further commented that non-participants should also be protected since these aircraft plan to operate in highly-populated urban environments. The FAA agrees with the need to provide additional clarity and has modified the definition of CEL to clarify that the expected safety outcome is protection from serious injury, which inherently provides a level of protection for non-participants on the ground. This approach is similar to the level of safety in §§ 23.2270, 23.2320, and 23.2510 for normal category airplanes. The FAA also received comments seeking clarification of the term "some damage" in the definition of CEL. The allowance for some damage to the aircraft exists in the 14 CFR 23.2000 definition of CSFL. For the Archer Model M001, this allowance was moved to the definition for CEL. The intent is that, although there may be aircraft damage, the occupants remain protected to the extent that egress may still be achieved following the landing.

The FAA received several comments requesting clarity on the meaning of "loss of thrust" and "critical loss of thrust" in AM1.2000 and throughout the airworthiness criteria. These terms were inherited from the existing airworthiness standards used to create the proposed airworthiness criteria. The FAA agrees that the "loss of thrust" term is inadequate for the Model M001, which incorporates distributed propulsion with an integrated flight and propulsion control system. Historically, this terminology was used to convey an assumed complete engine failure because of the critical nature that engines, propellers, and transmissions provided regarding continued flight or CSFL capability. With the advent of distributed propulsion, the underlying assumptions of design features, mitigations, and substantiation of capability under endurance testing established within the legacy requirements are no longer valid, requiring revision.

Distributed propulsion with an integrated flight and propulsion control system adjusts the aircraft's flight path using aerodynamic and/or propulsive forces. In addition to addressing the

complete loss of thrust at any individual location and its effects, the design must address additional failures from the flight and propulsion control system that may inadvertently generate more or less thrust than commanded by a pilot. For powered-lift with tilting nacelle designs like the Model M001, the design must also address the possibility of any given nacelle to fail in an orientation that does not match its commanded position, and account for the subsequent thrust vector that results. In part, some of these failures are identified through the system safety process. However, other considerations exist outside of that process that are necessary for identifying other critical failures. As such, the FAA has included a definition of "critical change of thrust" to address the thrust's magnitude and orientation. Critical change of thrust may consist of more than one condition depending on what flight conditions it adversely affects (performance, handling qualities, or both). A critical change of thrust will require a dedicated assessment encompassing all the above elements.

Further, the proposed definition for "loss of power/thrust" was not adopted in these final airworthiness criteria. Since this term was only used in the proposed AM1.2105(g), the final AM1.2105(g) requirement was rewritten to directly incorporate the previous "loss of power/thrust" definition language and clarify that the condition represents any scenario in which commanded thrust is insufficient to ensure CSFL, regardless of cause.

The FAA also received recommendations to modify the proposed "source of lift" definition to use terminology consistent with the powered-lift definition in 14 CFR part 1. The FAA agrees and has revised this definition to align with the powered-lift definition more closely.

One commenter requested the FAA clarify the meaning of "predominately" and what was meant by "combination" in the definition of "source of lift." The FAA has changed "predominantly" to "principally" in AM1.2000(b)(3) of these final criteria, as the term "principally" is used in the part 1 definitions of powered-lift and rotorcraft. The FAA intended for the definition of "source of lift" in AM1.2000(b)(3) to be aligned with the existing regulatory definitions of powered-lift and rotorcraft. The FAA intends the term "combination" to capture instances where the sources of lift involve both engine driven lift devices (e.g., rotors) and non-rotating airfoils (e.g., fixed wings), generally in a manner in which the balance between the two is varying during transition

from wing-borne flight to thrust-borne flight and vice-versa. The FAA received a comment asking to replace the term "hover" with "taxi" in the listed phases of flight in AM1.2000(b)(2). The FAA disagrees as the term "hover" refers to an airborne flight condition and "taxi" refers to movement while on the ground. Another commenter requested that the FAA add "taxi" to the criteria, since the term is also used in AM1.2225. The FAA disagrees as the term "ground operations" in AM1.2000(b)(2) includes taxi operations. No changes were made as a result of this comment.

The FAA received comments asking that the terms "shutdown," "start," "restart," and "idle" be defined for electric engines. The FAA disagrees. The FAA intends that these terms have the same meaning as for existing engine technology, but recognizes that there may be some differences based on the specific design of the Model M001 and its engine operations. The FAA received a comment questioning the applicability of part 33 requirements that used the term "rotorcraft." Upon further review, the FAA found similar issues with the references to "airplane" within part 33 and part 35. The FAA agrees with the concern and updated AM1.2000(c) to clarify that part 33 and part 35 requirements that use the terms "airplane" and "rotorcraft" mean "aircraft." This also prompted the FAA to remove the inappropriate reference to typical airplane installations in § 35.37(c)(2). The FAA also received a comment questioning the use of the term "of this part" in part 33. The FAA agrees; the revision to AM1.2000(c) also clarifies that "this part" means "these airworthiness criteria" when used in part 33 and part 35 requirements.

Lastly, the FAA added a definition for the term "local events" in response to comments requesting clarification of this term as used in requirements in subparts H and I.

Applicable Criteria

The FAA proposed applicable criteria by determining the appropriate airworthiness requirements that apply to the Model M001 powered-lift. These criteria are tailored to the powered-lift's design, including its engines and propellers, as well as its construction, intended use, and suitability for compliance with operational requirements.

ÉASA, GAMA, Lilium, Overair, TCCA, Vertical Aerospace, Volocopter, and an anonymous commenter requested the FAA remove sections and terms from the proposed airworthiness criteria that do not specifically apply to the Model M001 design. The FAA

agrees and did not adopt the following in these final airworthiness criteria as they were not specifically applicable to the Model M001:

- AM1.2225(c);
- AM1.2240(b) (a new AM1.2240(b) has been added);
- § 23.2310;
- AM1.2320(d), (e) (the remaining requirements of AM1.2320 have been transitioned to § 23.2320);
- AM1.2325(h);
- § 23.2420;
- § 23.2435;
- § 23.2530(e);
- AM1.2540; and
- § 35.43.

The following phrases were not adopted in these final airworthiness criteria as they are not specifically applicable to the Model M001 design:

- AM1.2400(a): “or provides auxiliary power to the aircraft;”
- AM1.2405(a), (b), (c): “reverser system;”
- AM1.2430(a)(3): “and auxiliary power unit;” and
- AM1.2430(c), (c)(1), (c)(3): “refilling or.”

The FAA received comments that questioned the inclusion of HIRF and lightning requirements for aircraft approved for Instrument Flight Rules (IFR) operations. The requirements are conditional for IFR approved designs. The FAA found it prudent to specify basic design requirements for HIRF and lightning based on the expectation that future design modifications could include an IFR approval. However, additional design and installation requirements beyond those specified in these airworthiness criteria would be needed for the aircraft to be approved to operate under IFR.

Lastly, the FAA received numerous comments noting that the airplane levels prescribed by § 23.2005 should no longer be referenced in these criteria, as they apply to conventional airplanes and not to a powered-lift. The FAA agrees and has revised the airworthiness criteria accordingly.

Technical Areas in General Order of the Airworthiness Criteria Sections

Aircraft Performance, Handling, and Control

The FAA received and reviewed comments from Alaka'i, Airbus, ALPA, ANAC, ASD-Europe, EASA, GAMA, Leonardo, Lilium, Odys, Overair, Rolls-Royce, Skydrive, TCCA, Vertical Aerospace, Volocopter, and an anonymous commenter requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to aircraft performance, handling, and control for the Model M001.

The FAA received a comment noting the inconsistent use of terms when referring to the applicable atmospheric references proposed in AM1.2105, AM1.2115, and AM1.2130. Under AM1.2105(a), performance requirements at atmospheric conditions must be applied to all requirements in Subpart B unless otherwise prescribed, including AM1.2115 and AM1.2130. The FAA modified AM1.2115 and AM1.2130 to include fixed performance parameters for takeoff and landing, respectively; however, this does not negate the requirement to account for atmospheric conditions as denoted in AM1.2105(a). One commenter suggested adding “at sea level” to AM1.2105(a), consistent with the language for levels 1 and 2 low-speed airplanes in part 23. The FAA disagrees. AM1.2105(a) as proposed achieves the intended safety objectives and aligns the airworthiness criteria with the appropriate level of safety intended by utilizing appropriate standards from both parts 23 and part 27, with revisions specific to the Model M001. The FAA did not modify AM1.2105(a) as a result of this comment.

The FAA received comments that stated a concern that proposed AM1.2105(b)(1) inadvertently limits airport altitudes to 10,000 ft. The FAA agrees and has changed the airworthiness requirement to develop performance data to the maximum altitude for which certification is being sought.

The FAA also received a comment requesting clarification whether the 10,000 feet specified in AM1.2105(b)(1) should be expressed in either mean sea level or above ground level. The language in AM1.2105 is consistent with the existing airworthiness standard § 23.2105 and is referenced to the altitude above sea level. No change was made as a result of this comment.

One commenter requested revision of AM1.2105(c), stating the rule is too vague and recommending that a minimum crosswind limit be established similar to parts 27 and 29. The FAA agrees with the need for a minimum crosswind limit and revised AM1.2135(a)(6) in response to similar comments to specify a minimum of 17 knots all azimuth capability. The FAA did not change AM1.2105(c) as a result of these comments.

The FAA received comments about AM1.2105(f) expressing confusion about what the phrase “critical loss of thrust” means relative to a powered-lift design of the Archer M001 type.” As mentioned previously, the FAA replaced the phrase “critical loss of thrust,” with a new term “critical

change of thrust” which is defined in AM1.2000.

Several commenters noted inconsistent utilization of the term “flight envelope” and requested clarification. One such instance was identified in AM1.2135(a), where the criteria referenced an “operating envelope.” The FAA’s intent was not to imply this flight envelope was different from others referenced in these airworthiness criteria. To be consistent, the FAA has generally replaced “operating envelope” with “approved flight envelope” where applicable such as AM1.2105(f) and AM1.2135(a), except for AM1.2425(b) and AM1.2710(d), where the proposed requirements define operating envelopes specific to the engine. Additionally, the FAA included AM1.2135(a)(7) to incorporate the steepest approach gradient within the approved flight envelope.

The FAA received several comments requesting clarification of the new term “loss of power or thrust” defined in proposed AM1.2000(b)(4) and used in proposed AM1.2105(g) to specify the required level of safety after a condition when the aircraft can no longer provide commanded power or thrust required for CSFL. This proposed term generated confusion with similar terminology referring to loss of thrust in other sections of the criteria. The FAA agrees that clarification is necessary and therefore has not adopted the “loss of power/thrust” definition in final AM1.2000. The FAA has also revised AM1.2105(g) by replacing the term “loss of power or thrust” with the definitional language from proposed AM1.2000(b)(4).

Several commenters asked for clarification on AM1.2105(g) and the use of system safety or operational mitigations as the compliance showing. The FAA modified AM1.2105(g) to provide additional clarity. Revised AM1.2105(g) is intended to assure that in the event of cockpit mismanagement, energy exhaustion, improper maintenance, or other failures, a controlled emergency landing can be achieved. AM1.2105(g) establishes safety objectives and the FAA’s acceptance of a specific means of compliance is beyond the scope of these airworthiness criteria.

A commenter asked for clarification on AM1.2105(g) as to whether a conventional forward landing would be an acceptable mitigation for loss of power or thrust. A conventional forward landing may be acceptable if the aircraft is capable of a controlled emergency landing in that configuration. No

changes were made as a result of this comment.

The FAA received comments requesting that the FAA more explicitly state that the speed for thrust-borne flight in AM1.2110 and AM1.2150 may include hover. The minimum safe speed determined in AM1.2110 must cover all phases of flight (including hover) and all sources of lift, and AM1.2150 uses that minimum safe speed. As such, no change to the criteria is necessary.

The FAA also received a request to revise AM1.2110 to require minimum safe speed for “each flight condition and configuration” instead of only for each flight condition. The FAA disagrees. The phrase “flight condition” includes the aircraft configuration, phases of flight, and the sources of lift. No change to the criteria is necessary.

Several commenters stated that the proposed airworthiness criteria for takeoff performance in AM1.2115, climb performance in AM1.2120, and landing performance in AM1.2130 do not establish sufficient minimum performance requirements to meet the public’s expectations and levels of safety. One commenter recommended rewording paragraph (b) of AM1.2115, AM1.2120, and AM1.2130 to require the applicant to account for a range of engine or distributed propulsion system failures instead of accounting for loss of thrust.

As explained previously, the FAA recognizes the need to clarify the difference in requirements for “essential” and “increased” performance levels as defined in AM1.2000(b)(1) for the Model M001 with respect to the takeoff, climb, and landing performance criteria of AM1.2115, AM1.2120, and AM1.2130, respectively. The FAA has revised these performance requirements to include scenarios for all engines operating and for critical changes of thrust. As revised, AM1.2115, “Takeoff performance” addresses all engines operating, as well as critical change of thrust conditions, for both essential and increased performance levels. Essential performance level requirements ensure all engines operating takeoff capability and the capability to perform either a safe stop or safe landing following a critical change of thrust. Increased performance, while similar for safe stops, defines the requirements for continued takeoff following a critical change of thrust, including the capability to continue the climb and then subsequently achieve the configuration and airspeed specified for increased performance in AM1.2120, “Climb Performance.”

The FAA revised AM1.2120 to establish targets for both essential and increased climb performance for all engines operating, as well as after a critical change of thrust, as defined in AM1.2000. The FAA developed essential and increased climb performance requirements with all engines operating using part 23 requirements. Essential performance also requires that the applicant assess critical change of thrust impacts on takeoff and climb performance capabilities. Increased performance after a critical change of thrust defines minimum criteria utilizing part 23 and part 27 Category A climb requirements, dependent on the takeoff flight path and sources of lift defined in AM1.2000 along that path.

Multiple commenters requested clarity on where glide and autorotation performance are captured. The FAA added AM1.2120(e), which requires the applicant determine the performance for gliding or autorotation.

The FAA received a number of comments noting the lack of specificity in proposed AM1.2130. The comments noted that AM1.2130 was overly vague and did not provide enough substantive detail to support the intent of the criteria. The FAA agrees and has revised AM1.2130 to ensure the level of safety and capability for essential and increased performance for takeoff in AM1.2115 is consistent with the level of safety and capability for essential and increased performance for landing in AM1.2130. Landing under AM1.2130 now contains requirements for both essential and increased performance levels, such that the aircraft must be able to make a landing upon a critical change of thrust. For increased performance, the FAA has also included a minimum criterion to safely transition to a balked landing condition following a critical change of thrust.

The FAA received a comment that determining the performance for all potential partial loss of power conditions in proposed subpart B may be impractical. The FAA agrees. As mentioned previously, a new term, “critical change of thrust” has been defined in AM1.2000 to identify the most critical thrust-related failure condition(s) for the Model M001 powered-lift. This term requires consideration of the most adverse effect on performance or handling qualities. The FAA modified AM1.2115, AM1.2120, AM1.2125, and AM1.2130 to use this new definition of critical loss of thrust.

A commenter requested clarification on the phrase “applicable sources of lift” in AM1.2135(a)(2). During a

specific phase of flight, an aircraft design may only allow for a singular source of lift during that phase of flight. In other phases of flight, one or more sources of lift may be possible. Therefore, “applicable sources of lift” refers to only those allowable by the aircraft design. No changes were made as a result of the comment.

Multiple commenters requested the FAA establish an additional limit flight envelope which would establish the controllability limits of the aircraft. The FAA does not agree with this request. The FAA intended proposed AM1.2135 to establish the regulatory requirement for controllability that is used to define the approved flight envelope. The FAA recognizes that excursions outside of the aircraft’s approved flight envelope can occur and must be considered from a safety perspective. The FAA has replaced the proposed requirement of § 23.2160(a) with new AM1.2160 to address speed excursions beyond the approved flight envelope.

The FAA received multiple comments requesting the FAA utilize the multiple flight envelope concept in EASA’s SC-VTOL, in lieu of the proposed minimum safe speed requirement in AM1.2110. The commenters stated that the FAA’s proposed requirement may be appropriate for wing-borne flight, but it is not appropriate for other aircraft configurations. The FAA determined that the establishment of a minimum safe speed and an approved flight envelope establishes a level of safety for the Model M001 that is consistent with the safety levels as established in parts 23 and 27.

The FAA also received comments seeking clarification on atmospheric effects, scoping, and sources of lift in regard to AM1.2110. The intent of that requirement is to address flight conditions in normal operation considering the most adverse conditions, which includes adverse atmospheric effects. Accordingly, no change to this requirement is necessary. Establishment of minimum safe speeds in regard to specific sources of lift will be established through the issue paper process.

Regarding controllability, the FAA received comments asking the FAA to adopt the requirement in § 23.2135(a)(3), to address “likely reversible flight control or propulsion system failure,” instead of proposed AM1.2135(a)(3), which requires addressing “likely flight-control or propulsion-system failure.” Commenters further clarified that they believed flight controls are fully addressed by the proposed requirement that the Model M001 comply with

§ 23.2510. The FAA disagrees and determined that specific airworthiness criteria for controllability are needed to address the integration of the advanced flight-control system and the propulsion-system. In addition, AM1.2135(a)(3) is to ensure that likely failures not included in the system safety process of § 23.2510 are addressed and that failures that are included have an adequate handling quality assessment which is outside the scope of § 23.2510. No changes were made as a result of these comments.

The FAA also received a comment requesting that the flight control system be subjected to the same requirements found in AM1.2705, AM1.2710, AM1.2713, and AM1.2727 for the engine control system due to the highly integrated nature of these systems. The FAA disagrees as the engine control system and flight control system are not integrated into one system. No changes were made as a result of this comment.

One commenter asked the FAA to remove AM1.2135(a)(5) because the requirements of proposed Subpart F would sufficiently mitigate this hazard. The FAA disagrees. AM1.2135(a)(5) requires controllability evaluation using approved flight test methods of compliance. The requirements in Subpart F, which apply to equipment, do not adequately address this concern. No changes were made as a result of this comment.

The FAA received a comment to modify AM1.2135(a)(5) to remove the phrase “not shown to be extremely improbable.” The FAA disagrees. Removing this phrase would require the applicant to address all failure conditions regardless of their probability. The FAA included this phrase to limit the cases where handling qualities are evaluated to those conditions not shown to be extremely improbable to limit the applicant’s burden. No changes were made as a result of this comment.

Several commenters requested that a minimum level of safety be established with respect to proposed AM1.2135(a)(6), which requires that the aircraft can land safely in wind conditions. Multiple commenters questioned whether AM1.2135(a)(6) was only applicable to thrust-borne flight. The FAA concurs that a minimum level of safety should be defined and has amended AM1.2135(a)(6) to contain a more prescriptive all-azimuth minimum wind speed requirement of 17 knots. This minimum wind limit is applicable to the thrust-borne operations and is consistent with requirements for parts 27 and 29 rotorcraft.

The FAA received a comment that the term “loading” in proposed AM1.2135(a)(1) needed to be revised to include energy level considerations (*i.e.*, degraded or low battery). Energy level considerations are covered under AM1.2135(a)(3), (a)(5), and (b), which address propulsion system failures, flight control system operating modes and critical control parameters such as limited-control power margins, respectively. Propulsion system failures include the electrical distribution and batteries. The same commenter proposed adopting a new requirement to address a rolling takeoff in maximum crosswind. The situation noted by the commenter is already addressed by AM1.2135(a)(2), which covers all phases of flight (*e.g.*, takeoff for the approved flight envelope including crosswinds). No changes were made as a result of these comments.

Multiple commenters asked for clarity on the phrases “critical control parameters” and “limited control power margins” in AM1.2135(b). The phrase “critical control parameters, such as limited control power margins” is intended to capture parameters or limits in which the aircraft is control or performance limited. The applicant must define these parameters as they apply to their unique design. No changes were made as a result of these comments.

The FAA received a comment recommending that “change from one flight condition to another” be replaced with “transition from one flight condition to another” in AM1.2135(c). The FAA agrees and has updated AM1.2135(c) accordingly.

Several commenters stated that the language utilized from part 23, pre-amendment 23–64, in the development of proposed AM1.2145 did not provide appropriate granularity between static and dynamic stability and sources of lift for a powered-lift. The FAA agrees and has revised the requirements in AM1.2145 to account for the difference in stability requirements that arise between wing-borne, semi-thrust-borne, and thrust-borne flight for the Model M001.

The FAA received comments asking the FAA to provide specific likely failure cases to be considered in addition to more detailed control feel requirements in proposed AM1.2145(a). The FAA partially concurs with these comments. The intent of AM1.2145(a) is for the applicant to identify likely failures that may be encountered in service that are not addressed by system safety analysis; those could include mechanical or other single point failures. The FAA has revised the

language in AM1.2145(a) to improve clarity but did not concur with the commenters’ request to identify specific failure conditions, including detailed control feel requirements.

The FAA also received a comment seeking clarity on the term “unstable” in AM1.2145(b). The FAA revised proposed AM1.2145(b) (now AM1.2145(c), due to changes discussed previously) to clarify that the intent is to ensure dynamic stability characteristics. The FAA intends “unstable” to mean the same as is stated in the criteria: that the characteristics do not increase the pilot’s workload or otherwise endanger the aircraft and its occupants.

The FAA also received comments regarding aerobatics and whether such proposed criteria are applicable to this class of vehicle or if instead the criteria should be better tailored to Archer’s design. The FAA agreed and revised AM1.2145 and AM1.2150 accordingly with the recognition that Archer is not seeking approval for aerobatics for the Model M001.

The FAA received a comment that proposed AM1.2150 may be adequate for wing-borne operation but not thrust-borne operation. The FAA agrees and has revised AM1.2150 to address all sources of lift.

The FAA also received a comment questioning the terminology “critical loss of thrust” in proposed AM1.2150(b). The FAA agrees this term was inappropriate for an aircraft capable of vertical takeoff and landing operations because it requires a hazardous test condition that would result in an initial adverse environment, which was not the intent. The FAA has updated AM1.2150(c) (previously proposed AM1.2150(b)) to replace “critical loss of thrust” with “sudden change of thrust” to remove this hazardous condition and to distinguish it from the term “critical change of thrust” defined in AM1.2000. The FAA intends the term “sudden change of thrust” to refer to short-term commanded thrust changes, whether directly by the pilot or from the flight control system in normal operation. The FAA received comments on proposed AM1.2150 that a maximum speed limitation may be necessary to prevent loss of control on a powered-lift. The FAA agrees with the commenters, but because AM1.2150 relates to minimum safe speed requirements, the FAA has revised AM1.2160 to include this safety requirement in AM1.2160(b).

The FAA received a comment requesting clarification on the applicability of § 23.2155. The commenter questioned the necessity for

this requirement with the assumption that powered-lift do not taxi under their own power. The FAA disagrees that this requirement should not be adopted as proposed, as the Model M001 has the ability to taxi. No changes were made as a result of the comment.

The FAA also received a comment on proposed AM1.2140(c) suggesting the removal of “multi-engine.” The commenter stated that because the Model M001 is a multi-engine aircraft, including this term adds no value and may create confusion. The FAA agrees and did not adopt the reference to “multi-engine aircraft.”

Finally, the FAA received several comments about AM1.2140(c)’s use of the language, “loss of thrust not shown to be extremely improbable” in the context of trim system requirements. As mentioned previously, a new term, “critical change of thrust” was defined in AM1.2000 to provide an equivalent term adapted to the Model M001 design. The FAA modified AM1.2140(c) to use “critical change of thrust” as a result.

One commenter noted that proposed AM1.2140(a) should not be limited to just cruise flight. The FAA agrees and has removed the reference limiting the requirement to cruise flight. Additionally, commenters expressed a concern that normal phases of flight utilized in proposed AM1.2140(a) and the flight conditions identified in proposed AM1.2140(b) may create some confusion. The FAA agrees and has revised the language in AM1.2140(a) to specify “normal operations” instead of “normal phases of flight.”

One commenter requested the FAA change the phrase “level flight” to “cruise” in AM1.2140(b)(2). AM1.2140(b)(2) references flight conditions and not phases of flight, and therefore “level flight” is appropriate. The commenter also requested the FAA add “hover” to AM1.2140(b). Hover does not have a longitudinal component, and as such trim in that axis is not applicable. Adjustments of trim may not apply any discontinuities as identified in AM1.2140(c). No changes were made as a result of these comments.

The FAA received comments concerning the use of the term “trim” in proposed AM1.2140 and questioning its appropriateness with fly-by-wire control systems that do not use traditional trimming arrangements. The FAA finds the requirements in AM1.2140 applicable because the Model M001 fly-by-wire flight controls may implement a trimming function rather than conventional trim device tabs or bias springs. Such a function would be equivalent to a trim or auto-trim device.

No changes were made as a result of these comments.

One commenter requested that the FAA replace the term “primary flight controls” in proposed AM1.2140(a) and (b) with the term “inceptor.” The FAA disagrees. Although inceptors and effectors may fall under the term “primary flight controls,” the FAA does not find this change necessary as it prescribes a specific implementation of technology. No changes were made as a result of this comment.

Icing

The FAA received and reviewed comments from Airbus, ALPA, EASA, GAMA, Overair, and TCCA requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to flight into known icing (FIKI) conditions as well as inadvertent icing encounters. Specifically, commenters requested the FAA explain why references to icing conditions requirements were excluded, revise the level of prescriptiveness of the criteria, and remove FIKI requirements because the Model M001 is not seeking FIKI approval at this time. At the same time, the FAA received comments requesting the FAA include more specific requirements for FIKI conditions.

Based on numerous comments received noting that Archer does not seek approval for FIKI on the Model M001 at this time, the FAA did not adopt proposed AM1.2165(a). Proposed AM1.2165(b) and (c), which address inadvertent icing encounters, remain applicable to the Model M001, and have been renumbered to AM1.2165(a) and (b), accordingly. AM1.2415 is similarly intended to capture any aircraft icing during an inadvertent encounter that adversely affects powerplant operation.

The FAA received comments requesting the FAA include requirements for recirculating snow and accumulation of ice and snow, because smaller rotors and airfoils, such as those on the Model M001, are known to be susceptible to the effects of snow and icing. The FAA agrees with concerns regarding the effect of scale on ice accretion, but finds they are addressed by proposed AM1.2165(b) (AM1.2165(a) in these final criteria) for an inadvertent icing encounter. Recirculating and accumulation of snow are foreseeable conditions addressed by § 23.2415(a) for engine operation and by AM1.2600(a) for flightcrew visibility considering accumulations on the windshield due to recirculating snow.

The FAA received requests to remove proposed AM1.2165(b) since the Model M001 powered-lift is not seeking FIKI approval. The FAA does not agree, as

proposed AM1.2165(b) (AM1.2165(a) in these final criteria) addresses inadvertent icing encounters, not FIKI. The relatively low revolution speed and resulting low centrifugal acceleration effect on ice shedding capability, as well as the effect of increased torque on electric engines, need to be addressed in an inadvertent icing encounter.

Lastly, the FAA received several comments on proposed AM1.2165(a), requesting that the FAA explain why the reference to the icing conditions defined in appendix C of part 25 was excluded from these airworthiness criteria. Because Archer is not seeking FIKI approval at this time, the FAA determined in response to comments from EASA, GAMA, and Overair, that proposed AM1.2165(a) should not be adopted in these final airworthiness criteria. Should Archer seek icing certification through an amendment to their type certificate after initial type certification, appropriate icing standards will be defined as part of that project. This will allow Archer to seek a standard that reflects their operating limitations and specifics of their design.

Structural Design Loads

The FAA received comments from Airbus, ALPA, EASA, Rolls-Royce, and TCCA requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to structural design loads for the Model M001, including vibration and buffeting, flight modes, and wing borne vs. thrust-borne design loads.

The FAA received a comment to modify § 23.2215(a) to cover the whole operational envelope of the aircraft. The FAA does not agree. The objective of this criteria covers the structural design envelope, which may exceed the operational envelope requirement recommended by the commenter. No changes were made as a result of this comment.

A commenter recommended the FAA include the structural requirement for vibration and buffeting and harmonize with EASA’s SC-VTOL.2215(b) for powered-lift, by adding “Vibration and buffeting must not result in structural damage up to dive speed, within the limit flight envelope” to § 23.2215.

The FAA agrees that vibration and buffeting must not result in structural damage, but the FAA does not agree to use the SC-VTOL.2215(b) language. The FAA finds that EASA’s scope for vibration and buffeting in SC-VTOL is not sufficient for powered-lift. The FAA instead moved the proposed requirement to comply with § 23.2215 to AM1.2215(a) and added a new paragraph (b), which states, “There

must be no vibration or buffeting severe enough to result in structural damage, at any speed up to dive speed, within the structural design envelope, in any configuration and power-setting.”

Two commenters requested the FAA clarify the transitional flight mode for engine-driven lifting-device assembly provisions per AM1.2225(d). The commenters pointed out that the structural loads requirements for this special class of aircraft include loads resulting from the transitional flight phase that are not considered under loading conditions in parts 23 and 27. Specifically, the commenters were concerned that propellers, when repositioned in-flight relative to the aircraft primary axis, may introduce unique load cases relative to conventional propeller loads that would impact the static strength evaluations. The commenters recommended the FAA capture requirements for loads in all phases of flight by revising AM1.2225(d). One commenter requested revising AM1.2225(d) to read “Engine-driven lifting-device assemblies, considering loads resulting from flight (including transitional flight mode) and ground conditions, as well limit input torque at any lifting-device rotational speed.” Another commenter requested revising AM1.2225(d) to read “Engine-driven lifting device assemblies, considering loads resulting from flight and ground conditions, limit input torque at any lifting-device rotational speed as well as propeller holding or clocking (locking) conditions of applicable.”

The FAA agrees that all powered-lift flight configurations need clarification for the calculation of structural design loads for transitional flight phases. The FAA also recognizes that changes in propeller “disk” orientation during flight will affect aircraft loads resulting from the aerodynamic influence of the propellers on the aircraft. Similarly, the FAA considers it likely that aircraft aerodynamics loads will influence the propeller aerodynamic loads. Therefore, the FAA concluded that proposed AM1.2200 Structural Design Envelope should be revised instead of AM1.2225 (as suggested by the commenters) to include, “Thrust-borne, wing-borne, and semi-thrust-borne flight configurations, with associated flight load envelopes.” The FAA added AM1.2200(g) accordingly.

Multiple commenters asked for clarity on the requirements in AM1.2225(d) and whether the intent of that criteria could be shown through means of compliance with AM1.2225(a). The FAA disagrees. AM1.2225(a) is specific to loads for the engine mount, whereas

AM1.2225(d) is specific to lifting device assemblies.

Multiple commenters requested the FAA provide clarification in AM1.2200(b) with respect to appropriate design maneuvering load factors for powered-lift designs. The intent of AM1.2200 is to describe the various design envelopes that must be considered by the applicant in the loads analysis. No changes were made as a result of these comments.

One commenter requested that the FAA define the term “sufficiently” in AM1.2200(a)(1) and (2). As explained in the notice of proposed criteria, the FAA based proposed AM1.2200 on § 23.2200, with revisions to address the powered-lift structural design envelope. The terms “be sufficiently greater” in AM1.2200(a)(1) and “provide sufficient margin” in AM1.2200(a)(2) have the same meaning, and will be applied to the Model M001 in the same manner, as in § 23.2200(a)(1) and (2). No changes were made as a result of the comment.

EASA stated that AM1.2200(e), which proposed to require that the applicant account for each critical altitude up to the maximum altitude, does not consider redistribution of loads if deflections under load would significantly change the distribution of external or internal loads. EASA also requested the FAA revise AM1.2200(e) similar to EASA SC-VTOL.2200(e). The FAA does not concur, as the critical altitude and redistribution of loads requirement in SC-VTOL.2200(e) is already captured by AM1.2200(e) and § 23.2210. No changes were made as a result of this comment.

The FAA received multiple comments questioning the requirement to use service history in the development of the design load maneuvering factors in AM1.2200(b), since the Model M001 has no service history. One commenter requested the FAA add specific language to the airworthiness criteria that points to using service history from existing normal category aircraft. The FAA agrees that the service history utilized in this showing should come from service experience from both rotorcraft and small airplane service history. However, the FAA disagrees that a change to the airworthiness criteria is necessary.

One commenter recommended the FAA revise proposed AM1.2225 to be more generic by specifying source of loads for any relevant structural components, and not only the components specific to the Model M001. The FAA disagrees, as these airworthiness criteria are specific to the applicant’s design.

Structures

The FAA received and reviewed comments from ASD–Europe, Airbus, EASA, GAMA, Leonardo, Lilium, Overair, Odys, TCCA, Volocopter, and an anonymous commenter requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to aircraft structure for the Model M001.

Several commenters suggested adding the level 4 airplane requirements for damage tolerance in § 23.2240(b) to AM1.2240 to incorporate damage tolerance principles. The FAA partially concurs with the recommendations of the commenters and has clarified AM1.2240(b) consistent with the FAA’s long-standing policies regarding use of fail-safe methodology in conjunction with damage tolerance inspections. Fail-safe methodologies, also referred to as safety-by-design, incorporate multi-load-path structure (*i.e.*, redundant load paths) to act as back-up structure should any one of the original load paths (*i.e.*, fail-safe structure) fail. Damage tolerance (*i.e.*, safety-by-inspection) is a property of structure relating to its ability to sustain defects safely until those defects can be detected.

The FAA does not agree that adoption of § 23.2240(b) is necessary or appropriate, as this requirement is specific to airplanes that meet the definition in § 23.2005 for a Level 4 airplane that can carry 10–19 passengers. The § 23.2240(b) requirement for Level 4 airplanes was derived from § 23.574 at amendment 23–48 and excluded the option to use fail-safe methodologies for commuter category airplanes (Level 4). In addition, § 23.574(a) requires the use of damage tolerance and allows the use of safe-life in § 23.574(b) only when damage tolerance is found to be impractical.

Damage tolerance is one available option to use when complying with AM1.2240(a), along with the options to use safe-life and fail-safe methodologies, provided the fail-safe option relies on damage tolerance or safe life as stipulated in numerous FAA policies including AC 27–1B, “Certification of Normal Category Rotorcraft”; AC 23–13A, “Fatigue, Fail-Safe, and Damage Tolerance Evaluation of Metallic Structure for Normal, Utility, Acrobatic, and Commuter Category Airplanes”; and AC 91–82A, “Fatigue Management Programs for In-Service Issues.” The FAA notes further that the intent of adding AM1.2240(b) to these final criteria was to incorporate inspection when the fail-safe method is used. Incorporating inspections addresses long-standing and known deficiencies with fail-safe methodologies on all part

23 airplanes, as clarified in the preamble to the Notice of Proposed Rulemaking (NPRM) for amendment 23–64, in which the FAA identified potential shortcomings in the ability to detect all possible failure scenarios and ensure that all structural failures would be immediately obvious and corrected before further flight. The intent of structural durability requirements in both §§ 23.2240(a) and 27.571 is to use the appropriate application of safe-life or damage tolerance principles to ensure that fail-safe structure maintains the required safety margins without extended periods of operation with reduced safety margins.

The FAA agrees with the commenters that further clarification on the stipulations that govern the use of fail-safe methodologies should be included in the Model M001 criteria to reiterate the FAA's requirements in this regard. Consequently, the FAA has added a new AM1.2240(b) that reflects the intent of § 27.571(d) together with amendment 23–64 and associated policies to incorporate damage tolerance principles into powered-lift. The requirements in AM1.2240(b) will mitigate deficiencies in the fail-safe option and will apply to the Model M001 structure beyond those elements specifically identified by § 27.571. This is consistent with § 21.17(b), which directs the FAA to use the requirements from existing airworthiness standards, as appropriate, to determine the level of safety for the aircraft.

Multiple commenters requested that the FAA align AM1.2240(c) with EASA SC–VTOL.2240(d). The FAA notes that AM1.2240(c) is similar to SC–VTOL.2240(d), although SC–VTOL.2240(d) refers to “lift/thrust unit” instead of “engine.” The EASA term “lift/thrust unit” includes the engine and propeller or rotor assembly. This topic is an ongoing discussion with foreign certification authorities. For the Model M001, other rotating parts within the system, except for propeller blades or rotors, should be evaluated using typical rotor burst methods, including shielding where practical.

The FAA received a comment to move AM1.2240(c) to outside of Subpart C Structures. The FAA disagrees as AM1.2240(c) is a requirement specific to structural durability and is appropriately included in AM1.2240, which is consistent with § 23.2240. No changes were made as a result of this comment.

Several commenters requested the FAA align § 23.2250(c) with the failure criteria in EASA SC–VTOL.2250(c). SC–VTOL.2250(c) contains a requirement for Category Enhanced that a single

failure must not have a catastrophic effect upon the aircraft. The FAA's airworthiness criteria do not contain requirements equivalent to EASA's “Category Enhanced” requirements. However, the changes to AM1.2240(b) in these final criteria require inspections capable of reliably detecting damage before it leads to structural failure, thereby mitigating the occurrence of catastrophic failures. The FAA also changed the proposed requirement to comply with § 23.2250(c) to new AM1.2250(c) to require the applicant to prevent single failures from resulting in a catastrophic effect upon the aircraft.

The FAA received a comment requesting the airworthiness criteria include a requirement to address corrosion on metallic or semi-metallic structure components resulting from high voltage difference of electric potential. The FAA does not concur. AM1.2240(a) provides an appropriate regulatory framework for addressing corrosion, as it embodies the safety intent of the prescriptive requirements in pre-amendment 64 regulations §§ 23.573 and 23.574, which directly address corrosion, among other factors, in both composite and metallic structure. This framework will be applied to the Model M001 in the same manner as § 23.2240 for normal category airplanes to address corrosion resulting from any source, including high voltage difference of electric potential. No changes were made as a result of this comment.

Multiple commenters requested clarification on the lack of environmental requirements in § 23.2260(e), which applies to only thermal effects. Environmental effects are addressed in § 23.2260(a), and as such the FAA made no change as a result of these comments.

Aeroelasticity & Aeromechanical Stability

The FAA received and reviewed a comment from Volocopter requesting the FAA revise the proposed requirement to comply with § 23.2245 to provide further clarity regarding definitions used in the requirement, specifically whether the probabilities of malfunctions that can affect aeroelastic stability are aligned with those in EASA's SC–VTOL.2245. The FAA has revised the proposed requirement as new AM1.2245 to specifically require that component and rotating surfaces be free of any aeroelastic instability under each appropriate speed and power condition. Additionally, the FAA determined that the related issue of aeromechanical stability should similarly be addressed but does not

consider it to be covered under the subject of aeroelasticity. Therefore, the FAA created a new section AM1.2241, “Aeromechanical stability,” incorporating requirements from rotorcraft airworthiness standards, similar to ground resonance requirements in § 27.241, to address aeromechanical instabilities considered possible for the Model M001 when operating in thrust-borne and semi-thrust-borne flight.

Flight Controls

The FAA received and reviewed comments from Airbus, ANAC, ASD–Europe, EASA, GAMA, Leonardo, Lilium, Overair, and TCCA, requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to flight controls for the Model M001.

The FAA received a comment stating that 14 CFR part 23 amendment 23–64's requirements for flight controls should be sufficient for the Model M001 and the FAA should use those requirements. The FAA disagrees. Part 23 at amendment 23–64 did not envision the type or complexity of the design of powered-lift flight controls, such as those on the Model M001. No changes were made as a result of this comment.

The FAA received several comments that raised concerns with the suitability of proposed AM1.2300(b), which was developed from part 23 requirements for trim systems on normal category airplanes, for fly-by-wire powered-lift with distributed propulsion. The FAA concurs with the comments and modified proposed AM1.2300(b)(2) by replacing the specific trim indications with a requirement that the trim systems and functions provide information necessary for safe operation. The specific indications listed in proposed AM1.2300(b)(2)(i)–(b)(2)(iv), which summarize the prescriptive indications from 23.677(a) and ASTM F3232 section 4.4, may be used as means of compliance with final AM1.2300(b)(2) if they are applicable, or they may be modified for the novel implementation of trim functions on the Archer Model M001.

Commenters raised concerns over the flightcrew control margin awareness for fly-by-wire flight control systems and recommended including a requirement addressing this issue. The FAA concurs with the comments and has added AM1.2300(a)(3) requiring the flightcrew to be made suitably aware whenever the means of primary flight control approaches the limits of control authority. For the context of this airworthiness criteria, “suitably aware” indicates an appropriate balance

between nuisance alerting and necessary operation.

Two commenters asked for clarification of the term “indirect flight-control systems” in AM1.2300(c). The FAA agrees that this term caused confusion. The FAA did not adopt this term and instead revised AM1.2300(c) for clarity.

Several commenters stated that proposed AM1.2300 was overly prescriptive because the requirements could be better addressed in means of compliance and could conflict with automation in fly-by-wire flight controls. In contrast, other commenters stated that proposed AM1.2300 was insufficiently prescriptive and noted that regulations need to explicitly guide applicants, especially for novel aircraft, and specific requirements for awareness of reduced flight envelopes should be provided.

The FAA considered these comments and revised proposed AM1.2300 to be less prescriptive in instances where other requirements adequately address the same safety objective. The FAA did not adopt the proposed requirements in AM1.2300(c)(1), (c)(2)(i), and (c)(2)(iii) because they were redundant with other requirements and were unnecessarily prescriptive. The FAA added a more prescriptive requirement specifically for control margin awareness in response to these recommendations.

One commenter suggested a revision to the phrase “the onset characteristics of each protection feature is appropriate for the phase of flight and type of maneuver” in proposed AM1.2300(c)(2)(i). The FAA notes there should be no discontinuous inputs into the flight control system from envelope protection systems, but agrees that abrupt inputs may be necessary in some situations (e.g., preventing stall in response to an atmospheric disturbance). The FAA determined that this requirement is adequately addressed by AM1.2300(a)(1) and therefore did not adopt proposed AM1.2300(c)(2)(i).

The FAA received comments requesting clarification as to why the term “catastrophic” is not used in proposed AM1.2300(c)(2)(iii) while the term “hazardous” is used in proposed AM1.2710(f)(3). The FAA reviewed the comments and determined that AM1.2300(c)(2)(iii) is redundant to § 23.2510, and therefore did not adopt proposed AM1.2300(c)(2)(iii). For clarification, the FAA notes that AM1.2710 applies to the engines and addresses failure effects up to the hazardous level, whereas § 23.2510 applies to the aircraft and addresses failure effects up to the catastrophic

level. These safety levels are intentionally different. No engine failure is allowed to result in a catastrophic aircraft event. In addition, unlike § 23.2510, AM1.2710 does not permit using a probabilistic means to manage certain single-element parts that can fail and cause hazardous engine effects.

A commenter recommended defining the term “simultaneous limiting event” in AM1.2000. The FAA notes this term originates from unique conditions applied to fly-by-wire systems with envelope protection. It pertains to scenarios where multiple envelope limits could be exceeded. The FAA does not consider it necessary to define this term in AM1.2000.

The FAA received a comment on § 23.2305 requesting that the FAA add a requirement for parking brakes. The FAA disagrees. Section 23.2305(b) requires a reliable means of stopping the aircraft. One means to accomplish this may include a parking brake; however, the applicant may propose other means. No changes were made as a result of this comment.

Occupant System Design Protection

The FAA received comments from ALPA, EASA, GAMA, Lilium, Overair, Rolls-Royce, and TCCA on occupant system design protection requirements.

The FAA received comments seeking clarification on the proposed inclusion of the ditching exclusion in § 23.2315(a)(1) and a comment that this contradicts the proposed requirement to comply with § 23.2310 for seaplanes and amphibians. The FAA concurs that the language proposed caused confusion and has revised these proposed requirements. The FAA did not adopt the proposed requirement to comply with § 23.2310 as it is not applicable to the Model M001. The FAA maintained the scope of § 23.2315 (now AM1.2315) specific to the “cabin configured for takeoff or landing” but did not adopt the exclusion for ditching because the Model M001 is not seeking ditching approval. One commenter requested that the FAA require shrouding on propellers as these aircraft are planned to operate close to people or property. The FAA does not concur with the comment. AM1.2315(a)(1), originally proposed as § 23.2315, requires that passenger doors are not located where propellers would endanger persons using the door. Operational requirements are also used to ensure safety of passengers, ground crews, and property, as required for existing aircraft. No changes were made as a result of the comment.

The FAA received comments regarding aerobatics and whether such

criteria are applicable to this class of vehicle or if the proposed criteria for aerobatics should be removed. The FAA removed the proposed requirement to comply with § 23.2315(b) because the Model M001 does not seek approval for aerobatics.

The FAA received comments asking the FAA to include the protection of occupants in proposed AM1.2320(a)(2). Another commenter asked for clarification of proposed AM1.2320(a)(2). Another commenter asked the FAA to modify proposed AM1.2320(a)(2) to protect the pilot, flight controls, and propulsion electrical power and control from propellers. The intent of proposed AM1.2320(a)(2) (now § 23.2320(a)(2) in these final criteria) is to protect the pilot and systems so the pilot can land the aircraft in the event of a propeller failure. Protection of the occupants embarking and disembarking is required by AM1.2315. Propulsion control is required by § 23.2320(a)(2) as a part of the flight controls on the Model M001. No changes were made as a result of these comments.

Bird Strike

The FAA received and reviewed comments from Airbus, Alaka'i, ALPA, ASD-Europe, EASA, GAMA, JCAB, Leonardo, Overair, TCCA, UKCAA, Vertical Aerospace, and Volocopter, requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to bird strike requirements for the Model M001.

Some commenters requested that the FAA increase the bird-impact size, while other commenters requested that the bird mass should not be prescribed, or a lower bird mass should be used with considerations for multiple bird strikes. Some commenters requested complete removal of the requirement, while other commenters only requested removal of the requirement for bird deterrence devices. Several commenters questioned the bird mass differences between the aircraft level requirement in proposed AM1.2320, the propeller requirement in § 35.36, and the bird ingestion evaluation in AM1.2718. One commenter requested the FAA align bird strike requirements with those in EASA SC-VTOL.

The FAA maintains the rationale presented in the notice of proposed airworthiness criteria for the proposed level of bird strike protection for the Model M001. The proposed requirements were based on the increased exposure to birds in the environment in which the Model M001 is expected to operate, the expectation of public safety, and the recommendations presented in the

Aviation Rulemaking Advisory Committee (ARAC) Rotorcraft Bird Strike Working Group (RBSWG) report.³

The safety level obtained with the 2.2-lb bird strike requirement for transport category rotorcraft (as established in § 29.631) has been demonstrated in service to be sufficient. Similarly, the existing bird strike requirement with a 4.0-lb bird for type certificated propellers (established in § 35.36) has also been demonstrated in service to be sufficient. The bird ingestion requirements in AM1.2718 are not driven by either of these bird sizes. Therefore, the proposed bird impact protection requirement remains unchanged and will retain the proposed 2.2-lbs at the aircraft level, while maintaining propeller requirements at 4.0-lbs in § 35.36.

The FAA also considered the comments received on the bird deterrent system requirement in proposed AM1.2320(b), and the FAA concurs with not adopting this proposal. Although the FAA is aware of some research supporting the use of such devices, the FAA agrees the data is insufficient to mandate such a system at this time. The FAA encourages applicants such as Archer to consider voluntary implementation of these systems or similar bird deterrence mitigations, as good design practice.

The FAA also received comments that questioned whether the bird strike requirement should be listed under proposed AM1.2320, "Occupant Physical Environment," since as written, it applies to more than just the occupant physical environment. The FAA agrees with these comments. The bird strike requirement placed in proposed AM1.2320 was intended and described in the notice as an aircraft-level requirement. Therefore, the FAA did not adopt proposed AM1.2320(b) and instead placed some of the requirements from proposed AM1.2320(b) into a new AM1.2311, "Bird Strike" in Subpart D, "Design and Construction," to reinforce its intent as a general, aircraft-level requirement. Lastly, several commenters expressed concern with flocking bird strikes that could affect multiple engines at the same time and recommended this be addressed by the ingestion requirements in AM1.2718(a). The FAA notes that the airworthiness criteria in Subpart H apply to each single engine used in the aircraft distributed propulsion system.

The requirements in AM1.2718(a) address ingestion from likely sources such as foreign objects, birds, ice, and hail, and are intended to capture engine effects from any ingestion source determined to be applicable to the Archer electric engine design. Common cause effects across multiple engines will be addressed under the applicable aircraft-level requirements, including § 23.2510, so no change to the engine airworthiness criteria is necessary.

Fire and High Energy Protection

The FAA received and reviewed comments from Airbus, EASA, GAMA, JCAB, Lilium, Odys, Overair, TCCA, and Volocopter requesting that the FAA revise, remove, or clarify proposed airworthiness criteria related to fire and high energy protection on the Model M001.

Several commenters recommended the FAA revise §§ 23.2325 and 23.2270 to protect against fires in baggage and cargo compartments propagating and creating an unsafe condition. The commenters suggested incorporating requirements similar to those in EASA SC-VTOL.2270, and further recommended clarifying proposed § 23.2325 by removing the references to part 23 airplane certification levels.

The FAA agrees with the need to mitigate the risk of fires in baggage and cargo compartments, commensurate with the intended level of safety for the Model M001. The FAA reviewed the baggage and cargo compartment fire protection requirements in parts 23 and 27, the intended operational uses of the Model M001, and the EASA SC-VTOL requirements. The proposed airworthiness criteria did not require the design to alert the pilot of a fire in a baggage or cargo compartment, or require these compartments be constructed of or lined with fire resistant materials to protect the aircraft and occupants if the pilot was unaware of a baggage or cargo compartment fire. However, part 27 contains requirements to protect rotorcraft occupants from the risk of fire in a baggage compartment through the use of flame and fire resistant materials in its construction. The FAA revised proposed § 23.2325 (now AM1.2325) by removing the part 23 airplane certification levels. The FAA also added AM1.2325(e) requiring that the Model M001 baggage and cargo compartments be constructed of or lined with fire resistant materials, similar to § 27.855(a)(2), or be equipped with a fire or smoke detection system to allow the pilot to take immediate action to land, or be located where a fire would be visible to the pilots and accessible for the manual extinguishing of a fire,

which adopts some elements of SC-VTOL.2270.

A commenter recommended the FAA revise proposed § 23.2325 to be more generic by specifying performance-based safety objectives. The FAA does not agree, as the revisions to proposed § 23.2325 (now AM1.2325) discussed previously are specific to the Model M001.

The FAA received comments recommending retaining the language in § 23.2330 of "designated fire zone" in lieu of the proposed AM1.2330 "fire zone." The term "fire zone" includes designated fire zones and new fire zones developed to address fire threats from new technologies. Much of existing guidance is defined for designated fire zones, which assume a fire involving kerosene or aviation gasoline. Other terms will be determined by the applicant, including designated fire zones, to distinguish between different types of fire zones and the fire threat that exists in those zones. The difference in language does not impose requirements beyond the intent of part 23, and also allows new fire zones to be established for aircraft using non-conventional propulsion and energy supply. No changes were made as a result of these comments.

The FAA received a comment to align the language in AM1.2330(a) and AM1.2330(b) ("fire zone") with the language in SC-VTOL.2330 ("designated fire zone"). As discussed above, the FAA has moved away from using the term "designated fire zone." EASA SC-VTOL.2330(a) is broader than AM1.2330(a) and includes additional components by applying to "flight critical systems" instead of only "flight controls." Although AM1.2330 is not as broad as EASA SC-VTOL.2330(a) as far as the scope of components, it is broader with respect to the types of fire zones that those components must address, by using the term "fire zone" instead of "designated fire zone." Protection of flight critical systems other than flight controls and ensuring CSFL after a fire or release of stored energy are addressed in AM1.2440 and § 23.2510.

The FAA received multiple comments to add survivable emergency landing fire protection requirements to § 23.2325. The FAA notes that such conditions are already covered by AM1.2430(a)(6), which states that each energy system must be ". . . designed to retain energy under all likely operating conditions and to minimize hazards to occupants and first responders following an emergency landing or otherwise survivable impact (crash landing)." No changes are necessary as a result of these comments.

³ ARAC RBSWG Report, Rev. B, May 8, 2019, page 15, Section "Bird Mass" (ARAC RBSWG Report), https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/ARAC%20RBSWG%20Final%20Report%20Rev.%20B.pdf.

The FAA received a comment to add a requirement to AM1.2335 to minimize the risk of electrical shock to the crew, passengers, and service and maintenance personnel, similar to the requirement in § 27.610(d)(2). This concern is adequately addressed by proposed AM1.2335(b), which requires the appropriate protection against hazardous effects caused by accumulation of electrostatic charge. No changes were made as a result of this comment.

The FAA also received a comment to revise AM1.2335(b) to require protection against catastrophic and hazardous effects. The proposed airworthiness criteria state that the aircraft must be protected from hazardous effects, which represent the minimum hazard level that must be addressed; by definition, this requires that catastrophic effects must also be addressed. No changes are necessary as a result of this comment.

The FAA received comments questioning proposed AM1.2440 in lieu of requiring compliance with § 23.2440 for powerplant fire protection. AM1.2440 is more performance-based, allowing for all powerplant related fire protection concerns to be covered by a singular airworthiness criteria. No changes are necessary as a result of this comment. The FAA received comments recommending replacing the term “powerplant system” in AM1.2440 with “powerplant” or “powerplant installation.” The FAA does not concur as the proposed terminology is consistent with § 23.2410. No changes were made as a result of these comments.

Propulsion Safety and Integration

The FAA received comments from Airbus, ASD-Europe, EASA, GAMA, Leonardo, Lilium, Odys, Overair, TCCA, Rolls-Royce, and Volocopter requesting that the FAA revise, remove, or clarify the proposed airworthiness criteria related to propulsion safety and integration on the Model M001.

Proposed AM1.2405(d) specifies “extremely remote” as an acceptable probability of failure for power or thrust control systems, assuming manual backup capability. Several commenters stated that reliance on manual backup control of power or thrust on distributed propulsion powered-lift is unlikely to be acceptably achievable to ensure CSFL, and that failure of the propulsion control system is potentially catastrophic. Commenters also stated that specifying the power or thrust control system failure probability as extremely remote may be inconsistent

with the extremely improbable requirement in AM1.2135.

The FAA agrees the airworthiness criteria should not specify an acceptable failure probability for power or thrust controls systems on a distributed propulsion powered-lift. Additionally, the FAA agrees that control of distributed propulsion powered-lift, using manual control of individual engines and propellers, should not be assumed. The FAA revised AM1.2405 by not adopting proposed paragraph (d). The appropriate hazard classification and failure probability for power or thrust control systems will be determined using the aircraft-level system safety process in § 23.2510, as well as AM1.2135, if controllability is affected.

The FAA received a comment that AM1.2405(b) and § 23.2410(a) contradict one another, with the suggestion to remove the phrase “if continued safe flight and landing cannot be ensured, the hazard has been minimized” from § 23.2410(a). The FAA disagrees. AM1.2405 establishes the safety objective for power or thrust control systems, whereas § 23.2410 is applicable to all powerplant systems and permits minimization of the hazard in limited cases. No changes were made as a result of this comment.

Multiple commenters recommended the FAA replace proposed AM1.2405 (power or thrust control systems) and AM1.2425 (powerplant operational characteristics) with a requirement to comply with §§ 23.2405 (automatic power or thrust control systems) and 23.2420 (reversing systems), or otherwise address those systems under the safety analysis requirements of § 23.2510. Commenters also recommended the airworthiness criteria be revised to allow the propulsion-control system to be evaluated along with the flight control system within the aircraft-level safety analyses required by § 23.2510. The FAA does not agree with these recommendations and notes that §§ 23.2405 and 23.2420 are not limited to functions defined in former §§ 23.904 and 23.933, as discussed in the preamble to part 23 amendment 23–64.⁴ As noted previously, the FAA agrees that for the Model M001, the engines and propellers should be considered part of the flight control system, to include at a minimum all equipment and systems used for control of pitch, roll, yaw, and vertical motion. Furthermore, the subsystem analysis required by AM1.2405 for the engine power or thrust control system does not relieve the applicant from aircraft-level

requirements such as AM1.2300, § 23.2500, or § 23.2510 when incorporated into a system such as the flight control system. Conversely, specific subsystem requirements, such as AM1.2405, are not imposed on other subsystems that make up a higher-level system simply because they become part of a higher-level system. The FAA did not change the proposed criteria as a result of these comments; however, as noted previously, references to the “reverser system” in proposed AM1.2405 have not been adopted because that system is not applicable to the Model M001.

Multiple commenters requested the FAA consider modifying AM1.2425(b), “Powerplant Operational Characteristics,” to include wording from SC-VTOL.2425(b) that would only require inflight engine shutdown and restart capability if the safety benefits outweigh the hazards. Another commenter requested clarity on AM1.2425, which requires a means for shutdown and restart of the powerplant within an established operational envelope. It does not prohibit procedures or control logic that would restrict engine restart under certain conditions. The FAA disagrees with modifying the criteria. The FAA will address the requirements of appropriate shutdown and restart procedures through the aircraft flight manual limitations and operating procedures. No changes were made as a result of these comments.

One commenter suggested the FAA change AM1.2430(a)(1) to include “control and management systems” along with energy storage and supply systems. The FAA agrees that battery control and management systems are covered by AM1.2430(a)(1) in addition to § 23.2525, but does not consider a change necessary as the FAA considers the term “energy storage and supply systems” to include battery control and management systems. The FAA received another comment requesting to remove § 23.2525(b) as it was duplicative to AM1.2340(a)(1). The FAA does not agree with this request and made no changes from the comment as § 23.2525 addresses required power for intended operations for all aircraft systems that use the electrical storage system, whereas AM1.2430(a)(1) contains propulsion criteria that ensures the independence between multiple electrical storage systems providing electrical power to the propulsion system.

⁴ 81 FR 96639 (Dec. 30, 2016).

Commenters requested the FAA clarify “where the exposure to lightning is likely” in AM1.2430(a)(2), which they believe could be interpreted in different ways. One interpretation suggested by commenters is to consider “likely” as it applies to areas of the aircraft where lightning may strike, while another interpretation is in reference to operating environments where lightning is likely. The FAA agrees with this concern and has revised the airworthiness criteria by removing the phrase “where the exposure to lightning is likely.” The FAA notes that AM1.2430(a)(2) and § 35.38 assume the aircraft will be exposed to lightning regardless of any environmental operating limitations and require protection of the energy system from catastrophic events. The applicant will show compliance with AM1.2430(a)(2) for the Model M001 consistent with other type certificated products by identifying areas of the powered-lift where direct attachment of lightning is “likely,” and evaluating the resulting effects.

The FAA received a comment asking the FAA to consider the failure due to overload of the landing system in AM1.2430(a)(6). The Model M001 is not required to address specific failures due to overload of the landing system since its landing system is not located near its energy storage systems. No changes were made as a result of the comment.

The FAA received a comment requesting that airworthiness criteria be added to protect occupants from possible hazards from the energy systems. The FAA notes that proposed AM1.2430(a)(6), as written, covers this and therefore did not make changes as a result of this comment.

The FAA also received a comment recommending that AM1.2430(a)(6) be expanded to include minimizing hazards to emergency service responders in addition to occupants. The FAA concurs with this suggestion and adds first responders to the airworthiness criteria.

Commenters requested the FAA explain the reservation of proposed AM1.2430(a)(7) and AM1.2430(c)(2). A commenter also recommended the FAA adopt EASA SC-VTOL.2430(a)(7) and add it as AM1.2430(a)(7) to ensure appropriate power quality within the energy system. The FAA did not incorporate the requirements from 23.2430(a)(7), which are similar to the requirements from EASA SC-VTOL.2430(a)(7), or (c)(2) into the Model M001 proposed criteria, and instead listed them as “Reserved,” because they cover physical contamination of stored energy. Stored

electrical energy is not susceptible to physical contamination in the way that convention fuel is. Damaged or failed electrical storage and distribution systems may prevent delivery of stored electrical energy to an intended load, which is a different condition than contaminated energy. The FAA notes these concerns are covered by uninterrupted energy supply and fluctuation requirements under AM1.2430(a)(4). To avoid confusion, the FAA did not adopt the proposal to “reserve” paragraphs AM1.2430(a)(7) and (c)(2) and renumbered (c)(3) accordingly.

The FAA received a comment that likely hazards for energy systems are not limited to temperature influences as mentioned in AM1.2430(b)(2). The FAA agrees and did not adopt the qualifier “due to unintended temperature influences” in these final airworthiness criteria.

Several commenters suggested clarification on the application of system safety requirements, propulsion requirements, and flight control system requirements due to the integration of these functions on the aircraft. The commenters questioned whether power or thrust control system requirements need to be applied to flight control systems or if flight control system requirements need to be applied to power or thrust control systems. The FAA concurs with the commenters’ request to consider the engines and propellers as part of the flight control system. The flight control system includes, at a minimum, all equipment and systems used for control of pitch, roll, yaw, and vertical motion. The FAA notes that the subsystem analysis required by AM1.2405 for the engine power or thrust control system does not relieve the applicant from higher-level requirements such as those in AM1.2300, § 23.2500, or § 23.2510, when engine or thrust control systems are incorporated into a higher-level system such as the flight control system. Conversely, specific subsystem requirements such as AM1.2405 would not be imposed on other subsystems that make up a higher-level system simply because they become part of that higher-level system. The safety requirements in § 23.2510 apply at the aircraft level to the integrated functions of all systems on the aircraft, in addition to specific system requirements such as AM1.2300 and AM1.2405.

Several commenters expressed concern regarding the appropriateness of the system-level safety objectives in proposed AM1.2405 and § 23.2425 for such highly integrated systems. The commenters suggested AM1.2405 and

AM1.2425 are not necessary, since compliance with § 23.2510 can require the applicant to define both system and aircraft level safety objectives.

The FAA recognizes there may be inconsistencies between safety objectives required at the powerplant installation level and those at the aircraft level, but notes this is the case for type certificated airplanes and rotorcraft. Existing powerplant rules define a minimum level of safety that permits certification of a broad range of products for single and multi-engine aircraft. One common requirement for powerplant installations has been the “no single failure” concept, which is practically applied given the number of engines installed. This concept remains critical even for highly integrated and distributed powerplant systems. Aircraft level safety objectives may not drive the level of safety typically provided in a powerplant installation, such as isolation between all engines on a multi-engine aircraft with more than two engines, so the powerplant requirements establish a minimum safety objective that may not always align with those at the aircraft level. As powered-lift and distributed propulsion systems evolve, there may be less need to capture powerplant installation unique safety requirements. Until then, the FAA will use AM1.2405 to capture those requirements for the Model M001 and ensure the powerplant installation level of safety is appropriate regardless of the aircraft level safety objectives.

Multiple commenters requested clarification regarding the definition of “energy” and the instances in the criteria where liquid fuel is still relevant, despite the consideration of electric propulsion systems. The term “fuel” is used in part 23 and includes any form of energy used by an engine or powerplant installation such as provided by carbon-based fuels or electrical potential.⁵ The FAA recognizes that using the term “fuel” instead of “energy” has implied the criteria are limited to non-fossil-fuel-based propulsion systems and is inconsistent with language used by other airworthiness authorities. As such, the FAA has replaced the term “fuel” with “energy” throughout these Model M001 airworthiness criteria. The FAA notes that “energy” includes any form of energy, including carbon-based fuels, electrical potential, and other means of energy storage or power generation for propulsion.

Several commenters requested that the FAA revise proposed AM1.2400(b) to clarify that the Model M001 engines

⁵ 81 FR 96641 (Dec. 30, 2016).

and propellers will not be individually issued type certificates, but rather approved under the aircraft's type certificate, and as such, any requirements mentioning the "type certificate" should be excluded. The FAA agrees and has revised AM1.2400(b) to remove the requirement that each engine and propeller installed on the Model M001 have a type certificate.

The FAA received a comment to distinguish between airplane and engine hazards in AM1.2000(e). The requirement in AM1.2400(e) addresses powerplant components at the aircraft level. Engines are one of many powerplant components installed at the aircraft level, each of which must meet any limitations or installation instruction provided with that component or be shown to not to create a hazard. Engine specific hazards for the Model M001 are found in subpart H of the airworthiness criteria. The FAA disagrees that the distinction requested by the commenter is necessary, and no changes were made as a result of this comment.

The FAA received comments requesting the FAA either remove § 23.2525(c) and modify AM1.2430(a)(3) to explicitly include energy storage systems, or revise § 23.2525(c) to remove the primary source failure consideration. The FAA disagrees. Section 23.2525 addresses required power considering the failures and malfunctions of the primary source at the aircraft level, whereas the requirements in AM1.2430(a)(3) are specific to energy systems used for propulsion. No changes were made as a result of these comments.

System Safety

The FAA received and reviewed comments from ASD-Europe, Airbus, ALPA, EASA, Leonardo, Lilium, Odys, Vertical Aerospace, Rolls-Royce, TCCA, Volocopter, an individual commenter, and an anonymous commenter, requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to system safety and cybersecurity requirements for the Model M001.

Several commenters cited differences between EASA's SC-VTOL and the proposed FAA airworthiness criteria for the Model M001 with regard to EASA's creation of a "Category Enhanced" set of requirements. EASA included a structural requirement in SC-VTOL.2250, "Design and construction principles," that for Category Enhanced a single failure must not have a catastrophic effect upon the aircraft. The FAA acknowledges that the

airworthiness criteria for the Model M001 as a special class aircraft differ from the requirements in EASA's SC-VTOL, which is a set of generalized requirements intended to cover a class of aircraft. The FAA's long-standing technical practice manages risk due to structural failures through the use of critical or life-limited parts, which mitigates any need to address potential catastrophic structural failure modes under the system safety requirements of § 23.2510. While this practice differs from that of EASA's approach, the FAA finds both approaches comparable and acceptable for risk mitigation. As discussed previously, the FAA revised proposed § 23.2250(c) (now AM1.2250(c)) to add a requirement that single failures must not result in a catastrophic effect upon the aircraft.

Several commenters identified that these criteria do not include specific failure condition probability targets or required development assurance level criteria and requested that they be included with appropriate rationale. The FAA does not agree, as existing aircraft airworthiness standards (parts 23, 25, 27, and 29) also do not prescribe specific failure condition probability targets or development assurance level criteria. This guidance may be found in advisory circulars or industry consensus standards, which provide one means, but not the only means, for showing compliance with the regulatory requirements. These means will likely need to be modified to consider powered-lift designs such as the Model M001.

One commenter recommended the FAA revise the proposed requirement to comply with § 23.2510 to include a clarification on the applicability of the standard, as it pertains to systems and equipment installed in the aircraft and how it relates to other requirements contained in other sections of the airworthiness standards. The FAA disagrees. The FAA proposed that the Model M001 comply with § 23.2510 without modification because the FAA intentionally developed that rule as a regulation of general requirements that do not supersede any requirements contained in other part 23 sections. The FAA intends the same application for the Model M001.

Several commenters expressed concern over the absence of a "no single failure" catastrophic failure condition criteria in these airworthiness criteria, citing its inclusion in EASA SC-VTOL.2510(a)(1). The FAA does not agree that a specific requirement prohibiting catastrophic single failures is necessary in the airworthiness criteria. Existing parts 23, 25, 27, and 29

airworthiness standards do not contain a "no single failure" requirement for catastrophic failure conditions, and the FAA considers these longstanding existing airworthiness standards acceptable. Although preventing "single failures" is addressed in FAA guidance material (e.g., Advisory Circulars 25.1309-1A and Advisory Circular 27-1B), it is one means, but not the only means, for showing compliance with the regulatory requirements. The FAA intends the same application for the Model M001.

Several commenters recommended the FAA clarify requirements for addressing cybersecurity. The FAA acknowledges that these aircraft involve many new technologies which are highly integrated, and any cybersecurity vulnerabilities must be appropriately assessed and addressed. The FAA is addressing cybersecurity through AM1.1529 and § 23.2500, § 23.2505, and § 23.2510. No changes were made as a result of these comments.

Lightning Protection

The FAA received and reviewed comments from EASA, GAMA, Lilium, Overair, and TCCA requesting the FAA revise, remove, or clarify proposed airworthiness criteria intended to address hazards that may result from a lightning attachment on the Model M001. These requirements include consideration for lightning common cause effects due to the potential for simultaneously affecting multiple systems. The proposed airworthiness criteria considered inadvertent exposure to lightning producing environments, including flight into clouds, as well as cold or icy weather conditions. The FAA determined that the highly integrated systems of the Model M001 aircraft require lightning protection.

One commenter requested the FAA clarify why the lightning indirect effects requirements are not applicable to systems with major failure conditions. The FAA notes that the lightning requirements are intended to be applicable to systems with major failure conditions for aircraft approved for IFR operations. For aircraft approved for IFR operations, proposed AM1.2515(b) is applicable to systems with hazardous or major failure conditions, similar to § 27.1316(b).

Multiple commenters recommended the FAA revert proposed AM1.2515 to § 23.2515 to limit the applicability of lightning requirements to aircraft approved for IFR operations that cannot show exposure to lightning is unlikely. The Model M001 incorporates systems that are critical in VFR and IFR operations that require protection

against indirect effects of a lightning strike. A lightning attachment may occur during flight, when operating through or in the vicinity of lightning producing environments. Aircraft operating in instrument meteorological conditions (IMC) may encounter lightning, and aircraft operating in day or night visual meteorological conditions may inadvertently encounter lightning producing environments such as flight into clouds and freezing or icy weather conditions. Systems that perform functions essential to CSFL must demonstrate immunity to lightning for all operations to achieve the intended safety objectives for catastrophic failure conditions. The FAA finds the requirements in AM1.2515 to be appropriate for the systems on the Model M001 and made no changes as a result of these comments.

The FAA received a comment asking for clarification of AM1.2515(a)(2) stating that it could be incorrectly interpreted as the system could be allowed to fail when exposed to lightning without recovery after exposure. The FAA does not agree that AM1.2515(a)(2) may be misinterpreted. Demonstration of lightning immunity is required for systems with catastrophic failure conditions. The exception for recovery conflicts in AM1.2515(a)(2) is based on aircraft operational or functional requirements independent of lightning exposure. The expectation is that a system recovers normal operation of a function without impact to safety of flight by design. No changes were made as a result of this comment.

Multiple commenters recommended the FAA consider whether systems with hazardous and major failure conditions meet lightning requirements for aircraft not approved for IFR operations. The FAA notes that aircraft not approved for IFR operations are restricted from flight into IMC and must use outside visual references. An aircraft operating in IMC may encounter lightning producing environments, a hazard which requires more stringent requirements than aircraft certified exclusively for VFR operations. Limiting AM1.2515(b) to IFR operations therefore maintains the level of safety intended for protection against lightning threats. Section AM1.2515(b) is applicable to IFR operations and systems with hazardous (level B) or major (level C) failure conditions. Section AM1.2515(a) is applicable to all operations and systems with catastrophic failure conditions. This approach achieves the intended safety objectives.

Commenters recommended deleting the word “significantly” from the text of

AM1.2515(b) so that the requirement is clearly identified as applicable to electrical and electronic systems with hazardous and major failure conditions. The FAA concurs since AM1.2515(b) is applicable to IFR operations and systems with hazardous or major failure conditions. The FAA did not adopt the term “significantly” from proposed AM1.2515(b) to ensure both major and hazardous failure conditions are appropriately assessed.

HIRF

The FAA received and reviewed comments from EASA, Overair, and TCCA requesting the FAA revise, remove, and clarify proposed airworthiness criteria related to HIRF exposure.

Commenters requested consideration for HIRF common cause effects due to the potential of affecting multiple systems simultaneously, since radio frequency transmitters are continuously evolving, and future spectrum expansions are anticipated. The FAA agrees that the HIRF environment and sources are unpredictable and that the aircraft and highly integrated systems require robust HIRF protection, but considers the proposed requirements adequate to address this concern.

One commenter requested the FAA clarify why operation under IFR is considered to relax the HIRF requirements, but not the lightning criteria. Another commenter requested the FAA clarify why the HIRF requirements are not applicable to systems with major failure conditions. Several commenters also requested the FAA remove the limitation that § 23.2520(b) be only applicable for aircraft approved for IFR operations, similar to SC-VTOL.2520(b).

The FAA notes that proposed AM1.2515 and AM1.2420 provide consistent requirements for the protection of electrical and electronic systems from the effects of lightning and HIRF, respectively. The FAA does not concur that the HIRF requirements are relaxed for IFR. The FAA changed the proposed requirement to comply with § 23.2520(a) and (b) to new AM1.2520, to remove the qualifier “significantly” from § 23.2520(b). AM1.2520(a) is applicable for all operations and systems with catastrophic failure conditions, aligned with AM1.2515(a). Limiting AM1.2520(b) to IFR operations maintains an acceptable level of safety, as AM1.2520(b) is intended to be applicable to systems with hazardous or major failure conditions. This also aligns with similar requirements in AM1.2515(b) for lightning. The FAA did not adopt the term “significantly” from

proposed AM1.2420(b), similar to AM1.2515(b), to ensure that major and hazardous failure conditions are appropriately assessed for HIRF as well as for lightning. This approach achieves the intended safety objectives and aligns the airworthiness criteria with the appropriate level of safety intended by utilizing appropriate standards from both parts 23 and 27, revised to be appropriate for the Model M001.

Flightcrew Interface

The FAA received and reviewed comments from ALPA, ANAC, EASA, GAMA, Lilium, Odys, Overair, TCCA, and an anonymous commenter requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to flightcrew interface requirements on the Model M001.

The FAA received comments requesting that the FAA replace the language in AM1.2600(a) and (b) with the language in § 23.2600(a) and (b). The Model M001 is capable of using one or more sources of lift to perform a particular phase of flight. Therefore, using the unchanged wording from § 23.2600(a) is not sufficient and does not include hover. AM1.2000 includes definitions for “sources of lift” and “phases of flight,” and those defined terms were used in proposed AM1.2600(a). The FAA included “without excessive concentration, skill, alertness, or fatigue” in proposed AM1.2600(b) to address the human factors elements used to control the aircraft. The Model M001 includes increased levels of automation and technology that may impact pilot concentration, alertness, and fatigue, so the inclusion of “without excessive concentration, skill, alertness, or fatigue” language is necessary. No changes were made as a result of these comments.

The FAA also received a comment requesting clarification between human factor differences in AM1.2135(a) and AM1.2600(a). The same commenter suggested revising AM1.2160(a). AM1.2135(a) describes human factors requirements as they relate to controllability of the aircraft while AM1.2160(a) focuses on the human factors in the context of the flightcrew interface. No changes were made as a result of these comments.

The FAA received a comment to restructure the header paragraph of AM1.2620 such that the manufacturer must present pertinent information for the aircraft for all possible configurations of thrust or flight. The FAA disagrees as the requirement is applicable to the overall aircraft and must contain information concerning

aircraft configurations as necessary for defining the required information in AM1.2620. No change is necessary as a result of this comment.

One commenter requested clarification on procedures for the flightcrew following an abnormal battery anomaly. The FAA notes that AM1.2620(a)(5) addresses this concern by requiring information necessary for safe operation because of design, operating, or handling characteristics to be specified in the Airplane Flight Manual, which provides procedural guidance for flightcrew. Procedures following an abnormal battery anomaly are necessary for safe operation. No changes were made as a result of this comment.

One commenter requested that the FAA include AM1.2620(a)(5) as information that must be approved by the FAA. The FAA disagrees, as this requirement is consistent with the existing airworthiness standards for normal category aircraft. No changes were made as a result of this comment.

One commenter requested clarification on whether the requirements in proposed AM1.1529 (ICA) and AM1.2615 (flight, navigation, and powerplant instruments) would also address EASA SC-VTOL.2445, Lift/thrust system installation information. Although the Model M001 airworthiness criteria do not contain a requirement that directly aligns with EASA's SC-VTOL.2445, the commenter is correct that AM1.1529 and AM1.2615 address the lift/thrust installation requirements in EASA SC VTOL.2445. In addition, the lift/thrust installation requirements in EASA SC-VTOL.2445 would be addressed for the Model M001 by the requirements in §§ 23.2605 and 23.2610. The FAA received multiple comments to modify § 23.2605 to add a requirement that information related to safety equipment must be easily identifiable and its method of operation must be clearly marked, as specified in SC-VTOL.2605(d). The language requested by the commenters is already required by § 23.2535 and therefore no changes are necessary as a result of these comments.

One commenter requested the FAA revise proposed AM1.2615(b)(2) to delete criteria for single failure and probability. The FAA does not agree and notes that this requirement is essential for CSFL after probable failures, both singular and in combination.

Electric Engines

The FAA received and reviewed comments from Airbus, ANAC, EASA, GAMA, JCAB, Lilium, Odys, Overair, Rolls-Royce, TCCA, Vertical Aerospace,

and Volocopter requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to electric engines for the Model M001.

One commenter recommended replacing the phrase "intended aircraft application" throughout subpart H with language specific to the Model M001 design. Another commenter recommended replacing "declared environmental limits" with "aircraft environmental and operating limitations" throughout subpart H. The FAA does not agree that more specific language is necessary, as "intended aircraft application" and "declared environmental limits" are sufficient to meet the electric engine certification requirements. No changes were made as a result of these comments.

The FAA received comments recommending the removal of § 33.5(a), (b), and (c) and § 33.29 from the engine requirements in Subpart H. One commenter stated these requirements should not be imposed for an engine that is not being type certificated as an independent product, as is the case for the Model M001. This commenter also stated the engines for the Model M001 are being certified under the umbrella of the aircraft type certificate; as a result, the installation and operating instructions will already be part of the type design data package at the aircraft level. Other commenters stated that no additional burden from individual "engine-only" requirements for data sheet content is necessary, from § 33.5(a), (b), and (c), AM1.2702, AM1.2706, AM1.2710(j)(2), AM1.2718(c) and (d), AM1.2719(b) and (e), and AM1.2733(d)(2). The FAA recognizes the engines will be approved with the Model M001 aircraft, but instructions for installing and operating the engines are required, as well as other engine airframe interfaces such as instruments, connections, sensors, etc., whether the engines are approved with the aircraft or certificated under their own type certificate. The FAA made no changes in response to these recommendations.

The FAA received comments on the applicability of subsystems equipment installed in an electric hybrid propulsion system (EHPS), as referenced in EASA Special Condition E-19 EHPS.330. The FAA acknowledges these comments but notes that they are not applicable to the Model M001, since the Archer engine architecture does not include the electric hybrid propulsion systems associated with E-19 EHPS.330.

One commenter questioned whether the requirements of EASA Special Condition E-19 EHPS.80, which accounts for the complete inability to

isolate components that could cause a hazard to aircraft, should be added to the airworthiness criteria for the Model M001. The FAA does not agree, as the requirement to isolate components that could cause a hazard to the aircraft is in EHPS.350(d), EHPS Control System, not in EHPS.80. The requirement in EHPS.350 raised by the commenter is addressed by AM1.2710 Engine Control Systems, AM1.2717 Safety Analysis, and AM1.2733 Engine Electrical Systems. Since the Archer M001 is a special class aircraft and the engines will be approved with the aircraft, the means by which components prevent a hazard from developing may be implemented either at the engine-level or at the aircraft-level. No changes were made as a result of these comments.

Another commenter noted the proposed requirement to comply with § 33.75(e)(1) includes a reference to § 33.4 (ICA), although the proposed airworthiness criteria do not include a requirement to comply with § 33.4. The commenter recommended either removing the reference to § 33.4 or adding a reference to Appendix 1, AAM1.2701, A33.2, A33.3, and A33.4. The FAA agrees with the comment. The FAA proposed AM1.2717 to include those safety analysis standards from § 33.75 that could not be required directly for the Model M001 without modification. Proposed AM1.2717(c) contained requirements for how the applicant must comply with § 33.75(e). The FAA has modified proposed AM1.2717(c) to reference the ICA in AM1.1529 for compliance with § 33.75(e)(1). During the review of this comment, it was determined that § 33.75(a)(1) should be included in AM1.2717(a) and the applicability of AM1.2717(b) should be clarified using information from the existing standard § 33.75(c). The FAA has revised AM1.2717 accordingly.

The FAA received a comment asking for clarification of the term "duty cycle" in proposed AM1.2702(b). The FAA also received a comment to remove the requirement in proposed AM1.2702(b) to list the duty cycle on the type certificate data sheet. The FAA disagrees. A duty cycle is intrinsic with engine ratings. Engine ratings are declared to support aircraft performance objectives, whereas duty cycles are an electric engine property that limits the usage of the ratings. The duty cycle, combined with the rating at that duty cycle, establishes the capability and the limits for engine usage. A commenter also noted that the takeoff power time limitation is not defined. While traditional combustion engines adhere to "takeoff power time limitations," the

operational considerations for electric aircraft engines, such as duty cycle and rating, are more pertinent due to their distinct propulsion system characteristics. A duty cycle and rating at each duty cycle must be declared, which covers this concern. No changes were made as a result of these comments.

The FAA received a comment to add specific operating limits to proposed AM1.2702. The FAA also received a comment to add § 33.7(d) to the airworthiness criteria to address the accuracy of the engine control system and necessary instrumentation. Section 33.7(d) applies to engine performance and operating limitations. The FAA did not propose to require that the Model M001 comply with § 33.7(d), because § 33.7(d) focuses on engine control system components (e.g., speed sensors, actuators, feedback mechanisms) that typically operate using low voltage power and hydraulic systems. Electric engines, such as those that are part of the Model M001 design, are controlled differently. In addition, the Model M001 engine electrical systems are integrated with aircraft systems instruments that are necessary for control of the engine, which would not be addressed by § 33.7(d). Instead, for the Model M001, the engine performance and operating limitations referenced by § 33.7(d) are addressed by the airworthiness criteria for the engine control system in AM1.2710 and the engine electrical system in AM1.2733. No changes were made as a result of these comments.

The FAA also received a comment that proposed AM1.2702 provided a redundant definition of the engine ratings with that in § 33.8. The FAA disagrees. These two engine requirements accomplish different objectives. AM1.2702 establishes the engine's ratings and limits, while § 33.8 ensures each rating applies to the lowest power that all engines of the same type may be expected to produce under the conditions used to determine that rating. No changes were made as a result of this comment.

A commenter suggested the FAA remove the word "turbine" from § 33.17(a), as it is not applicable to the Archer Model M001. The FAA notes that proposed AM1.2704, "Fire Protection," was initially drafted to consider potential arc-fault-initiated fires occurring anywhere inside or outside the electric engine. However, the commenter highlighted that the second statement in § 33.17(a) specifically applies to internal fires in turbine engines and is not relevant to Archer engines. Consequently, the FAA has modified the airworthiness criteria

to remove the applicability of § 33.17(a) to the Model M001 and add a new statement to AM1.2704 emphasizing the design and construction requirements to minimize the occurrence and spread of fire during normal operation and failure conditions. This modification results in AM1.2704 having two paragraphs, (a) and (b). This modification makes a suggestion by another commenter to change the title of the airworthiness criteria to "High Voltage Arc Faults and Fire Protection" inapplicable.

The FAA received a comment questioning the applicability of § 33.17(b) through (g), which address flammable fluids. The FAA notes that flammable fluids and flammable fluid storage components could be used in the Model M001 design. As such, the FAA finds these criteria applicable and no changes were made. Another commenter suggested that the requirements of § 33.17 be made more prescriptive, specifically to require fireproof materials. The FAA notes that this concern is addressed overall in the Archer design through requirements specified in AM1.2704, § 33.75(g)(2)(iv), and AM1.2733. Additionally, § 33.17 applies to engine fires resulting from ignition of flammable fluids. No changes were necessary as a result of this comment.

The FAA received a comment that pass and fail criteria should be defined for the requirement in proposed AM1.2705 to minimize the development of an unsafe condition in the engine and recommended using the criteria in AM1.2717(d)(2). The FAA does not concur. An unsafe condition is determined by a risk assessment and not solely by the hazards identified by the hazardous effects in AM1.2717(d)(2). No changes were made as a result of this comment.

The FAA also received a comment to add "removal from service" to the maintenance actions in proposed AM1.2705. The FAA disagrees. The statement "removal from service" is appropriate to address simple engine designs that are life limited. However, this statement is not needed in the Model M001 airworthiness criteria because any maintenance involving a life limited engine is addressed by AM1.2729(b) and AM1.2713. No changes were made as a result of this comment.

The FAA received a comment asking why proposed AM1.2720 did not include "engine fault conditions." The FAA determined it was necessary to revise AM1.2720(b) to clarify the vibration sources applicable to this requirement.

The FAA received two comments requesting clarification regarding whether proposed AM1.2729 (b) allows the applicant the option of not performing the teardown inspection. The FAA clarifies that the agency intends AM1.2729(b) to require a teardown inspection except for any engine parts or components that cannot be torn down. The FAA has changed proposed AM1.2729(b) to clarify that it only applies to engine components where a teardown cannot be performed in a non-destructive manner.

A commenter requested clarification on the difference between the durability requirements of proposed AM1.2705 and AM1.2726. AM1.2705 is criteria for durability requirements for design and construction of the engine, whereas AM1.2726 provides requirements for a durability demonstration. The FAA modified AM1.2726 to distinguish it from AM1.2705 by explaining its purpose, which is to establish when the initial maintenance is required.

A commenter questioned where the requirements in EASA's E-19 EHPS.200 are captured. The FAA notes that § 33.23 establishes the loads associated with the engine mounting attachments and structure similar to what would be expected under EHPS.200 for an electric engine such as in the Model M001. No changes were made as a result of this comment.

Multiple commenters requested clarification on proposed AM1.2709 concerning failure conditions leading to rotor overspeed. Proposed AM1.2709 was based on § 33.27 "Turbine, Compressor, Fan, and Turbosupercharger Rotor Overspeed." The FAA intended the approach used for establishing the highest possible rotor overspeed in proposed AM1.2709 to be consistent with the approach in § 33.27(b), except for the prescriptive overspeed margins. The margins in § 33.27(b) are based on the physics of what drives the rotors in turbine engines and turbosupercharger rotors. The mechanisms that can drive electric engines to an overspeed condition are different from those that govern combustion engines. No changes were made as a result of these comments.

One commenter recommended that the pertinent characteristics and capabilities of the Model M001 the applicant must analyze should be prescriptively included in proposed AM1.2710(g) and AM1.2717(e). The FAA does not agree that all the pertinent aircraft details that must be analyzed under AM1.2710(g) and AM1.2717(e) should be prescribed within the airworthiness criteria as existing aircraft airworthiness standards

also do not prescribe these pertinent aircraft details. This guidance may be found in advisory circulars or industry consensus standards, which provide one means, but not the only means, for showing compliance with the existing regulatory requirements. These means will likely need to be modified to consider powered-lift designs such as the Model M001.

During review of the requirements of AM1.2710(j), the FAA also identified an error in AM1.2710(j)(2), which was originally intended to cover all engine electrical systems, leading to confusion regarding the applicability in paragraph (a). The FAA clarifies that the engine control requirements in AM1.2710 apply to any aspects of the engine control that interface with aircraft control systems that are necessary for safe flight and landing. The FAA has corrected this error in the final criteria by removing the reference to electrical power supplied to the aircraft by energy regeneration from paragraph (j)(2).

The FAA received a comment to update proposed AM1.2710(e) to declare the engine control system and the engine electrical environmental limits, similar to proposed AM1.2823(a)(2). This concern is already addressed by the airworthiness criteria. Since the engines are approved with the aircraft, environmental conditions and limits that were used to substantiate the Model M001 aircraft and its engines will be used to develop compliance with AM1.2620, "Aircraft Flight Manual." No changes were made to AM1.2710(e) as a result of this comment. However, this comment revealed a need to clarify the requirement in proposed AM1.2727. The purpose of AM1.2727 is to supplement engine testing with additional component-level and systems-level tests that expose engine components and systems to operational conditions that cannot not be achieved in the engine test environment or with the specified test duration. Also, demonstration shortfalls for certain electrical properties might occur with other engine tests, such as the durability demonstration, because the test duration required to show deterioration in electrical hardware may be impracticable.

One commenter requested the FAA remove proposed AM1.2711(b)(2), which specifies that the aircraft design is not required to enable the flight crew to monitor the engine cooling system for a cooling system failure that would not result in a hazardous engine effect. The FAA disagrees. Not adopting proposed AM1.2711(b)(2) would result in a requirement for instrumentation enabling the flightcrew to monitor the

engine cooling system regardless of the hazard level resulting from a cooling system failure. Although monitoring the engine cooling system would enable the crew to respond to leading indicators of an overheated engine and prevent the aircraft from the subsequent effects, the severity of the effects from an overheated engine, and the appropriate engine-level protection and mitigation standards, are addressed by the engine safety analysis. No changes were made as a result of the comment.

One commenter suggested changing the word "electromagnetic" to "electrical" in proposed AM1.2712(a). The FAA does not concur with this change, as electrical system hazards are covered in AM1.2733. However, the FAA acknowledges that the requirement in proposed AM1.2712(a) could be clarified and made changes to that effect.

Multiple commenters recommended adding the demonstration to operate above temperature limits on turbine engines for short-duration ratings in proposed AM1.2724, and to consider updating proposed AM1.2709 and AM1.2730 to add the requirements in E-19 EHPS.250(a), "the failure of any rotating component or part of an equipment, electric engine or generator must not lead to the release of high energy debris." The FAA has revised AM1.2724 to remove its applicability to all engine ratings and also revised the introductory text of AM1.2730 to be more aligned with part 33 subpart B. The FAA did not find the recommended language appropriate for AM1.2709 and did not make any changes to AM1.2709.

The FAA received a comment asking for clarification on whether proposed AM1.2715(c) only applies to engines having torque operating limitations. AM1.2715(c) applies to an electric engine regardless of whether the engine is torque limited. Archer can propose ratings and limits in accordance with AM1.2702 using relevant engine parameters such as horsepower, torque, rotational speed, and temperature. AM1.2715 and AM1.2725 require tests that range from ground idle and flight idle, to the rated power or thrust prescribed by these rules. Electric engines can create torque much faster than combustion engines, and sudden changes in torque could present a hazard to the aircraft installation. Therefore, the power response characteristics must account for the intended aircraft application to ensure the torque characteristics of the engine and intended aircraft are compatible. These requirements correspond to §§ 33.73 and 33.89 respectively, so the minimum torque or power settings are

established in the procedures that assess the operational capabilities of the electric engines. The FAA modified proposed AM1.2715(c) to clarify that this is an engine-level requirement.

One commenter requested the FAA consider EASA's Special Condition E-19 EHPS.260. The commenter states that proposed AM1.2716 only addresses hazardous engine effects and applicants should evaluate, as required by EHPS.260, the effects of any continued rotation on the system, such as windmilling propellers. The concerns raised by the commenter are addressed by AM1.2733, "Engine Electrical Systems." AM1.2733(b) (both proposed and final) ensures that the generation and transmission of electrical power, and electrical load shedding, do not result in any unacceptable engine operating characteristics or cause the engine to exceed its operating limits. New AM1.2733 (e)(2) requires the characteristics of any electrical power supplied from the engine to the aircraft via energy regeneration to be identified and declared in the engine installation manual.

The FAA received multiple comments to change the proposed definition of a minor engine effect in proposed AM1.2717(d)(1). The commenters recommended using the criteria in § 33.75(g)(1) to classify the effects of a partial or total loss of engine power in the Model M001. The Model M001 engine airworthiness criteria do not classify the engine effect from a complete loss of engine power because the aircraft level assumptions are different than those used in § 33.75(g)(1). The Model M001 engine airworthiness criteria allow a complete loss of power in one engine to be classified based on the effects on the aircraft. No changes were made as a result of these comments.

Multiple commenters stated that due to the integrated nature of the Model M001, the system safety analyses required in support of § 23.2510 are adequate and sufficient, and that § 33.75, AM1.2717, and AM1.2733(f) and (g) should be removed from these airworthiness criteria. The FAA does not agree with this recommendation, and notes that § 23.2510 establishes the safety objective for aircraft systems and equipment "whose failure or abnormal operation has not been specifically addressed by another requirement." The proposed subpart H and I requirements include specific engine and propeller design and testing requirements not covered under aircraft-level airworthiness criteria and establish a minimum level of safety equivalent to the existing part 33 and part 35

airworthiness standards as required under § 21.17(b). Additionally, these airworthiness criteria prescribe the same requirements for installed engines and propellers on the Model M001 that would apply to these engines and propellers if they received separate type certificates under parts 33 and 35, respectively. The aircraft-level requirements of § 23.2510 are not sufficient on their own to ensure engines and propellers will meet the intended level of safety required by § 21.17(b) for parts 33 and 35. Since the engines will be approved with the Archer aircraft, these compliance details may be documented in the appropriate aircraft-level documents with references to the engine-level requirements in Subpart H.

One commenter recommended removing the prescriptive airworthiness criteria of subparts H and I and to defer their development to the means of compliance. Another commenter proposed to use performance-based aircraft requirements that consign the engines and propellers to aircraft equipment or systems and relegate engine and propeller certification requirements to a means of compliance to an aircraft requirement. The FAA does not agree with these comments and considers the requirements in subparts H and I to provide an equivalent level of safety for the Model M001. No changes were made as a result of these comments.

A commenter requested the FAA reword proposed AM1.2717(d)(1) to remove an extraneous phrase “does not prohibit the engine from meeting its type-design requirements.” The FAA concurs that the phrase was unclear and updated AM1.2717(d)(1) for clarity.

A commenter requested clarification regarding why blockage of a cooling system as described in proposed AM1.2717(d)(2)(ii) is considered a hazardous engine effect. The FAA notes that the blockage of a cooling system is not by itself a hazardous engine condition, but it could contribute to the development of one. Accordingly, the FAA modified AM1.2717(d)(2)(ii).

A commenter requested the FAA align proposed AM1.2713 with the safety expectations in EASA’s SC-VTOL. The commenter recommended changing proposed AM1.2713 to specify that no single failure may lead to a catastrophic event and to exclude the criteria for critical parts. The FAA does not find the level of safety outlined in SC-VTOL for “Category Enhanced” to be applicable to the Model M001 engine failure classifications, which could be minor, major, or hazardous, but not catastrophic. The FAA will apply failure

classifications that are consistent with those established in part 33 to provide the equivalent level of safety required by § 21.17(b). No changes were made as a result of this comment.

A commenter requested clarification as to whether proposed AM1.2713 would require the same activity for both critical parts and life-limited parts. An engineering plan, manufacturing plan, and service management plan will be needed for critical parts and for life-limited parts as stated in AM1.2713(b).

Commenters requested the FAA clarify what is meant by the definition of a “life limited part” in proposed AM1.2713(a)(2), as it includes phrases that make it open-ended and indistinguishable from the definition of a critical part in proposed AM1.2713(a)(1). The FAA agrees regarding the need for clarification in the definition of life-limited parts. While retaining the examples in the definition, the FAA has revised the definition of life-limited part in AM1.2713(a)(2) to be distinguished by the failure mode related to low-cycle fatigue (LCF) mechanisms. The revised definition specifies that life-limited parts may involve rotors or major structural static parts, among other parts with failure potentially leading to hazardous engine effects due to LCF mechanisms.

A commenter noted that the FAA made a reference to § 33.70 in proposed AM1.2713(b) when § 33.70 was not included as a part of the Model M001 airworthiness criteria and recommended adding § 33.70. The FAA agrees and § 33.70(a), (b), and (c) have been added to the airworthiness criteria. The introductory paragraph of § 33.70, however, is not part of the airworthiness criteria.

A commenter also requested that the FAA specifically address high-cycle fatigue (HCF) effects in proposed AM1.2713. The FAA notes that HCF effects are included in the life limit calculation under § 33.70. The influence of HCF on life limits is addressed as part of the vibration requirement in AM1.2720, which characterizes and quantifies all vibration stresses in a part. It also requires the vibration stresses to be less than the material endurance limits, when combined with steady stresses. No changes were made as a result of this comment.

A commenter noted that the FAA has historically not applied the classification of “critical part” in FAA airworthiness standards and asked for clarification. The use of critical parts is consistent with the FAA’s certification approach for electric engines and is necessary for an acceptable level of

safety. No changes were made as a result of this comment.

One commenter questioned why the FAA included transient maximum overtemperature and transient maximum overspeed as part of the endurance demonstration in proposed AM1.2721. The FAA notes that electric engines typically establish power or thrust ratings using shaft torque. Therefore, torque is managed directly, or by another governing parameter, such as electrical current. The airworthiness criteria in AM1.2721 are performance-based, but the applicant may use the procedures in § 33.84(a) as a means of compliance with the overtorque requirement. Transient rotor speed in electric and combustion engines is controlled by different technologies. Transient overspeed in a combustion engine is typically a design feature that allows an engine to exceed a maximum steady state rotor speed temporarily in order to meet certain performance requirements. Electric engines use electrical current and have fast response times, so transient rotor overspeed is not typically needed to meet performance requirements and would most likely occur from a failure or design flaw, which are occurrences within the scope of AM1.2721. No changes were made as a result of this comment.

The FAA received a comment requesting clarity on the endurance demonstration requirement in proposed AM1.2723(b). The FAA notes that the endurance demonstration is an accelerated severity test intended to demonstrate the engine has acceptable performance characteristics throughout the operating range, up to and including engine ratings and operating limits without the need for maintenance after being exposed to these extreme conditions. Therefore, the engine cycles that are used for the endurance demonstration do not correlate well with the engine cycles that are used during in-service operation. The FAA concurs with the commenter that additional clarification is needed and modified AM1.2723(b) to require that the endurance demonstration must be for a duration sufficient to verify the limit capabilities of the engine.

One commenter identified a need for clarification regarding electromagnetic stresses in proposed AM1.2712, “Stress Analysis,” which also corresponds to § 33.62. The FAA has updated AM1.2712(a) to address the interaction between electrical systems and magnetic components, specifically considering electromagnetic forces, which are not covered in existing airworthiness standards for aircraft engines. The revised paragraph (a) requires a

comprehensive stress analysis, including mechanical, thermal, and electromagnetic forces, to ensure an adequate design margin that prevents hazardous engine effects and unacceptable operating characteristics.

Another commenter requested that the FAA add “at the declared operating limits” to proposed AM1.2712(a). The FAA does not concur. AM1.2712 includes mechanical, thermal, and electromagnetic stress. These criteria were created to account for design limits specific to electric engines that, if exceeded, could develop into hazardous engine conditions. The airworthiness criteria ensure design margins account for any relevant declared operating limits. No changes were made as a result of this comment.

A commenter asked for clarification of the term “minimum material properties” in proposed AM1.2712(b). AM1.2712(b) requires determining maximum stresses in the engine without exceeding minimum material properties. The Model M001 must comply with § 33.15, which establishes the requirements for engine materials. Compliance with § 33.15 will determine “minimum material properties.” No changes were made as a result of this comment.

One commenter proposed that the FAA consider that the single fault tolerance criteria in proposed AM1.2710(f)(2) be understood at the aircraft “propulsion system level” rather than at the engine level when addressing Loss of Power Control (LOPC). Commenters requested similar clarification regarding the single fault criteria in proposed AM1.2733(f)(2). The FAA disagrees that the requested change would be appropriate. The airworthiness criteria in Subpart H apply to a single engine, not to the entire distributed propulsion system. No changes were made to the airworthiness criteria in response to these comments.

Multiple commenters requested that the FAA qualitatively and quantitatively define LOPC in the airworthiness criteria. The FAA does not agree. The LOPC airworthiness criteria for the Model M001 are contained in portions of § 33.28 and AM1.2710. Existing engine airworthiness standards in part 33 do not prescribe the level of detail requested by the commenters. LOPC will depend on the performance data and system analysis for the Model M001 and its intended aircraft application. No changes were made as a result of these comments.

One commenter noted that § 33.28(d)(4) effectively requires that the engine control system be resilient to local events, while the proposed

airworthiness criteria in AM1.2710(f)(4) does not allow local events to occur. The commenter requested the FAA revise AM1.2710(f)(4) to maintain the safety intent of § 33.28(d)(4). The FAA agrees with the suggested change. AM1.2710(f)(4) has been changed to require the engine control system to “ensure failures or malfunctions that lead to local events in the aircraft do not result in hazardous engine effects as defined in AM1.2717(d)(2) due to engine control system failures or malfunctions.”

One commenter proposed that the FAA differentiate between the ingestions that must not lead to a hazardous event (such as a large bird impact) and the ones that cannot lead to a loss of power that would become incompatible with the aircraft performances and CSFL capabilities. Another commenter questioned the use of the broad term “foreign objects” in proposed AM1.2718. The FAA modified AM1.2718 to incorporate ingestion sources identified in §§ 33.68, 33.76, 33.77, and 33.78. Revised AM1.2718 uses general terminology when distinguishing abnormal operation, hazardous engine effects, and unacceptable power loss which accounts for aircraft level effects and clarifies the term “foreign objects” by specifying the ingestion source.

Multiple commenters requested clarification regarding applicability differences between § 33.28 and proposed AM1.2710. The FAA notes that the applicability of both requirements is covered by AM1.2710(a). The FAA intends the applicant to employ the elements of § 33.28 specified as applicable to the Model M001 in combination with the additional requirements of AM1.2710.

Another commenter requested the FAA clarify whether § 33.29(f) applies to the Model M001. Section 33.29(f) requires a safety assessment of incorrect fit of instruments, sensors, or connectors, and references a § 33.75 turbine engine safety analysis that is not applicable to the Archer M001 electric engines. The airworthiness criteria have been revised to exclude paragraph (f) from the requirement to comply with certain paragraphs of § 33.29.

One commenter asked if compliance with § 33.64 is necessary to satisfy the proposed pressurized cooling requirements in § 33.21 and AM1.2706, as stated in ASTM Standard F3338–21 section 5.7.4. The ASTM Standard applies to liquid engine cooling systems, but the requirements in § 33.21 and AM1.2706 apply to air and liquid engine cooling systems. The FAA notes that although § 33.64, which contains

requirements for pressurized engine static parts, is not part of the Archer airworthiness criteria, pressurized engine static parts are addressed by AM1.2719. Paragraph (a) specifies requirements for systems used for lubrication or cooling engine components. Paragraph (c) includes airworthiness criteria for static parts subjected to pressurized systems. The FAA also revised the heading of AM1.2719 from “Liquid Systems” to “Liquid and Gas Systems” to clarify the applicability of the requirement and to differentiate it from ASTM Standard F3338–21.

Another commenter requested the FAA generalize the terminology in proposed AM1.2728 to recognize electro-mechanical implementations in addition to traditional mechanisms and functions. The commenter proposed replacing “locking” with “holding” and “unlocking” with “release.” AM1.2728 does not prescribe specific implementation of the rotor lock, other than the prevention of the rotor from turning. A rotor locking (or holding) function in an electric engine could have both mechanical and electro-mechanical purposes. The FAA determined the criteria in AM1.2728 will achieve the intended objectives for the Model M001. No changes are necessary as a result of the comment.

A commenter questioned the use of service limits in determining acceptability during the teardown evaluation in proposed AM1.2729(a)(1), as the service limits can be lower than those demonstrated as a part of the certification process. The FAA agrees that the intent is that each engine part must conform to the type design and be eligible for incorporation into an engine for continued operation and updated AM1.2729(a)(1) to remove the reference to service limits.

The FAA received multiple comments asking to define or qualify what would be an acceptable margin for purposes of proposed AM1.2730(a) and whether a rotor burst analysis is required at the aircraft level. The FAA disagrees. The FAA will determine an acceptable margin similar to the way the agency determines acceptable margins for engines under part 33. No changes were made as a result of these comments.

In regard to compliance with the functional demonstrations required by proposed AM1.2731, a commenter asked whether there will be a basic standard test-run program, or whether the demonstration will depend on the individual case. The FAA notes that AM1.2731 uses performance-based language to describe the functional demonstrations if they are not

accomplished concurrent with other required engine tests. Currently, there are no industry-wide accepted standards for conducting electric engine tests with variable pitch propellers, so the demonstration will depend on the individual case.

A commenter requested the FAA merge proposed AM1.2733(c)(1), which addresses the electrical-power distribution system, and proposed AM1.2733(d)(1), which addresses protection systems. Paragraph (c) addresses the safe transfer of power throughout the power plant whereas paragraph (d) addresses a protection system's response to power conditions that exceed design limits. These systems perform different functions, and therefore they are treated by separate airworthiness criteria. No changes were made as a result of the comment.

The same commenter noted that the type of electrical fault isolation required in proposed AM1.2733(c)(3) should be linked to the possible effects of the fault on the safety of flight and the aircraft. AM1.2733(c) protects engine electrical systems from faulted electrical energy generation or storage devices. The means of compliance should be tied to the safety assessment, which includes aircraft-level effects from faulted electrical-energy generation or storage device. The FAA updated AM1.2733(c)(3) to recognize this link.

A commenter questioned the numbering scheme of the airworthiness criteria in proposed AM1.2733(d). The FAA agrees that the numbering scheme needed better clarity. AM1.2733(d)(1) was merged with the introductory text of AM1.2733(d). Proposed AM1.2733(d)(2) does not fit under Protection Systems and was moved to AM1.2733(e). Proposed AM1.2733(e) through (g) have been renumbered as AM1.2733(f) through (h).

The same commenter noted that proposed AM1.2733(d) was too prescriptive in specifically requiring transmission interruption. The FAA agrees and changed the language to reflect that the Model M001 must be designed such that certain conditions would not result in a hazardous engine effect.

Lastly, the commenter requested that the FAA revise proposed AM1.2733(e), which addresses environmental limits, to make it less prescriptive. The commenter suggested that proposed AM1.2733(e) contain similar language as that in the equivalent requirement for the propeller control system in AM1.2823(a)(2). The FAA disagrees. AM1.2733(e) and AM1.2823(a)(2) are not equivalent requirements as stated by the commenter. Proposed AM1.2733(e)

(AM1.2733(f) in these final criteria) requires demonstrating environmental limits through system and component tests when substantiation methods are insufficient, while AM1.2823(a)(2) requires ensuring propeller control system functionality remains unaffected by declared environmental conditions and documenting validated environmental limits in propeller manuals. No changes were made as a result of this comment.

Propellers

The FAA received and reviewed comments from ALPA, Airbus, ASD-Europe, EASA, GAMA, Leonardo, Overair, TCCA, and Volocopter requesting the FAA revise, remove, or clarify proposed airworthiness criteria related to propellers for the Model M001.

Multiple commenters requested changes to proposed AM1.2823 regarding the causal direction of hazardous propeller effects and local events. The FAA concurs and has revised AM1.2823(b)(2) to require that local events not cause hazardous propeller effects. One commenter suggested that "local event" needs to be defined. Due to the comments received on "local events," the FAA concurs that the definition of "local events," in the context of AM1.2823, should be as defined as it is in AC 33.28-3, "Guidance Material for 14 CFR 33.28, Engine Control Systems," with minor wording changes that are appropriate for the Model M001. The FAA has added this definition to AM1.2000(b)(6). The FAA noted during review of AM1.2823 that two requirements from § 35.23 were missing in the proposed airworthiness criteria and should be added. The FAA added §§ 35.23(b)(3) and 35.23(b)(4) to the airworthiness criteria as paragraphs AM1.2823(b)(3) and AM1.2823(b)(4).

One commenter asked why the functional test in proposed AM1.2840 is limited to forward pitch and not to the entire pitch range. The FAA notes that the test is limited because the Model M001 does not have reversible pitch capability. Additionally, commenters suggested that the number of propeller pitch cycles should be increased from thirteen hundred to fifteen hundred in proposed AM1.2840(a) to align it with § 35.40(b). The FAA agrees and has revised AM1.2840(a) accordingly.

Several commenters requested the FAA elaborate on how the FAA differentiated between requirements for lift generating rotors compared to propellers, and whether icing ingestion requirements are needed for propellers. The FAA does not concur with suggestions to add additional

requirements for lift generating rotors or ice ingestion requirements for the AM1.2800 series criteria. The design and the expected failure modes of Archer's propellers are expected to be similar to conventional propellers type certificated under part 35 despite being used in the vertical thrust mode. Ice ingestion requirements for the engines already exist in other parts of the Model M001 airworthiness criteria.

Commenters suggested that proposed AM1.2815, which requires a safety analysis of the propeller system, is inadequate because the rate of hazardous propeller effects was not conservative enough and propeller release and unbalance should be treated as catastrophic events and not as hazardous propeller effects. Further, commenters suggested that determining the rate of hazardous propeller effects should be less ambiguous. The FAA does not concur with the suggestion that the acceptable hazardous propeller failure rate is too high. The criteria are derived from part 35 requirements, which provide an acceptable level of safety for both part 23 and 25 airplanes. The FAA does not concur with the suggestion that propeller release and unbalance should be treated as catastrophic and not hazardous effects. Catastrophic effects are treated at the aircraft level and the criteria for single propellers provide an acceptable level of safety. The FAA does not concur with the request to make the quantitative prediction of a hazardous propeller effect less ambiguous due to inherent limitations on the availability of reliable data.

One commenter questioned the need for a propeller critical part designation. The FAA does not concur with the suggestion to not make the propellers critical parts. The critical part requirements are integral for creating a propeller with an equivalent level of safety and are retained for the Model M001.

Commenters suggested that the current § 35.35 centrifugal load requirements are inappropriately prescriptive and that overspeed requirements derived from parts 27 or 29 rotorcraft rules are more appropriate. The FAA does not concur with the suggestion to substitute rotorcraft overspeed requirements for the propeller centrifugal load tests in § 35.35(a) and (b) because the design and failure modes of Archer's propellers are expected to be similar to conventional propellers type certificated under part 35. The consequential propeller loads are expected to primarily be centrifugal loads, and therefore the prescriptive centrifugal

test requirement of § 35.35, with its requirement for a large margin of safety, is needed to ensure an equivalent level of safety.

A commenter stated that the propeller-specific lightning strike requirements of § 35.38, which prevent major or hazardous effects, are inconsistent with aircraft-level lightning requirements in AM1.2335, which prevents catastrophic effects. The commenter proposed modifying the airworthiness criteria to remove the inconsistency. The FAA disagrees. The propeller requirements prescribe a particular safety level for an uninstalled propeller only; an uninstalled propeller does not need the same safety requirements as the aircraft. The aircraft safety analysis uses the propeller failure rate data to show that the aircraft will not experience any catastrophic effects. No changes were made as a result of this comment.

One commenter requested a definition for maximum propeller overspeed and overtorque as used in § 35.41. The FAA does not concur with the request to define propeller overspeed or overtorque because the applicant defines these ratings, if applicable, to show compliance with AM1.2805 and § 35.41. No changes were made as a result of this comment.

Another commenter requested a definition of acceptable “propellers of similar design” for purposes of compliance with AM1.2840(c). By a propeller of “similar design” in AM1.2840(c), the FAA means that expected failure modes, materials, construction, normal operating characteristics, and features of the propeller are unchanged or have only insignificant differences compared to another propeller. No changes were made as a result of this comment.

Requests To Include Additional Criteria

The FAA received comments from Airbus, ALPA, ASD-Europe, EASA, GAMA, IPR, Lilium, and TCCA, that additional criteria should be added for the Model M001 powered-lift.

One commenter requested the FAA provide reasoning on the omission of § 23.2005, which defines certification levels for normal category airplanes based on maximum seating configuration and speed, or an equivalent airworthiness criterion. The commenter requested the FAA discuss how the agency is establishing the minimum safety requirements for various special class powered-lift products to provide an equivalent level of safety. The FAA did not include § 23.2005 in these airworthiness criteria as that regulation was developed

specifically for part 23 airplanes, and the Model M001 is a powered-lift with novel flight phases that are not representative of airplanes; instead, the FAA is establishing a level of safety for the Model M001 that is equivalent with the level of safety in both part 23 and part 27 for airplanes and rotorcraft performing similar operations. Additionally, the criteria in this notice are specific for the Model M001 and are not generally applicable to powered-lift of various sizes.

An individual requested more criteria for HIRF environment applied to urban air mobility operations and vertiports. The FAA notes AM1.2520(a), HIRF protection, requires compliance for systems associated with catastrophic failure conditions. No changes were made as a result of this comment.

Several commenters requested the FAA require provisions for in-service monitoring such as a Health and Usage Monitoring System (HUMS) system to validate assumptions pertaining to airframe structure designs. The FAA is charged under § 21.17(b) to provide an equivalent level of safety to the existing airworthiness standards. The FAA does not currently require in-service monitoring for critical parts on other aircraft types, and the FAA does not plan to require any provisions for in-service monitoring of critical parts for powered-lift. No changes were made as a result of these comments.

Several commenters noted that no specific requirement is mentioned for aircraft batteries and recommended the FAA create new, specific criteria to address topics such as fire protection, fire propagation, crashworthiness, high-voltage current disconnection, protection from lightning transients, punctures and leakage of toxic gas or liquid, and effects of temperature and battery health on battery performance. The FAA acknowledges the risk posed by these hazards but does not agree that additional specific requirements are necessary. All risks identified are adequately addressed by the requirements of Subparts E and F, AM1.1529, and the Appendix A ICA requirements for airframe, engines, and propellers, with specific safety objectives and means of compliance to address these risks that will be developed and tailored to the specific aspects of the Model M001 powered-lift.

Out of Scope Comments

The FAA received and reviewed numerous comments that were general, stated the commenter's viewpoint or opposition without a suggestion specific to the proposed criteria, did not make a request the FAA can act on, requested

clarification on existing airworthiness standards, requested changes or clarification to means of compliance, requested changes to type certification procedures defined in 14 CFR part 21, requested requirements for features not included on the Model M001, improperly assumed the Model M001 was an Unmanned Aircraft System, addressed issues covered by operational requirements including IFR under which the Model M001 will not be operating or other 14 CFR parts not related to airworthiness, or asked generalized questions about the Model M001 powered-lift. These comments are beyond the scope of this document. The FAA also reviewed several comments relating to the pursuit of future rulemaking for powered-lift, which is beyond the scope of these airworthiness criteria.

Additional Changes Made to the Proposed Criteria

From October 31, 2023, through November 2, 2023, the FAA met with representatives from EASA regarding the proposed airworthiness criteria. This discussion did not pertain specifically to the Model M001, but instead concerned harmonization activities between EASA and the FAA on the requirements and means of compliance for type certification of powered-lift/VTOL aircraft generally. As a result of this meeting, and for consistency with the harmonized general criteria, the FAA changed the proposed requirement to comply with § 23.2250(c). The FAA added the sentence “The applicant must prevent single failures from resulting in a catastrophic effect upon the aircraft” to § 23.2250(c) (now AM1.2250(c)) to clarify that while single point failures are allowed in the design, they must be prevented from resulting in a catastrophic effect on the aircraft.

Applicability

These airworthiness criteria, established under the provisions of § 21.17(b), are applicable to the Archer Model M001 powered-lift. Should Archer apply at a later date for a change to the type certificate to include another model, these airworthiness criteria would apply to that model as well, provided the FAA finds them appropriate in accordance with the requirements of subpart D to part 21.

Conclusion

This action affects only certain airworthiness criteria for the Model M001 powered-lift. It is not a standard of general applicability.

Authority Citation

The authority citation for these airworthiness criteria is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

Airworthiness Criteria

Pursuant to the authority delegated to me by the Administrator, the following airworthiness criteria are issued as part of the type certification basis for the Model M001 powered-lift. The FAA finds these criteria to be appropriate for the aircraft and applicable to the specific type design and provide an equivalent level of safety to existing airworthiness standards.

Aircraft-Level Requirements**§ 23.1457 Cockpit Voice Recorders**

(a) through (g) [Applicable to Model M001]

§ 23.1459 Flight Data Recorders

(a) through (e) [Applicable to Model M001]

AM1.1529 Instructions for Continued Airworthiness

The applicant must prepare Instructions for Continued Airworthiness (ICA), in accordance with Appendices A, A1, and A2, that are acceptable to the Administrator. ICA for the aircraft, engines, and propellers may be shown in a single aircraft ICA manual if the engine and propeller approvals are sought through the aircraft certification program. Alternatively, the applicant may provide individual ICA for the aircraft, engines, and propellers. The instructions may be incomplete at the time of type certification if a program exists to ensure their completion prior to delivery of the first aircraft, or issuance of a standard certificate of airworthiness, whichever occurs later.

Subpart A—General**AM1.2000 Applicability and Definitions**

(a) These airworthiness criteria prescribe airworthiness standards for the issuance of a type certificate, and changes to that type certificate, for the Archer Aviation, Inc. Model M001 powered-lift. This aircraft must be certificated in accordance with either the “essential performance” or “increased performance” requirements of these airworthiness criteria. This aircraft may also be type certificated as both “essential performance” and “increased performance” with appropriate and different operating limitations for each approval.

(b) For purposes of these airworthiness criteria, the following definitions apply:

(1) *Continued safe flight and landing*—

(i) for powered-lift approved for “essential performance” means the aircraft is capable of continued controlled flight and landing, possibly using emergency procedures, without requiring exceptional pilot skill, strength, or alertness.

(ii) for powered-lift approved for “increased performance” means the aircraft is capable of climbing to a safe altitude, on a flightpath clear of obstacles, and maintaining level flight to a planned destination or alternate landing, possibly using emergency procedures, without requiring exceptional pilot skill, strength, or alertness.

(2) *Phases of flight* means ground operations, takeoff, climb, cruise, descent, approach, hover, and landing.

(3) *Source of lift* means one of three sources of lift: thrust-borne, wing-borne, and semi-thrust-borne. Thrust-borne is defined as when the weight of the aircraft is principally supported by lift generated by engine-driven lift devices. Wing-borne is defined as when the weight of the aircraft is principally supported by aerodynamic lift from fixed airfoil surfaces. Semi-thrust-borne is the combination of thrust-borne and wing-borne, where both forms of lift are used to support the weight of the aircraft.

(4) *Controlled emergency landing* means the aircraft design retains the capability to allow the pilot to choose the direction and area of touchdown while reasonably protecting occupants from serious injury. Upon landing, some damage to the aircraft may be acceptable.

(5) *Critical change of thrust* means the most adverse effect on performance or handling qualities resulting from failures of the flight control or propulsive system, either singular or in combination, not shown to be extremely improbable.

(6) *Local events* are failures of aircraft systems and components, other than the engine and propeller control system, that may affect the installed environment of the engine and propeller control system.

(c) Terms used in the part 23, part 33, and part 35 provisions that are adopted in these airworthiness criteria will have the following meaning:

“Airplane” means “aircraft.”

“This part” means “these airworthiness criteria.”

“Rotorcraft” means “aircraft.”

§ 23.2010 Accepted Means of Compliance

(a) through (b) [Applicable to Model M001]

Subpart B—Flight**Performance****§ 23.2100 Weight and Center of Gravity**

(a) through (c) [Applicable to Model M001]

AM1.2105 Performance Data

(a) Unless otherwise prescribed, the aircraft must meet the performance requirements of this subpart in still air and standard atmospheric conditions.

(b) Unless otherwise prescribed, the applicant must develop the performance data required by this subpart for the following conditions:

(1) Altitudes from sea level to the maximum altitude for which certification is being sought.; and

(2) Temperatures above and below standard day temperature that are within the range of operating limitations, if those temperatures could have a negative effect on performance.

(c) The procedures used for determining takeoff and landing performance must be executable consistently by pilots of average skill in atmospheric conditions expected to be encountered in service.

(d) Performance data determined in accordance with paragraph (b) of this section must account for losses due to atmospheric conditions, cooling needs, installation losses, downwash considerations, and other demands on power sources.

(e) The hovering ceiling, in and out of ground effect, must be determined over the ranges of weight, altitude, and temperature, if applicable.

(f) Continued safe flight and landing must be possible from any point within the approved flight envelope following a critical change of thrust.

(g) The aircraft must be capable of a controlled emergency landing, following a condition when the aircraft can no longer provide the commanded power or thrust required for continued safe flight and landing, by gliding or autorotation, or an equivalent means to mitigate the risk of loss of power or thrust.

AM1.2110 Minimum Safe Speed

The applicant must determine the aircraft minimum safe speed for each flight condition encountered in normal operations, including applicable sources of lift and phases of flight, to maintain controlled safe flight. The minimum safe speed determination must account

for the most adverse conditions for each flight configuration.

AM1.2115 Takeoff Performance

(a) The applicant must determine takeoff performance accounting for:

(1) All sources of lift for each takeoff flight path for which certification is sought,

(2) Minimum safe speed safety margins,

(3) Minimum control speeds, and

(4) Climb requirements.

(b) For aircraft approved for essential performance, the applicant must determine the takeoff performance to 50 feet above the takeoff surface such that a rejected takeoff resulting in safe stop or landing can be made at any point along the takeoff flight path following a critical change of thrust.

(c) For aircraft approved for increased performance, the applicant must determine the takeoff performance so that—

(1) Following a critical change of thrust prior to reaching the takeoff decision point, a rejected takeoff resulting in a safe stop or landing can be made. The takeoff decision point may be a speed, an altitude, or both.

(2) Following a critical change of thrust after passing the takeoff decision point, the aircraft can—

(i) Continue the takeoff and climb to 50 feet above the takeoff surface; and

(ii) Subsequently achieve the configuration and airspeed used in compliance with AM1.2120.

AM1.2120 Climb Requirements

(a) The applicant must demonstrate minimum climb performance at each weight, altitude, and ambient temperature within the operating limitations using the procedures published in the flight manual.

(b) For aircraft approved for essential and increased performance, the applicant must determine the following all engines operating (AEO) climb performance requirements:

(1) A steady climb gradient at sea level of at least 8.3 percent in the initial takeoff configuration(s) and a climb speed selected by the applicant or V_y , and

(2) For a balked landing, a climb gradient of 3 percent without creating undue pilot workload with the landing gear extended and flaps in the landing configuration(s).

(c) For aircraft approved for essential performance, the climb performance after a critical change of thrust must be determined—

(1) Using applicable sources of lift along the takeoff flight path for which certification is being sought at the

speeds and configurations selected by the applicant; and

(2) For the transition from the takeoff to the enroute configuration. The total altitude loss must be determined for the weight, altitude, and ambient temperature where level flight cannot be maintained.

(d) For aircraft approved for increased performance, the climb performance after a critical change of thrust must be such that—

(1) In thrust-borne and semi-thrust-borne flight:

(i) The steady rate of climb without ground effect, 200 feet above the takeoff surface, is at least 100 feet per minute,

(ii) The steady rate of climb without ground effect, 1000 feet above the takeoff surface, is at least 150 feet per minute,

(iii) The steady rate of climb (or descent) enroute is determined in feet per minute, at each weight, altitude, and temperature at which the aircraft is expected to operate for which certification is requested.

(2) In wing-borne flight, the steady gradient of climb:

(i) During takeoff at the takeoff surface, is at least 0.5 percent with the aircraft in its takeoff configuration(s),

(ii) During takeoff at 400 feet above the takeoff surface, is at least 2.6 percent with the aircraft in its second segment configuration,

(iii) Enroute at 1,500 feet above the takeoff or landing surface, as appropriate, is at least 1.7 percent with the aircraft in a cruise configuration, and

(iv) During a discontinued approach at 400 feet above the landing surface, is not less than 2.7 percent in an approach configuration.

(e) The applicant must determine the performance accordingly for the appropriate sources of lift for gliding, autorotation, or the equivalent means established under AM1.2105(g).

AM1.2125 Climb Information

(a) The applicant must determine climb performance at each weight, altitude, and ambient temperature within the operating limitations using the procedures published in the flight manual.

(b) The applicant must determine climb performance accounting for any critical change of thrust.

AM1.2130 Landing

The applicant must determine the following, for standard temperatures at critical combinations of weight and altitude within the operational limits:

(a) The approach and landing speeds and procedures, which allow a pilot of

average skill to land within the published landing distance consistently and without causing damage or injury, and which allow for a safe transition to the balked landing conditions of these airworthiness criteria accounting for:

(1) All sources of lift for each approach and landing flight path for which certification is sought,

(2) Any minimum or maximum speed safety margins, and

(3) Minimum control speeds.

(b) For aircraft approved for essential performance, the applicant must determine the landing performance from a height of 50 feet above the landing surface. Additionally, the aircraft must be capable of performing a safe landing at any point along the approach flight path following a critical change of thrust.

(c) For aircraft approved for increased performance, the applicant must determine the landing performance from a height of 50 feet above the landing surface so that, following a critical change of thrust that occurs prior to the landing decision point, the aircraft can—

(1) Land and stop safely on the landing surface; or

(2) Transition to the balked landing condition and performance established in AM1.2120.

Flight Characteristics

AM1.2135 Controllability

(a) The aircraft must be controllable and maneuverable, without requiring exceptional piloting skill, alertness, or strength, within the approved flight envelope—

(1) At all loading conditions for which certification is requested;

(2) During all phases of flight while using applicable sources of lift;

(3) With likely flight control or propulsion system failure;

(4) During configuration changes;

(5) In all degraded flight control system operating modes not shown to be extremely improbable;

(6) In thrust-borne operation, and must be controllable in wind velocities from zero to at least 17 knots from any azimuth angle; and

(7) The aircraft must be able to safely complete a landing using the steepest approach gradient procedures.

(b) The applicant must determine critical control parameters, such as limited control power margins, and if applicable, account for those parameters in appropriate operating limitations.

(c) It must be possible to make a smooth transition from one flight condition to another (changes in configuration and in source of lift and phase of flight) without exceeding the approved flight envelope.

AM1.2140 Trim

(a) The aircraft must maintain lateral and directional trim without further force upon, or movement of, the primary flight controls or corresponding trim controls by the pilot, or the flight control system, under all normal operations while using applicable sources of lift.

(b) The aircraft must maintain longitudinal trim without further force upon, or movement of, the primary flight controls or corresponding trim controls by the pilot, or the flight control system, under the following conditions:

- (1) Climb.
- (2) Level flight.
- (3) Descent.
- (4) Approach.

(c) Residual control forces must not fatigue or distract the pilot during normal operations of the aircraft and likely abnormal or emergency operations, including a critical change of thrust.

AM1.2145 Stability

(a) The aircraft must exhibit static stability characteristics inclusive of likely failures.

(b) The aircraft must exhibit suitable short period dynamic stability inclusive of likely failures.

(c) For wing borne and semi-thrust-borne operations:

(1) No aircraft may exhibit any divergent longitudinal dynamic stability characteristics so unstable as to increase the pilot's workload or otherwise endanger the aircraft and its occupants, and

(2) The aircraft must exhibit lateral-directional dynamic stability inclusive of likely failures.

(d) For thrust borne operations, no aircraft may exhibit any divergent dynamic stability characteristics so unstable as to increase the pilot's workload or otherwise endanger the aircraft and its occupants.

AM1.2150 Minimum Safe Speed Characteristics and Warning

(a) When part of the lift is generated from a fixed wing, the aircraft must have controllable stall characteristics in straight flight, turning flight, and accelerated turning flight with a clear and distinctive stall warning that provides sufficient margin to prevent inadvertent stalling and not have a tendency to inadvertently depart controlled safe flight.

(b) For other sources of lift, the aircraft must have controllable characteristics in straight flight, turning flight, and accelerated turning flight

with a clear and distinctive warning that provides sufficient margin to prevent inadvertent departures from controlled safe flight.

(c) For all sources of lift, the aircraft must not have the tendency to inadvertently depart controlled safe flight after a sudden change of thrust.

§ 23.2155 Ground and Water Handling Characteristics

[Applicable to Model M001]

AM1.2160 Vibration, Buffeting, and High-Speed Characteristics

(a) Each part of the aircraft must be free from excessive vibration and buffeting under each appropriate speed and power condition. Vibration and buffeting, for operations up to V_D/M_D , must not interfere with the control of the aircraft or cause excessive fatigue to the flightcrew. Stall warning buffet within these limits is allowable.

(b) For inadvertent excursions beyond the maximum approved speed, the aircraft must be able to safely recover back to its approved flight envelope without requiring exceptional piloting skill, strength, or alertness. This recovery may not result in structural damage or loss of control.

AM1.2165 Performance and Flight Characteristics Requirements for Flight in Atmospheric Icing Conditions

(a) The applicant must provide a means to detect icing conditions for which certification is not requested and show the aircraft's ability to avoid or exit those icing conditions.

(b) The applicant must develop an operating limitation to prohibit intentional flight, including takeoff and landing, into icing conditions for which the aircraft is not certified to operate.

Subpart C—Structures**AM1.2200 Structural Design Envelope**

The applicant must determine the structural design envelope, which describes the range and limits of aircraft design and operational parameters for which the applicant will show compliance with the requirements of this subpart. The applicant must account for all aircraft design and operational parameters that affect structural loads, strength, durability, and aeroelasticity, including:

(a) Structural design airspeeds, landing descent speeds, and any other airspeed limitation at which the applicant must show compliance to the requirements of this subpart. The structural design airspeeds must—

(1) Be sufficiently greater than the minimum safe speed of the aircraft to

safeguard against loss of control in turbulent air; and

(2) Provide sufficient margin for the establishment of practical operational limiting airspeeds.

(b) Design maneuvering load factors not less than those, which service history shows, may occur within the structural design envelope.

(c) Inertial properties including weight, center of gravity, and mass moments of inertia, accounting for—

(1) Each critical weight from the aircraft empty weight to the maximum weight; and

(2) The weight and distribution of occupants, payload, and energy-storage systems.

(d) Characteristics of aircraft control systems, including range of motion and tolerances for control surfaces, high lift devices, or other moveable surfaces.

(e) Each critical altitude up to the maximum altitude.

(f) Engine-driven lifting-device rotational speed and ranges, and the maximum rearward and sideward flight speeds.

(g) Thrust-borne, wing-borne, and semi-thrust-borne flight configurations, with associated flight load envelopes.

§ 23.2205 Interaction of Systems and Structures

[Applicable to Model M001]

Structural Loads**§ 23.2210 Structural Design Loads**

(a) through (b) [Applicable to Model M001]

AM1.2215 Flight Load Conditions

(a) The applicant must determine the structural design loads resulting from the following flight conditions:

(1) Atmospheric gusts where the magnitude and gradient of these gusts are based on measured gust statistics.

(2) Symmetric and asymmetric maneuvers.

(3) Asymmetric thrust resulting from the failure of a powerplant unit.

(b) There must be no vibration or buffeting severe enough to result in structural damage, at any speed up to dive speed, within the structural design envelope, in any configuration and power setting.

§ 23.2220 Ground and Water Load Conditions

[Applicable to Model M001]

AM1.2225 Component Loading Conditions

The applicant must determine the structural design loads acting on:

(a) Each engine mount and its supporting structure such that both are

designed to withstand loads resulting from—

(1) Powerplant operation combined with flight gust and maneuver loads; and

(2) For non-reciprocating powerplants, sudden powerplant stoppage.

(b) Each flight control and high-lift surface, their associated system and supporting structure resulting from—

(1) The inertia of each surface and mass balance attachment;

(2) Flight gusts and maneuvers;

(3) Pilot or automated system inputs;

(4) System induced conditions, including jamming and friction; and

(5) Taxi, takeoff, and landing operations on the applicable surface, including downwind taxi and gusts occurring on the applicable surface.

(c) [Reserved]

(d) Engine-driven lifting-device assemblies, considering loads resulting from flight and ground conditions, as well limit input torque at any lifting-device rotational speed.

§ 23.2230 Limit and Ultimate Loads

(a) through (b) [Applicable to Model M001]

Structural Performance

§ 23.2235 Structural Strength

(a) through (b) [Applicable to Model M001]

AM1.2240 Structural Durability

(a) The applicant must develop and implement inspections or other procedures to prevent structural failures due to foreseeable causes of strength degradation, which could result in serious or fatal injuries, or extended periods of operation with reduced safety margins. Each of the inspections or other procedures developed under this section must be included in the Airworthiness Limitations Section of the ICA, required by AM1.1529.

(b) If safety-by-design (fail-safe) is used to comply with paragraph (a) of this section, safety-by-inspection (damage tolerance) must also be incorporated to reliably detect structural damage before the damage could result in structural failure.

(c) The aircraft must be designed to minimize hazards to the aircraft due to structural damage caused by high-energy fragments from an uncontained engine or rotating machinery failure.

AM1.2241 Aeromechanical Stability

The aircraft must be free from dangerous oscillations and aeromechanical instabilities for all configurations and conditions of operation on the ground and in flight.

AM1.2245 Aeroelasticity

(a) The aircraft must be free from flutter, control reversal, and divergence—

(1) At all speeds within and sufficiently beyond the structural design envelope;

(2) For any configuration and condition of operation;

(3) Accounting for critical structural modes, and

(4) Accounting for any critical failures or malfunctions.

(b) The applicant must establish tolerances for all quantities that affect aeroelastic stability.

(c) Each component and rotating aerodynamic surface of the aircraft must be free from any aeroelastic instability under each appropriate speed and power condition.

Design

AM1.2250 Design and Construction Principles

(a) The applicant must design each part, article, and assembly for the expected operating conditions of the aircraft.

(b) Design data must adequately define the part, article, or assembly configuration, its design features, and any materials and processes used.

(c) The applicant must determine the suitability of each design detail and part having an important bearing on safety in operations. The applicant must prevent single failures from resulting in a catastrophic effect upon the aircraft.

(d) The control system must be free from jamming, excessive friction, and excessive deflection when the aircraft is subjected to expected limit airloads.

(e) Doors, canopies, and exits must be protected against inadvertent opening in flight, unless shown to create no hazard when opened in flight.

§ 23.2255 Protection of Structure

(a) through (c) [Applicable to Model M001]

§ 23.2260 Materials and Processes

(a) through (g) [Applicable to Model M001]

§ 23.2265 Special Factors of Safety

(a) through (c) [Applicable to Model M001]

Structural Occupant Protection

§ 23.2270 Emergency Conditions

(a) through (e) [Applicable to Model M001]

Subpart D—Design and Construction

AM1.2300 Flight Control Systems

(a) The applicant must design flight control systems to:

(1) Operate easily, smoothly, and positively enough to allow proper performance of their functions;

(2) Protect against likely hazards; and

(3) Ensure that the flightcrew is made suitably aware whenever the means of primary flight control approaches the limits of control authority.

(b) The applicant must design trim systems or trim functions, if installed, to:

(1) Protect against inadvertent, incorrect, or abrupt trim operation; and

(2) Provide information that is required for safe operation.

(c) Features that protect the aircraft against loss of control or exceeding critical limits must be designed such that there are no adverse flight characteristics in aircraft response to flight-control inputs, unsteady atmospheric conditions, and other likely conditions, including simultaneous limiting events.

§ 23.2305 Landing Gear Systems

(a) through (c) [Applicable to Model M001]

AM1.2311 Bird Strike

The aircraft must be capable of continued safe flight and landing after impact with a 2.2-lb (1.0 kg) bird.

Occupant System Design Protection

AM1.2315 Means of Egress and Emergency Exits

(a) With the cabin configured for takeoff or landing, the aircraft is designed to:

(1) Facilitate rapid and safe evacuation of the aircraft in conditions likely to occur following an emergency landing.

(2) Have means of egress (openings, exits, or emergency exits), that can be readily located and opened from the inside and outside. The means of opening must be simple and obvious and marked inside and outside the aircraft.

(3) Have easy access to emergency exits when present.

(b) [Reserved]

§ 23.2320 Occupant Physical Environment

(a) and (c) [Applicable to Model M001]

(b), (d), and (e) [Not applicable to Model M001]

Fire and High Energy Protection

AM1.2325 Fire Protection

(a) The following materials must be self-extinguishing—

(1) Insulation on electrical wire and electrical cable; and

(2) Materials in the baggage and cargo compartments inaccessible in flight.

(b) The following materials must be flame resistant—

(1) Materials in each compartment accessible in flight; and

(2) Any equipment associated with any electrical cable installation and that would overheat in the event of circuit overload or fault.

(c) Thermal/acoustic materials in the fuselage, if installed, must not be a flame propagation hazard.

(d) Sources of heat within each baggage and cargo compartment that are capable of igniting adjacent objects must be shielded and insulated to prevent such ignition.

(e) Each baggage and cargo compartment must—

(1) Be located where a fire would be visible to the pilots and be accessible for the manual extinguishing of a fire,

(2) Be equipped with a smoke or fire detection system that warns the pilot, or

(3) Be constructed of, or lined with, fire resistant materials.

(f) There must be a means to extinguish any fire in the cabin such that the pilot, while seated, can easily access the fire extinguishing means.

(g) Each area where flammable fluids or vapors might escape by leakage of a fluid system must—

(1) Be defined; and

(2) Have a means to minimize the probability of fluid and vapor ignition, and the resultant hazard, if ignition occurs.

AM1.2330 Fire Protection in Fire Zones and Adjacent Areas

(a) Flight controls, engine mounts, and other flight structures within or adjacent to fire zones must be capable of withstanding the effects of a fire.

(b) Engines in a fire zone must remain attached to the aircraft in the event of a fire.

(c) In fire zones, terminals, equipment, and electrical cables used during emergency procedures must perform their intended function in the event of a fire.

AM1.2335 Lightning and Static Electricity Protection

(a) The aircraft must be protected against catastrophic effects from lightning.

(b) The aircraft must be protected against hazardous effects caused by an accumulation of electrostatic charge.

Subpart E—Powerplant

AM1.2400 Powerplant Installation

(a) For the purpose of this subpart, the aircraft powerplant installation must include each component necessary for

propulsion, which affects propulsion safety.

(b) Each aircraft engine and propeller must be approved under the aircraft type certificate using standards found in subparts H and I.

(c) The applicant must construct and arrange each powerplant installation to account for—

(1) Likely operating conditions, including foreign-object threats;

(2) Sufficient clearance of moving parts to other aircraft parts and their surroundings;

(3) Likely hazards in operation including hazards to ground personnel; and

(4) Vibration and fatigue.

(d) Hazardous accumulations of fluids, vapors, or gases must be isolated from the aircraft and personnel compartments and be safely contained or discharged.

(e) Powerplant components must comply with their component limitations and installation instructions or be shown not to create a hazard.

AM1.2405 Power or Thrust Control Systems

(a) Any power or thrust control system or powerplant control system must be designed so no unsafe condition results during normal operation of the system.

(b) Any single failure or likely combination of failures or malfunctions of a power or thrust control system or powerplant control system must not prevent continued safe flight and landing of the aircraft.

(c) Inadvertent flightcrew operation of a power or thrust control system or powerplant control system must be prevented, or if not prevented, must not prevent continued safe flight and landing of the aircraft.

§ 23.2410 Powerplant Installation Hazard Assessment

(a) through (c) [Applicable to Model M001]

§ 23.2415 Powerplant Ice Protection

(a) through (b) [Applicable to Model M001]

AM1.2425 Powerplant Operational Characteristics

(a) Each installed powerplant must operate without any hazardous characteristics during normal and emergency operation within the range of operating limitations for the aircraft and the engine.

(b) The design must provide for the shutdown and restart of the powerplant in flight within an established operational envelope.

AM1.2430 Energy Systems

(a) Each energy system must—

(1) Be designed and arranged to provide independence between multiple energy-storage and supply systems, so that failure of any one component in one system will not result in loss of energy storage or supply of another system;

(2) Be designed to prevent catastrophic events due to lightning strikes, taking into account direct and indirect effects on the aircraft;

(3) Provide the energy necessary to ensure each powerplant functions properly in all likely operating conditions;

(4) Provide the flightcrew with a means to determine the total useable energy available and provide uninterrupted supply of that energy when the system is correctly operated, accounting for likely energy fluctuations;

(5) Provide a means to safely remove or isolate the energy stored in the system from the aircraft; and

(6) Be designed to retain energy under all likely operating conditions and to minimize hazards to occupants and first responders following an emergency landing or otherwise survivable impact (crash landing).

(b) Each energy-storage system must—

(1) Withstand the loads under likely operating conditions without failure; and

(2) Be isolated from personnel compartments and protected from likely hazards.

(c) Each energy-storage recharging system must be designed to—

(1) Prevent improper recharging; and

(2) Prevent the occurrence of hazard to the aircraft or to persons during recharging.

AM1.2440 Powerplant Fire Protection

There must be means to isolate and mitigate hazards to the aircraft in the event of a powerplant system fire or overheat in operation.

Subpart F—Equipment

§ 23.2500 Airplane Level Systems Requirements

(a) through (b) [Applicable to Model M001]

§ 23.2505 Function and Installation

[Applicable to Model M001]

§ 23.2510 Equipment, Systems, and Installations

(a) through (c) [Applicable to Model M001]

AM1.2515 Electrical- and Electronic-System Lightning Protection

(a) Each electrical or electronic system that performs a function, the failure of which would prevent the continued safe flight and landing of the aircraft, must be designed and installed such that—

(1) The function at the aircraft level is not adversely affected during and after the time the aircraft is exposed to lightning; and

(2) The system recovers normal operation of that function in a timely manner after the aircraft is exposed to lightning unless the system's recovery conflicts with other operational or functional requirements of the system.

(b) For an aircraft approved for operation under instrument flight rules (IFR), each electrical and electronic system that performs a function, the failure of which would reduce the capability of the aircraft or the ability of the flightcrew to respond to an adverse operating condition, must be designed and installed such that the system recovers normal operation of that function in a timely manner after the aircraft is exposed to lightning.

AM1.2520 High-Intensity Radiated Fields (HIRF) Protection

(a) Each electrical or electronic system that performs a function, the failure of which would prevent the continued safe flight and landing of the aircraft, must be designed and installed such that—

(1) The function at the aircraft level is not adversely affected during and after the time the aircraft is exposed to the HIRF environment; and

(2) The system recovers normal operation of that function in a timely manner after the aircraft is exposed to the HIRF environment, unless the system's recovery conflicts with other operational or functional requirements of the system.

(b) For aircraft approved for IFR operations, each electrical and electronic system that performs a function, the failure of which would reduce the capability of the aircraft or the ability of the flightcrew to respond to an adverse operating condition, must be designed and installed such that the system recovers normal operation of that function in a timely manner after the aircraft is exposed to the HIRF environment.

§ 23.2525 System Power Generation, Storage, and Distribution

(a) through (c) [Applicable to Model M001]

§ 23.2530 External and Cockpit Lighting

(a) through (d) [Applicable to Model M001]

(e) [Not applicable to Model M001]

§ 23.2535 Safety Equipment

[Applicable to Model M001]

§ 23.2545 Pressurized Systems Elements

[Applicable to Model M001]

§ 23.2550 Equipment Containing High-Energy Rotors

[Applicable to Model M001]

Subpart G—Flightcrew Interface and Other Information**AM1.2600 Flightcrew Interface**

(a) The pilot compartment, its equipment, and its arrangement to include pilot view, must allow each pilot to perform their duties for all sources of lift and phases of flight and perform any maneuvers within the approved flight envelope of the aircraft, without excessive concentration, skill, alertness, or fatigue.

(b) The applicant must install flight, navigation, surveillance, and powerplant controls and displays, as needed, so qualified flightcrew can monitor and perform defined tasks associated with the intended functions of systems and equipment, without excessive concentration, skill, alertness, or fatigue. The system and equipment design must minimize flightcrew errors, which could result in additional hazards.

§ 23.2605 Installation and Operation

(a) through (c) [Applicable to Model M001]

§ 23.2610 Instrument Markings, Control Markings, and Placards

(a) through (c) [Applicable to Model M001]

AM1.2615 Flight, Navigation, and Powerplant Instruments

(a) Installed systems must provide the flightcrew member who sets or monitors parameters for the flight, navigation, and powerplant, the information necessary to do so during each source of lift and phase of flight. This information must—

(1) Be presented in a manner that the crewmember can monitor the parameter and determine trends, as needed, to operate the aircraft; and

(2) Include limitations, unless the limitations cannot be exceeded in all intended operations.

(b) Indication systems that integrate the display of flight or powerplant

parameters to operate the aircraft, or are required by the operating rules of title 14, chapter I, must—

(1) Not inhibit the primary display of flight or powerplant parameters needed by any flightcrew member in any normal mode of operation; and

(2) In combination with other systems, be designed and installed so information essential for continued safe flight and landing will be available to the flightcrew in a timely manner after any single failure or probable combination of failures.

AM1.2620 Aircraft Flight Manual

The applicant must provide an Aircraft Flight Manual that must be delivered with each aircraft.

(a) The Aircraft Flight Manual must contain the following information—

- (1) Aircraft operating limitations;
- (2) Aircraft operating procedures;
- (3) Performance information;
- (4) Loading information; and
- (5) Other information that is necessary

for safe operation because of design, operating, or handling characteristics.

(b) The portions of the Aircraft Flight Manual containing the information specified in paragraphs (a)(1) through (a)(4) of this section must be approved by the FAA in a manner specified by the Administrator.

Subpart H—Electric Engine Requirements**§ 33.5 Instruction Manual for Installing and Operating the Engine**

(a) through (c) [Applicable to Model M001]

§ 33.7 Engine Ratings and Operating Limitations

(a) [Applicable to Model M001]

(b) through (d) [Not applicable to Model M001]

AM1.2702 Engine Ratings and Operating Limits

Ratings and operating limits must be established and included in the type certificate data sheet based on:

(a) Shaft power, torque, rotational speed, and temperature for:

- (1) Rated takeoff power;
- (2) Rated maximum continuous

power; and

(3) Rated maximum temporary power and associated time limit.

(b) Duty cycle and the rating at that duty cycle. The duty cycle must be declared in the type certificate data sheet.

(c) Cooling fluid grade or specification.

(d) Power-supply requirements.

(e) Any other ratings or limitations that are necessary for the safe operation of the engine.

§ 33.8 Selection of Engine Power and Thrust Ratings

(a) through (b) [Applicable to Model M001]

§ 33.15 Materials

(a) through (b) [Applicable to Model M001]

§ 33.17 Fire Protection

(a) [Not applicable to Model M001]
(b) through (g) [Applicable to Model M001]

AM1.2704 Fire Protection

(a) The design and construction of the engine and the materials used must minimize the probability of the occurrence and spread of fire during normal operation and failure conditions and must minimize the effect of such a fire.

(b) High-voltage electrical wiring interconnect systems must be protected against arc faults that can lead to hazardous engine effects as defined in AM1.2717(d)(2). Non-protected electrical wiring interconnects must be analyzed to show that arc faults do not cause a hazardous engine effect.

AM1.2705 Durability

The engine design and construction must minimize the development of an unsafe condition of the engine between maintenance intervals, overhaul periods, or mandatory actions described in the applicable ICA.

§ 33.21 Engine Cooling

[Applicable to Model M001]

AM1.2706 Engine Cooling

If cooling is required to satisfy the safety analysis as described in AM1.2717, the cooling-system monitoring features and usage must be documented in the engine installation manual.

§ 33.23 Engine Mounting Attachments and Structure

(a) through (b) [Applicable to Model M001]

§ 33.25 Accessory Attachments

[Applicable to Model M001]

AM1.2709 Overspeed

(a) A rotor overspeed must not result in a burst, rotor growth, or damage that results in a hazardous engine effect, as defined in AM1.2717(d)(2). Compliance with this paragraph must be shown by test, validated analysis, or a combination of both. Applicable assumed rotor speeds must be declared and justified.

(b) Rotors must possess sufficient strength with a margin to burst above

approved operating conditions and above failure conditions leading to rotor overspeed. The margin to burst must be shown by test, validated analysis, or a combination thereof.

(c) The engine must not exceed the rotor-speed operational limitations that could affect rotor structural integrity.

§ 33.28 Engine Control Systems

(b)(1)(i), (b)(1)(iii), and (b)(1)(iv) [Applicable to Model M001]

(a), (b)(1)(ii), and (b)(2) through (m) [Not applicable to Model M001]

AM1.2710 Engine Control Systems

(a) Applicability.

These requirements apply to any system or device that is part of the engine type design that controls, limits, monitors, or protects engine operation and is necessary for the continued airworthiness of the engine.

(b) Engine control.

The engine control system must ensure the engine does not experience any unacceptable operating characteristics or exceed its operating limits, including in failure conditions where the fault or failure results in a change from one control mode to another, from one channel to another, or from the primary system to the back-up system, if applicable.

(c) Design assurance.

The software and complex electronic hardware, including programmable logic devices, must be—

(1) Designed and developed using a structured and systematic approach that provides a level of assurance for the logic commensurate with the hazard associated with the failure or malfunction of the systems in which the devices are located; and

(2) Substantiated by a verification methodology acceptable to the Administrator.

(d) Validation.

All functional aspects of the control system must be substantiated by test, analysis, or a combination thereof, to show that the engine control system performs the intended functions throughout the declared operational envelope.

(e) Environmental limits.

Environmental limits that cannot be adequately substantiated by endurance demonstration, validated analysis, or a combination thereof must be demonstrated by the system and component tests in AM1.2727.

(f) Engine control system failures.

The engine control system must—

(1) Have a maximum rate of Loss of Power Control (LOPC) that is suitable for the intended aircraft application. The estimated LOPC rate must be

specified in the engine installation manual;

(2) When in the full-up configuration, be single fault tolerant, as determined by the Administrator, for electrical, electrically detectable, and electronic failures involving LOPC events;

(3) Not have any single failure that results in hazardous engine effects as defined in AM1.2717(d)(2); and

(4) Ensure failures or malfunctions that lead to local events in the aircraft do not result in hazardous engine effects as defined in AM1.2717(d)(2) due to engine control system failures or malfunctions.

(g) System safety assessment.

The applicant must perform a system safety assessment. This assessment must identify faults or failures that affect normal operation, together with the predicted frequency of occurrence of these faults or failures. The intended aircraft application must be taken into account to ensure the assessment of the engine control system safety is valid.

(h) Protection systems.

The engine control devices and systems' design and function, together with engine instruments, operating instructions, and maintenance instructions, must ensure that engine operating limits that can lead to a hazard will not be exceeded in-service.

(i) Aircraft-supplied data.

Any single failure leading to loss, interruption, or corruption of aircraft-supplied data (other than power command signals from the aircraft), or aircraft-supplied data shared between engine systems within a single engine or between fully independent engine systems, must—

(1) Not result in a hazardous engine effect, as defined in AM1.2717(d)(2), for any engine installed on the aircraft; and

(2) Be able to be detected and accommodated by the control system.

(j) Engine control system electrical power.

(1) The engine control system must be designed such that the loss, malfunction, or interruption of the control system electrical power source will not result in a hazardous engine effect, as defined in AM1.2717(d)(2), the unacceptable transmission of erroneous data, or continued engine operation in the absence of the control function. The engine control system must be capable of resuming normal operation when aircraft-supplied power returns to within the declared limits.

(2) The applicant must identify and declare, in the engine installation manual, the characteristics of any electrical power supplied from the aircraft to the engine control system, including transient and steady-state

voltage limits, and any other characteristics necessary for safe operation of the engine.

§ 33.29 Instrument Connection

(a), (e), and (g) [Applicable to Model M001]

(b) through (d), (f), and (h) [Not applicable to the Model M001]

AM1.2711 Instrument Connection

(a) In addition, as part of the system safety assessment of AM1.2710(g) and AM1.2733(h), the applicant must assess the possibility and subsequent effect of incorrect fit of instruments, sensors, or connectors. Where practicable, the applicant must take design precautions to prevent incorrect configuration of the system.

(b) The applicant must provide instrumentation enabling the flightcrew to monitor the functioning of the engine cooling system unless evidence shows that:

(1) Other existing instrumentation provides adequate warning of failure or impending failure;

(2) Failure of the cooling system would not lead to hazardous engine effects, as defined in AM1.2717(d)(2), before detection; or

(3) The probability of failure of the cooling system is extremely remote.

AM1.2712 Stress Analysis

(a) A mechanical and thermal stress analysis, as well as an analysis of the stress caused by electromagnetic forces, must show a sufficient design margin to prevent unacceptable operating characteristics and hazardous engine effects as defined in AM1.2717(d)(2).

(b) Maximum stresses in the engine must be determined by test, validated analysis, or a combination thereof, and must be shown not to exceed minimum material properties.

§ 33.70 Engine Life Limited Parts

Introductory paragraph [Not applicable to Model M001]

(a) through (c) [Applicable to Model M001]

AM1.2713 Critical and Life-Limited Parts

(a) The applicant must show, by a safety analysis or means acceptable to the Administrator, whether rotating or moving components, bearings, shafts, static parts, and non-redundant mount components should be classified, designed, manufactured, and managed throughout their service life as critical or life-limited parts.

(1) *Critical part* means a part that must meet prescribed integrity specifications to avoid its primary

failure, which is likely to result in a hazardous engine effect as defined in AM1.2717(d)(2).

(2) *Life-limited parts* may include but are not limited to a rotor and major structural static part, the failure of which can result in a hazardous engine effect, as defined in AM1.2717(d)(2), due to low-cycle fatigue.

(b) In establishing the integrity of each critical part or life-limited part, the applicant must provide to the Administrator the following three plans for approval: an engineering plan, a manufacturing plan, and a service-management plan, as defined in § 33.70.

AM1.2714 Lubrication System

(a) The lubrication system must be designed and constructed to function properly between scheduled maintenance intervals in all flight attitudes and atmospheric conditions in which the engine is expected to operate.

(b) The lubrication system must be designed to prevent contamination of the engine bearings and lubrication system components.

(c) The applicant must demonstrate by test, validated analysis, or a combination thereof, the unique lubrication attributes and functional capability of paragraphs (a) and (b) of this section.

AM1.2715 Power Response

The design and construction of the engine, including its control system, must enable an increase—

(a) From the minimum power setting to the highest rated power without detrimental engine effects;

(b) From the minimum obtainable power while in flight, and while on the ground, to the highest rated power within a time interval determined to be appropriate for the intended aircraft application; and

(c) From the minimum torque to the highest rated torque without detrimental engine effects in the intended aircraft application.

AM1.2716 Continued Rotation

If the design allows any of the engine main rotating systems to continue to rotate after the engine is shut down while in-flight, this continued rotation must not result in hazardous engine effects, as specified in AM1.2717(d)(2).

§ 33.75 Safety Analysis

(a)(1) through (a)(2), (d), (e), and (g)(2) [Applicable to Model M001]

(a)(3) through (c), (f), (g)(1), and (g)(3) [Not applicable to Model M001]

AM1.2717 Safety Analysis

(a) The applicant must comply with § 33.75(a)(1) and (2) using the failure

definitions in paragraph (d) of this section.

(b) The primary failure of certain single elements cannot be sensibly estimated in numerical terms. If the failure of such elements is likely to result in hazardous engine effects as defined in paragraph (d)(2) of this section, then the applicant may show compliance by reliance on the prescribed integrity requirements such as § 33.15, AM1.2709, AM1.2713, or combinations thereof, as applicable. The failure of such elements and associated prescribed integrity requirements must be stated in the safety analysis.

(c) The applicant must comply with § 33.75(d) using the failure definitions in paragraph (d) of this section, § 33.75(e)(1) using the ICA in AM1.1529 Appendix 1, and with § 33.75(e)(4) using the failure definitions in paragraph (d) of this section.

(d) Unless otherwise approved by the Administrator, the following definitions apply to the engine effects when showing compliance with these airworthiness criteria:

(1) A minor engine effect does not prohibit the engine from performing its intended functions in a manner consistent with § 33.28(b)(1)(i), (b)(1)(iii), and (b)(1)(iv), and the engine complies with the operability requirements such as AM1.2715, AM1.2725, and AM1.2731, as appropriate.

(2) The engine effects in § 33.75(g)(2) are hazardous engine effects, as are:

(i) Electrocution of the crew, passengers, operators, maintainers, or others; and

(ii) Blockage of cooling systems that could cause the engine effects described in § 33.75(g)(2) and paragraph (d)(2)(i) of this section.

(3) Any other engine effect is a major engine effect.

(e) The intended aircraft application must be taken into account to assure that the analysis of the engine system safety is valid.

AM1.2718 Ingestion

(a) Rain, ice, and hail ingestion must not result in an abnormal operation such as shutdown, power loss, erratic operation, or power oscillations throughout the engine operating range.

(b) Ingestion from other likely sources (birds, induction system ice, foreign objects—ice slabs) must not result in hazardous engine effects, as defined in AM1.2717(d)(2), or unacceptable power loss.

(c) If the design of the engine relies on features, attachments, or systems that the installer may supply, for the prevention of unacceptable power loss

or hazardous engine effects as defined in AM1.2717(d)(2) following potential ingestion, then the features, attachments, or systems must be documented in the engine installation manual.

(d) Ingestion sources described in paragraph (b) of this section that are not evaluated must be declared in the engine installation manual.

AM1.2719 Liquid and Gas Systems

(a) Each system used for lubrication or cooling of engine components must be designed and constructed to function properly in all flight attitudes and atmospheric conditions in which the engine is expected to operate.

(b) If a system used for lubrication or cooling of engine components is not self-contained, the interfaces to that system must be defined in the engine installation manual.

(c) The applicant must establish by test, validated analysis, or a combination of both, that all static parts subject to significant pressure loads will not:

(1) Exhibit permanent distortion beyond serviceable limits or exhibit leakage that could create a hazardous condition when subjected to normal and maximum working pressure with margin.

(2) Exhibit fracture or burst when subjected to the greater of maximum possible pressures with margin.

(d) Compliance with paragraph (c) of this section must take into account:

(1) The operating temperature of the part;

(2) Any other significant static loads in addition to pressure loads;

(3) Minimum properties representative of both the material and the processes used in the construction of the part; and

(4) Any adverse physical geometry conditions allowed by the type design, such as minimum material and minimum radii.

(e) Approved coolants and lubricants must be listed in the engine installation manual.

AM1.2720 Vibration Demonstration

(a) The engine must be designed and constructed to function throughout its normal operating range of rotor speeds and engine output power, including defined exceedances, without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

(b) Each engine design must undergo a vibration survey to establish that the vibration characteristics of those components that may be subject to

induced vibration are acceptable throughout the approved flight envelope and engine operating range for the specific installation configuration. The possible sources of the induced vibration that the survey must assess are mechanical, aerodynamic, acoustical, internally induced electromagnetic, installation induced effects that can affect the engine vibration characteristics, and likely environmental effects. This survey must be shown by test, validated analysis, or a combination thereof.

AM1.2721 Overtorque

When approval is sought for a transient maximum engine overtorque, the applicant must demonstrate by test, validated analysis, or a combination thereof, that the engine can continue operation after operating at the maximum engine overtorque condition without maintenance action. Upon conclusion of overtorque tests conducted to show compliance with this subpart, or any other tests that are conducted in combination with the overtorque test, each engine part or individual groups of components must meet the requirements of AM1.2729.

AM1.2722 Calibration Assurance

Each engine must be subjected to calibration tests to establish its power characteristics and the conditions both before and after the endurance and durability demonstrations specified in AM1.2723 and AM1.2726.

AM1.2723 Endurance Demonstration

(a) The applicant must subject the engine to an endurance demonstration, acceptable to the Administrator, to demonstrate the engine's limit capabilities.

(b) The endurance demonstration must include increases and decreases of the engine's power settings, energy regeneration, and dwellings at the power settings or energy regeneration for sufficient durations that produce the extreme physical conditions the engine experiences at rated performance levels, operational limits, and at any other conditions or power settings that are required to verify the limit capabilities of the engine.

AM1.2724 Temperature Limit

The engine design must demonstrate its capability to endure operation at its temperature limits plus an acceptable margin. The applicant must quantify and justify the margin to the Administrator. The demonstration must be repeated for all declared duty cycles and ratings, and operating

environments, that would impact temperature limits.

AM1.2725 Operation Demonstration

The engine design must demonstrate safe operating characteristics, including but not limited to power cycling, starting, acceleration, and overspeeding throughout its declared flight envelope and operating range. The declared engine operational characteristics must account for installation loads and effects.

AM1.2726 Durability Demonstration

The engine must be subjected to a durability demonstration to show that each part of the engine has been designed and constructed to minimize any unsafe condition of the system between overhaul periods or between engine replacement intervals if the overhaul is not defined. This test must simulate the conditions in which the engine is expected to operate in service, including typical start-stop cycles, to establish when the initial maintenance is required.

AM1.2727 System and Component Tests

The applicant must show that systems and components that cannot be adequately substantiated in accordance with the endurance demonstration or other demonstrations will perform their intended functions in all declared environmental and operating conditions.

AM1.2728 Rotor Locking Demonstration

If shaft rotation is prevented by locking the rotor(s), the engine must demonstrate:

(a) Reliable rotor locking performance;

(b) Reliable unlocking performance;

and

(c) That no hazardous engine effects, as specified in AM1.2717(d)(2), will occur.

AM1.2729 Teardown Inspection

(a) Teardown evaluation.

(1) After the endurance and durability demonstrations have been completed, the engine must be completely disassembled. Each engine component and lubricant must be eligible for continued operation in accordance with the information submitted for showing compliance with AM1.1529.

(2) Each engine component having an adjustment setting and a functioning characteristic that can be established independent of installation on or in the engine must retain each setting and functioning characteristic within the established and recorded limits at the

beginning of the endurance and durability demonstrations.

(b) Non-Teardown evaluation.

If a teardown cannot be performed for all engine components in a non-destructive manner, then the inspection or replacement intervals for these components and lubricants must be established based on the endurance and durability demonstrations and documented in the ICA in accordance with AM1.1529.

AM1.2730 Containment

The engine must be designed and constructed to protect against likely hazards from rotating components as follows—

(a) The design of the case surrounding rotating components must provide for the containment of the rotating components in the event of failure, unless the applicant shows that the margin to rotor burst precludes the possibility of a rotor burst.

(b) If the margin to burst shows the case must have containment features in the event of failure, the case must provide for the containment of the failed rotating components. The applicant must define by test, validated analysis, or a combination thereof, and document in the engine installation manual, the energy level, trajectory, and size of fragments released from damage caused by the main rotor failure, and that pass forward or aft of the surrounding case.

AM1.2731 Operation With a Variable-Pitch Propeller

The applicant must conduct functional demonstrations including feathering, negative torque, negative thrust, and reverse thrust operations, as applicable, with a representative propeller. These demonstrations may be conducted in a manner acceptable to the Administrator as part of the endurance, durability, and operation demonstrations.

AM1.2732 General Conduct of Tests

(a) Maintenance of the engine may be made during the tests in accordance with the service and maintenance instructions submitted in compliance with AM1.1529, ICA.

(b) The applicant must subject the engine or its parts to maintenance and additional tests that the Administrator finds necessary if—

- (1) The frequency of the service is excessive;
- (2) The number of stops due to engine malfunction is excessive;
- (3) Major repairs are needed; or
- (4) Replacement of a part is found necessary during the tests or due to the teardown inspection findings.

(c) Upon completion of all demonstrations and testing specified in these airworthiness criteria, the engine and its components must be—

- (1) Within serviceable limits;
- (2) Safe for continued operation; and
- (3) Capable of operating at declared ratings while remaining within limits.

AM1.2733 Engine Electrical Systems

(a) Applicability.

Any system or device that provides, uses, conditions, or distributes electrical power, and is part of the engine type design, must provide for the continued airworthiness of the engine and maintain electric engine ratings.

(b) Electrical systems.

The electrical system must ensure the safe generation and transmission of power, electrical load shedding, and that the engine does not experience any unacceptable operating characteristics or exceed its operating limits.

(c) Electrical-power distribution.

(1) The engine electrical-power distribution system must be designed to provide the safe transfer of electrical energy throughout the electrical power plant. The system must be designed to provide electrical power so that the loss, malfunction, or interruption of the electrical power source will not result in a hazardous engine effect, as defined in AM1.2717(d)(2).

(2) The system must be designed and maintained to withstand normal and abnormal conditions during all ground and flight operations.

(3) The system must provide mechanical or automatic means to mitigate a faulted electrical-energy generation or storage device from leading to hazardous engine effects, as defined in AM1.2717(d)(2), or detrimental effects in the intended aircraft application.

(d) Protection systems.

The engine electrical system must be designed such that the loss, malfunction, interruption of the electrical power source, or power conditions that exceed design limits will not result in hazardous engine effects, as defined in AM1.2717(d)(2), or detrimental effects in the intended aircraft application.

(e) Electrical Power Characteristics.

The applicant must identify and declare, in the engine installation manual, the characteristics of any electrical power—

- (1) Supplied from the aircraft to the engine electrical system, for starting and operating the engine, including transient and steady-state voltage limits, or
- (2) Supplied from the engine to the aircraft via energy regeneration, and any

other characteristics necessary for safe operation of the engine.

(f) Environmental limits.

Environmental limits that cannot be adequately substantiated by endurance demonstration, validated analysis, or a combination thereof must be demonstrated by the system and component tests in AM1.2727.

(g) Electrical-system failures.

The engine electrical system must—

- (1) Have a maximum rate of Loss of Power Control (LOPC) that is suitable for the intended aircraft application;
- (2) When in the full-up configuration, be single fault tolerant, as determined by the Administrator, for electrical, electrically detectable, and electronic failures involving LOPC events;
- (3) Not have any single failure that results in hazardous engine effects as defined in AM1.2717(d)(2); and
- (4) Not have any likely failure or malfunction that leads to local events in the intended aircraft application.

(h) System safety assessment.

The applicant must perform a system safety assessment. This assessment must identify faults or failures that affect normal operation, together with the predicted frequency of occurrence of these faults or failures. The intended aircraft application must be taken into account to assure the assessment of the engine system safety is valid.

Subpart I—Propeller Requirements

AM1.2805 Propeller Ratings and Operating Limitations

Propeller ratings and operating limitations must be established by the applicant and approved by the Administrator, including ratings and limitations based on the operating conditions and information specified in this subpart, as applicable, and any other information found necessary for safe operation of the propeller.

§ 35.7 Features and Characteristics

(a) through (b) [Applicable to Model M001]

AM1.2815 Safety Analysis

(a) The applicant must:

(1) Analyze the propeller system to assess the likely consequences of all failures that can reasonably be expected to occur. This analysis will take into account, if applicable:

(i) The propeller system when installed on the aircraft. When the analysis depends on representative components, assumed interfaces, or assumed installed conditions, the assumptions must be stated in the analysis.

(ii) Consequential secondary failures and dormant failures.

(iii) Multiple failures referred to in paragraph (d) of this section, or that result in the hazardous propeller effects defined in paragraph (g)(1) of this section.

(2) Summarize those failures that could result in major propeller effects or hazardous propeller effects defined in paragraph (g) of this section, and estimate the probability of occurrence of those effects.

(3) Show that hazardous propeller effects are not predicted to occur at a rate in excess of that defined as extremely remote (probability of 10^{-7} or less per propeller flight hour). Because the estimated probability for individual failures may be insufficiently precise to enable the applicant to assess the total rate for hazardous propeller effects, compliance may be shown by demonstrating that the probability of a hazardous propeller effect arising from an individual failure can be predicted to be not greater than 10^{-8} per propeller flight hour. In dealing with probabilities of this low order of magnitude, absolute proof is not possible, and reliance must be placed on engineering judgment and previous experience, combined with sound design and test philosophies.

(b) If significant doubt exists as to the effects of failures or likely combination of failures, the Administrator may require assumptions used in the analysis to be verified by test.

(c) The primary failures of certain single propeller elements (for example, blades) cannot be sensibly estimated in numerical terms. If the failure of such elements is likely to result in hazardous propeller effects, those elements must be identified as propeller critical parts. For propeller critical parts, the applicant must meet the prescribed integrity specifications of AM1.2816. These instances must be stated in the safety analysis.

(d) If reliance is placed on a safety system to prevent a failure progressing to hazardous propeller effects, the possibility of a safety system failure, in combination with a basic propeller failure, must be included in the analysis. Such a safety system may include safety devices, instrumentation, early warning devices, maintenance checks, and other similar equipment or procedures.

(e) If the safety analysis depends on one or more of the following items, those items must be identified in the analysis and appropriately substantiated.

(1) Maintenance actions being carried out at stated intervals. This includes verifying that items that could fail in a latent manner are functioning properly. When necessary to prevent hazardous

propeller effects, these maintenance actions and intervals must be published in the ICA required under AM1.1529. Additionally, if errors in maintenance of the propeller system could lead to hazardous propeller effects, the appropriate maintenance procedures must be included in the relevant propeller manuals.

(2) Verification of the satisfactory functioning of safety or other devices at pre-flight or other stated periods. The details of this satisfactory functioning must be published in the appropriate manual.

(3) The provision of specific instrumentation not otherwise required. Such instrumentation must be published in the appropriate documentation.

(4) A fatigue assessment.

(f) If applicable, the safety analysis must include, but not be limited to, assessment of indicating equipment, manual and automatic controls, governors and propeller-control systems, synchrophasers, synchronizers, and propeller thrust reversal systems.

(g) Unless otherwise approved by the Administrator and stated in the safety analysis, the following failure definitions apply to compliance with these airworthiness criteria.

(1) The following are regarded as hazardous propeller effects:

(i) The development of excessive drag.

(ii) A significant thrust in the opposite direction to that commanded by the pilot.

(iii) The release of the propeller or any major portion of the propeller.

(iv) A failure that results in excessive unbalance.

(2) The following are regarded as major propeller effects for variable-pitch propellers:

(i) An inability to feather the propeller for feathering propellers.

(ii) An inability to change propeller pitch when commanded.

(iii) A significant uncommanded change in pitch.

(iv) A significant uncontrollable torque or speed fluctuation.

AM1.281 Propeller Critical Parts

The integrity of each propeller critical part identified by the safety analysis required by AM1.2815 must be established by:

(a) A defined engineering process for ensuring the integrity of the propeller critical part throughout its service life,

(b) A defined manufacturing process that identifies the requirements to consistently produce the propeller critical part as required by the engineering process, and

(c) A defined service-management process that identifies the continued

airworthiness requirements of the propeller critical part as required by the engineering process.

§ 35.17 Materials and Manufacturing Methods

(a) through (c) [Applicable to Model M001]

§ 35.19 Durability

[Applicable to Model M001]

AM1.2821 Variable- and Reversible-Pitch Propellers

(a) No single failure or malfunction in the propeller system will result in unintended travel of the propeller blades to a position below the in-flight low-pitch position. The extent of any intended travel below the in-flight low-pitch position must be documented by the applicant in the appropriate manuals. Failure of structural elements need not be considered if the occurrence of such a failure is shown to be extremely remote under AM1.2815.

(b) For propellers incorporating a method to select blade pitch below the in-flight low-pitch position, provisions must be made to sense and indicate to the flightcrew that the propeller blades are below that position by an amount defined in the installation instructions. The method for sensing and indicating the propeller blade pitch position must be such that its failure does not affect the control of the propeller.

§ 35.22 Feathering Propellers

(a) through (c) [Applicable to Model M001]

AM1.2823 Propeller Control System

The requirements of this section apply to any system or component that controls, limits, or monitors propeller functions.

(a) The propeller control system must be designed, constructed and validated to show that:

(1) The propeller control system, operating in normal and alternative operating modes and in transition between operating modes, performs the functions defined by the applicant throughout the declared operating conditions and approved flight envelope.

(2) The propeller control system functionality is not adversely affected by the declared environmental conditions, including temperature, electromagnetic interference (EMI), high intensity radiated fields (HIRF), and lightning. The environmental limits to which the system has been satisfactorily validated must be documented in the appropriate propeller manuals.

(3) A method is provided to indicate that an operating mode change has

occurred if flightcrew action is required. In such an event, operating instructions must be provided in the appropriate manuals.

(b) The propeller control system must be designed and constructed so that, in addition to compliance with AM1.2815:

(1) No single failure results in a hazardous propeller effect;

(2) Local events in the intended aircraft installation will not result in hazardous propeller effects;

(3) The loss of normal propeller pitch control does not cause a hazardous propeller effect under the intended operating conditions; and

(4) The failure or corruption of data or signals shared across propellers does not cause a hazardous propeller effect.

(c) Electronic propeller-control-system embedded software must be designed and implemented by a method approved by the Administrator that is consistent with the criticality of the performed functions and that minimizes the existence of software errors.

(d) The propeller control system must be designed and constructed so that the failure or corruption of aircraft-supplied data does not result in hazardous propeller effects.

(e) The propeller control system must be designed and constructed so that the loss, interruption, or abnormal characteristic of aircraft-supplied electrical power does not result in hazardous propeller effects. The power quality requirements must be described in the appropriate manuals.

§ 35.24 Strength

[Applicable to Model M001]

§ 35.33 General

(a) through (c) [Applicable to Model M001]

§ 35.34 Inspections, Adjustments, and Repairs

(a) through (b) [Applicable to Model M001]

§ 35.35 Centrifugal Load Tests

(a) through (c) [Applicable to Model M001]

§ 35.36 Bird Impact

[Applicable to Model M001]

§ 35.37 Fatigue Limits and Evaluation

(a) through (c)(1) [Applicable to Model M001, except replace the reference to § 35.15 with AM1.2815, and the reference to “§ 23.2400(c) or § 25.907” with AM1.2400(c)]

(c)(2) [Not applicable to Model M001]

§ 35.38 Lightning Strike

[Applicable to Model M001]

§ 35.39 Endurance Test

(a) through (c) [Applicable to Model M001, except replace the reference to “part 33” with “these airworthiness criteria”]

AM1.2840 Functional Test

The variable-pitch propeller system must be subjected to the applicable functional tests of this section. The same propeller system used in the endurance test of § 35.39 must be used in the functional tests and must be driven by a representative engine on a test stand or on the aircraft. The propeller must complete these tests without evidence of failure or malfunction. This test may be combined with the endurance test for accumulation of cycles.

(a) Governing and reversible-pitch propellers. Fifteen hundred complete cycles must be made across the range of forward pitch and rotational speed. In addition, 200 complete cycles of control must be made from lowest normal pitch to maximum reverse pitch. During each cycle, the propeller must run for 30 seconds at the maximum power and rotational speed selected by the applicant for maximum reverse pitch.

(b) Feathering propellers. Fifty cycles of feather and unfeather operation must be made.

(c) An analysis based on tests of propellers of similar design may be used in place of the tests of this section.

§ 35.41 Overspeed and Overtorque

(a) through (b) [Applicable to Model M001]

§ 35.42 Components of the Propeller Control System

[Applicable to Model M001]

Appendix A to Part 23—Instructions for Continued Airworthiness

A23.1 through A23.3(g) and A23.4

[Applicable to Model M001]

A23.3(h) [Not applicable to Model M001]

Appendix A1—Instructions for Continued Airworthiness (Electric Engine)

AAM1.2701 General

(a) This appendix specifies requirements for the preparation of ICA for the engines as required by AM1.1529.

(b) The ICA for the engine must include the ICA for all engine parts.

(c) The applicant must submit to the FAA a program to show how the applicant's changes to the ICA will be distributed, if applicable.

A33.2 Format

(a) through (b) [Applicable to Model M001]

A33.3 Content

(a) and (b) [Applicable to Model M001]

(c) [Not applicable to Model M001]

A33.4 Airworthiness Limitations Section

(a) [Applicable to Model M001]

(b) [Not applicable to Model M001]

Appendix A2—Instructions for Continued Airworthiness (Propellers)

AAM1.2801 General

(a) This appendix specifies requirements for the preparation of ICA for the propellers as required by AM1.1529.

(b) The ICA for the propeller must include the ICA for all propeller parts.

(c) The applicant must submit to the FAA a program to show how changes to the ICA made by the applicant or by the manufacturers of propeller parts will be distributed, if applicable.

A35.2 Format

(a) through (b) [Applicable to Model M001]

A35.3 Content

(a) through (b) [Applicable to Model M001]

A35.4 Airworthiness Limitations Section

[Applicable to Model M001]

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Part III

Environmental Protection Agency

40 CFR Parts 141 and 142

National Primary Drinking Water Regulations: Consumer Confidence
Reports; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[EPA-HQ-OW-2022-0260; FRL 8464-01-OW]

RIN 2040-AG14

National Primary Drinking Water Regulations: Consumer Confidence Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is revising the Consumer Confidence Report (CCR) Rule in accordance with America's Water Infrastructure Act (AWIA) of 2018 (United States, 2018) and is requiring States, territories, and Tribes with primary enforcement responsibility to report compliance monitoring data (CMD) to the EPA. The revisions will improve the readability, clarity, and understandability of CCRs as well as the accuracy of the information presented, improve risk communication in CCRs, incorporate electronic delivery options, provide supplemental information regarding lead levels and control efforts, and require systems who serve 10,000 or more persons to provide CCRs to customers biannually (twice per year). The final rule requirements for States to submit to the EPA CMD for all National Primary Drinking Water Regulations (NPDWRs) will improve the EPA's ability to fulfill oversight responsibilities under the Safe Drinking Water Act (SDWA).

DATES: This final rule is effective on June 24, 2024. The compliance date for the revisions to 40 CFR part 141, subpart O is set forth in § 141.152. The compliance date for States (as defined in § 142.2) to report CMD is set forth in § 142.15(b)(3).

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OW-2022-0260. All documents in the docket are listed on the <http://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 electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Sarah Bradbury, Drinking Water Capacity and Compliance Division, Office of Ground Water and Drinking Water, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number (202) 564-3116; email address: bradbury.sarah@epa.gov.

For general information contact: The EPA at OGWDWCCRrevisions@epa.gov or visit the agency's website at: <https://www.epa.gov/ccr/consumer-confidence-report-rule-revisions>, for general information about the Consumer Confidence Report Rule Revisions.

SUPPLEMENTARY INFORMATION: *Preamble acronyms and abbreviations.* Throughout this document the use of "we," "us," or "our" is intended to refer to the EPA. We use acronyms in this preamble. For reference purposes, the EPA defines the following acronyms here:

ALE Action Level Exceedance
AWIA America's Water Infrastructure Act
CCR Consumer Confidence Report
CCT Corrosion Control Treatment
CFR Code of Federal Regulations
CMD Compliance Monitoring Data
CWS Community Water System
DW-SFTIES Drinking Water State-Federal-Tribal Information Exchange System
Ej Environmental Justice
EPA Environmental Protection Agency
GAO Government Accountability Office
ICR Information Collection Request
LCRR Lead and Copper Rule Revisions
LEP Limited English Proficiency
LSL Lead Service Line
MCL Maximum Contaminant Level
MCLG Maximum Contaminant Level Goal
MRDL Maximum Residual Disinfectant Levels
NDWAC National Drinking Water Advisory Council
NPDWR National Primary Drinking Water Regulations
OMB Office of Management and Budget
OCCT Optimal Corrosion Control Treatment
PFAS Per- and Polyfluoroalkyl Substances
PN Public Notification
ppb Parts per billion
ppm Parts per million
ppt Parts per trillion
PWS Public Water System
PWSS Public Water System Supervision
QR Quick Response
RFA Regulatory Flexibility Act
SDWA Safe Drinking Water Act
SDWIS Safe Drinking Water Information System
TT Treatment Technique
UCMR Unregulated Contaminant Monitoring Rule
UMRA Unfunded Mandates Reform Act

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I. General Information

A. What are the EPA's final revisions?

The EPA is promulgating revisions to the Consumer Confidence Report Rule (CCR) that strengthen public health protection by improving access to and

clarity of drinking water data so that customers of community water systems (CWS) can have a more complete picture of water quality and water system compliance. The EPA is requiring primacy agencies to report compliance monitoring data (CMD) to the EPA to support the agency's oversight responsibilities by providing the EPA a more complete and accurate

understanding of water system compliance with National Primary Drinking Water Regulations (NPDWRs) under the Safe Drinking Water Act (SDWA).

B. Does this action apply to me?

Entities that could potentially be affected include the following:

Category	Example of potentially affected entities
CWSs	CWSs (a public water system [PWS] that (A) serves at least 15 service connections used by year-round residents of the area served by the system; or (B) regularly serves at least 25 year-round residents) (§ 141.2).
State, territory, and Tribal agencies	Primacy agencies responsible for drinking water regulatory development and enforcement. (§ 142.2)

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that the EPA is now aware could potentially be regulated by this action. Other types of entities not listed in this table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in § 141.151 of the rule. For questions regarding the applicability of this action to a particular entity, consult the technical information contact listed under **FOR FURTHER INFORMATION CONTACT**.

C. What is the Agency's authority for taking this action?

The statutory authority for this rule is the SDWA, including sections 1413, 1414, 1445, and 1450. The EPA first promulgated regulations in 1998 to require CCRs after the 1996 SDWA amendments added requirements for water systems to provide annual reports to each customer of a water system on the level of contaminants in the drinking water and related information (63 FR 44512 (August 19, 1998)). These annual reports were part of the "Right to Know" provisions added to the statute in 1996 and designed to increase the amount of information made available by a CWS to their consumers. On October 23, 2018, (Pub. L. 115–270, 2018) AWIA was enacted to improve drinking water and water quality, deepen infrastructure investments, enhance public health and quality of life, increase jobs, and bolster the economy.

Section 2008 of AWIA amended SDWA section 1414(c)(4) on Consumer Confidence Reports by adding a new paragraph 1414(c)(4)(F). This new paragraph requires the EPA to revise the 1998 CCR regulations to increase the readability, clarity, and

understandability of the information presented in the CCRs; increase the accuracy of information presented and risk communication in the CCRs; mandate report delivery at least biannually by systems serving 10,000 or more; and allow electronic delivery consistent with methods described in the memorandum *Safe Drinking Water Act-Consumer Confidence Report Rule Delivery Options* (USEPA, 2013) issued by the EPA on January 3, 2013. The AWIA amendments also require CCRs to include information on corrosion control efforts and when corrective action to reduce lead levels throughout the system is required following a lead action level exceedance (ALE). As with the original CCR Rule, the AWIA amendments direct that the revised regulations must be developed in consultation with PWSs, environmental groups, public interest groups, risk communication experts, the States, and other interested parties. Section 1414(c)(4)(F), as amended, also established a deadline of October 23, 2020, for the EPA to revise the CCR Rule. In response to a complaint filed by the Natural Resources Defense Council on January 19, 2021, (NRDC v. EPA-SDWA CCR No 21–cv–461. 2021.) and after public notice (USEPA, 2021d) and the opportunity to comment, the EPA entered a consent decree that includes a deadline for the agency to sign for publication in the **Federal Register** revisions to the CCR regulations no later than May 14, 2024 (modified from March 15, 2024), to comply with AWIA amendments to SDWA section 1414(c)(4). *Natural Resources Defense Council v. Michael S. Regan, Administrator of the U.S. EPA*, Case No. 21 Civ. 461 (VEC) (S.D.N.Y.). See also Docket no. EPA–HQ–OGC–2021–0753. This action fulfills the rulemaking requirements of SDWA section 1414(c)(4)(F).

In addition, in recent years, the EPA evaluated ways to improve the accuracy and availability of compliance monitoring data by practicable, cost-effective methods and means. AWIA, section 2011 amended SDWA section 1414 to add a new section, 1414(j)—Improved Accuracy and Availability of Compliance Monitoring Data. SDWA Section 1414(j) required the EPA to provide Congress a strategic plan for improving the accuracy and availability of monitoring data collected to demonstrate compliance with National Primary Drinking Water Regulations (NPDWRs) and submitted by public water systems to States or by States to the Administrator. Congress mandated the EPA to, among other things, evaluate challenges with ensuring the accuracy and integrity of submitted data, and provide findings and recommendations on practicable, cost-effective methods and means that can be employed to improve the accuracy and availability of submitted data. To inform its efforts to meet these statutory requirements, the EPA consulted States, PWSs, and other interested stakeholders, which consisted of discussions with staff from State drinking water programs, PWSs, and State laboratories, as well as staff from the EPA regions. The EPA's Drinking Water Compliance Monitoring Data (CMD) Strategic Plan identified a need for the EPA to obtain and evaluate monitoring data regularly collected by States as required under the NPDWRs (USEPA, 2022a). The EPA has considered the accuracy and completeness of compliance information available to the agency and determined that annual reporting of CMD will provide the agency a more complete and accurate understanding of water system compliance and therefore, is needed to support the agency's oversight responsibilities under SDWA. As described in the CMD Strategic Plan, an internal analysis of Safe Drinking

Water Information System (SDWIS) data quality conducted in 2009 found inconsistencies in the health-based and monitoring violation records in Safe Drinking Water Information System Federal Data Warehouse (SDWIS FED) compared to State records. The evaluation found that health-based violations were 61 percent accurate, and the monitoring violations were as low as 21 percent accurate, meaning that the recorded health-based violations for a system or the lack of recorded violation could be incorrect nearly one third of the time. The reasons for low data quality were both incorrect compliance determinations and correct information not transmitted properly to the EPA's database (USEPA, 2022a). In 2011 the Government Accountability Office (GAO) concluded that poor data quality and reliability limit the EPA's ability to target enforcement priorities and communicate PWS performance (USGAO, 2011) and in 2006, GAO concluded that the EPA should ensure that data on water systems' test results, corrective action milestones, and violations are current, accurate, and complete (USGAO, 2006). In light of the findings the EPA made in the CMD Strategic Plan as well as the GAO's 2006 and 2011 recommendations, the EPA determined that annual reporting of CMD is needed to support the agency's oversight responsibilities by providing the EPA a more complete and accurate understanding water system compliance.

Section 1445(a) of the SDWA authorizes the EPA to require any person (including water systems and States) subject to SDWA to make such reports as the EPA may reasonably require by regulation to assist the agency in determining whether such person has acted or is acting in compliance with SDWA. Under section 1413(a)(1)–(3) of SDWA, States with primary enforcement authority are required to adopt drinking water regulations no less stringent than NPDWRs, adopt and implement adequate procedures for the enforcement of those regulations, and keep records and make reports with respect to those activities as the EPA may reasonably require by regulation. The annual reporting of CMD as required by this final rule will strengthen the agency's ability to conduct oversight of PWS compliance with NPDWRs and primacy States' implementation of the Public Water System Supervision (PWSS) program. Evaluating PWS compliance with the NPDWRs is based on the review and evaluation of sample results and

operational data collected by PWSs and submitted to primacy States. Currently, the EPA only receives State data on water system violations, water system inventory, and other information, such as enforcement actions, which does not allow the EPA to fully assess trends in water system compliance with NPDWRs. As a result, in this rule, the EPA is requiring annual reporting of CMD to assist the agency in Federal oversight of primacy agency and PWS compliance with SDWA requirements.

Requiring States to report CMD annually will assist the EPA in routinely evaluating the quality of selected drinking water data on health-based and monitoring violations. This in turn will improve the EPA's ability to oversee the States' implementation of the SDWA and to provide more complete and accurate information on compliance to Congress and the public, consistent with GAO's recommendations (USGAO, 2011). A complete list of GAO recommendations can be found at: <https://www.gao.gov/assets/gao-11-381.pdf> and in the docket for this rule (EPA–HQ–OW–2022–0260–0027). Finally, annual reporting of CMD is consistent with the Foundations for Evidence-Based Policymaking Act of 2018 (also called the Evidence Act), which statutorily mandates that the EPA build and use evidence to improve policy, program, operational, budget, and management decision-making (United States, 2019). As intended under the Evidence Act, States' annual reporting of CMD to the EPA will provide a more complete and accurate understanding of trends in contaminant occurrence and water system compliance, which will improve the decisions the EPA makes regarding oversight, enforcement, regulatory revisions, and training and technical assistance actions.

D. What action is the Agency taking?

Consistent with the statutory provisions and purposes described in this preamble, the EPA is finalizing a rule to (1) revise the CCR regulations and (2) establish requirements for States, territories, and Tribes with primacy to report CMD annually to the EPA.

E. Why is the Agency taking this action?

The EPA is committed to improving the accuracy and availability of drinking water data that the agency and the public receive to make informed decisions and protect public health. In passing AWIA's amendments to the CCR provisions of SDWA, Congress reaffirmed that people living in the United States have a right to know what

is in their drinking water and where it comes from and highlighted a need for improvements to the annual CCRs to increase the readability, clarity, and understandability of the information, as well as the accuracy of the information presented and the risk communication. These revisions address those needs and require CCRs to include certain information about lead in drinking water. This final rule also requires CCRs to be distributed more frequently to customers of systems serving at least 10,000 persons. These efforts to improve right-to-know access align with decades of Congressional direction, including the priorities in the Infrastructure Investment and Jobs Act, commonly referred to as the Bipartisan Infrastructure Law (United States, 2021) as well as the EPA's Justice40 Initiatives to support small, disadvantaged, or underserved communities, who are likely to have the most difficult time accessing and understanding information about their drinking water. This final rule would improve public health protection and further the goal of the 1996 SDWA "right-to-know" provisions by improving access to and clarity of drinking water data so that customers of CWSs can make informed decisions about their health and the health of their families.

The current reporting requirements for primacy States under § 142.15(a) provide the EPA with information on system inventory, the presence of violations, and other information, such as State enforcement actions. Although the EPA may ask for additional data from States on a case-by-case basis as part of the annual (or more frequent) file review conducted under § 142.17, primacy States are not required to regularly report the CMD that they receive from PWSs and retain as a condition of primacy. As a result, the EPA does not have the data necessary to better understand nationwide trends, to conduct the agency's required oversight responsibilities, and to provide effective compliance assistance. Requiring States to report CMD will allow the EPA to comprehensively evaluate and quantify compliance with maximum contaminant levels (MCLs), maximum residual disinfectant levels (MRDLs), and other requirements of drinking water regulations, to better ascertain the effectiveness of treatment technologies and other water system operational issues, and to identify and respond to regulatory implementation challenges more readily. States' reporting of CMD also will provide ancillary benefits, including supporting periodic reviews of existing regulations, enabling a more

comprehensive approach to identifying infrastructure needs, and informing the EPA and State collaborative efforts to deliver technical and funding assistance to water systems that more effectively addresses underlying technical, managerial, and financial capacity-building needs. In addition, requiring all primacy States to report CMD will allow the EPA to identify geographic and demographic trends in contaminant occurrence and water system compliance.

Therefore, pursuant to section 1445(a)(1)(A) and section 1413(a)(3) of the SDWA, the EPA is requiring all primacy States, territories, and Tribes to submit CMD for all NPDWRs to the EPA annually. This revision to § 142.15(b) does not change existing requirements for PWSs to report CMD to primacy agencies or for primacy agencies to retain records of CMD.

II. Background

A. Overview of Consumer Confidence Report Rule

CCRs are a centerpiece of the public right-to-know provisions in SDWA. The information contained in CCRs can raise consumers' awareness of where their water comes from, help them understand the process by which safe drinking water is delivered to their homes, and educate them about the importance of preventative measures, such as source water protection, that ensure a safe drinking water supply. CCRs can promote a dialogue between consumers and their drinking water utilities, can encourage consumers to become more involved in decisions that may affect their health, and may allow consumers to make more informed decisions about their drinking water. CCRs also provide important drinking water information on source water assessments, health effects data, and the water system.

The SDWA Amendments of 1996 originally created section 1414(c)(4), which required CWSs to provide annual CCRs to their customers to better protect health of consumers by providing a detailed report on the state of their drinking water supply. The EPA promulgated the Consumer Confidence Report Rule in August 1998 and the rule established content and delivery requirements for CWSs (USEPA, 1998b). CCRs must include information on the water system; sources of water; definitions of key terms; detected contaminants; the presence of *Cryptosporidium*, radon, and other contaminants; compliance with the NPDWRs; variances and exemptions; and additional required information.

Systems are required to deliver the reports annually by July 1 through mail or other direct delivery methods. As described in section 1414(c)(4)(C) of SDWA and the EPA's implementing regulations at § 141.155(g), CWSs serving fewer than 10,000 people may obtain a waiver from the requirement to mail or otherwise directly deliver the CCR to each customer; such systems must meet requirements to provide notice of and access to the CCR in other ways.

Since the original CCR Rule was promulgated in 1998, the most significant update was to clarify the CCR regulations regarding electronic delivery in a policy memorandum that responded to Executive Order 13563 (2011). The Executive order charged each Federal agency to "develop a plan under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives." The EPA identified the CCR Rule as one of the regulations to "explore ways to promote greater transparency and public participation in protecting the Nation's drinking water in keeping with Executive Order 13563's directive to promote participation and the open exchange of information." Stakeholders noted that there had been an increase in the number and type of communication tools available since 1998 when the Consumer Confidence Report Rule was promulgated. In 2013, the EPA released a memorandum, *Safe Drinking Water Act—Consumer Confidence Report Rule Delivery Options*, along with an attachment entitled *Consumer Confidence Report Electronic Delivery Options and Considerations* (USEPA, 2013). The memorandum describes approaches and methods for electronic delivery that the EPA interpreted as consistent with the existing CCR Rule requirement to "mail or otherwise directly deliver" a copy of the report to each customer and consistent with providing flexibility for alternative forms of communication.

B. Overview of Compliance Monitoring Data Requirements

Under SDWA, the EPA authorizes States, territories and Tribes for primary enforcement responsibility or "primacy" for PWSs. PWSs are subject to NPDWRs that include monitoring and reporting requirements to ensure compliance with drinking water standards. Under § 142.14, States,

territories, and Tribes with primacy are required to maintain records submitted to the primacy agency under the reporting requirements established for the NPDWRs, including records of compliance monitoring results and related monitoring information necessary to determine whether a PWS complies with NPDWRs.

The EPA currently requires primacy agencies to submit quarterly and annual reports, in a format prescribed to the Administrator (§ 142.15(a)). These reports are limited in scope because they focus only on system inventory, violations, and other information, such as enforcement actions. Under § 142.17, the EPA is must review at least annually the compliance of each primacy State, territory, or Tribe with the regulatory requirements for primacy in the 40 CFR part 142, which includes adoption and implementation of adequate procedures for enforcement of drinking water regulations, including the requirements for systems to conduct monitoring and to report sample results and related monitoring data to primacy agencies.

This final rule revises § 142.15(b) to require all States, territories and Tribes with primacy to report the data necessary for determining compliance with NPDWRs, which includes both sample results and the related monitoring data that show whether the requirements for number of samples, sample schedule, sample location, and analytical methods have been satisfied. See section VI.B.3 of this preamble for the discussion on the revised scope of reported CMD.

Following promulgation, the EPA will collaborate with primacy agencies that use SDWIS State, and those that use alternative data management systems, to assure a low administrative burden of the CMD reporting requirement. As the EPA is currently in the process of developing the Drinking Water State-Federal-Tribal Information Exchange System (DW-SFTIES) as the long-term replacement for SDWIS State, the EPA plans to develop an automated data extraction feature into DW-SFTIES. Primacy agencies that choose to adopt DW-SFTIES for data management purposes will be able to use this planned functionality to meet the annual CMD reporting requirement. Prior to adoption of DW-SFTIES, the EPA will facilitate primacy agency reporting to minimize reporting burden. A primacy agency could submit CMD using one of two formats:

- (1) As a data extract using the EPA's SDWIS State Data Extraction Tool; or
- (2) As an extracted copy of its database and database documentation.

The EPA currently provides a SDWIS Data Extraction Tool to 42 primacy agencies that use SDWIS State, which supports their sharing of CMD with the EPA for the Six-Year Review of Drinking Water Standards. The Data Extraction Tool extracts CMD from a SDWIS State database and packages it in a file that can easily be submitted to the EPA. Prior to the implementation date for the annual CMD reporting requirement and based on planned EPA-state workgroup input and testing, the EPA will enhance the Data Extraction Tool to enable these primacy agencies to automatically extract and annually submit the required CMD to the EPA.

Alternatively, primacy agencies can submit to the EPA a database extract and share data documentation that describes the data structure and data element definitions. The EPA will work with the eight States, five territories, and one Tribe with PWSS program primacy that do not currently use SDWIS State to submit a database extract to meet the annual CMD reporting requirement.

C. Applicability

The EPA is finalizing revisions to the CCR requirements and establishing a new requirement for annual CMD reporting by States as described in this preamble. The revisions to the CCR requirements in 40 CFR part 141 apply to existing and new CWSs. A CWS is a PWS that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents (§ 141.2). The EPA considers a year-round resident to mean an individual whose primary residence is served by the water system, even if they may not live at the residence 365 days a year (USEPA, 1991). Out of the nearly 155,000 PWSs in the United States, about a third—approximately 49,000—are considered CWSs. These systems range from large municipal systems that serve millions of consumers to small systems that serve fewer than 100 consumers. The rest of the water systems in the United States, or approximately 106,000 systems, are either transient non-community systems, which do not serve the same people on a day-to-day basis (for example, highway rest stops), or non-transient non-community systems, which serve at least 25 of the same people at least six months of the year (for example, schools). Because the CCR rule provisions in 40 CFR part 141, subpart O apply only to CWSs, as provided by Congress in the 1996 Amendments to SDWA, transient and non-transient non-community systems

are not affected by revisions to the CCR made in this final rule.

The EPA notes that many water wholesalers are also considered CWSs. If such a system does not sell water to any customer (defined as billing units or service connections to which water is delivered by a CWS (§ 141.151(c))), the system will not have to prepare and submit a CCR. However, these systems must provide the relevant information to the purchaser, also known as a consecutive system, so that the purchaser can prepare a CCR and provide it to their customers (§ 141.152(d)).

The CCR revisions in this rule also include special primacy and recordkeeping requirements in §§ 142.14 and 142.16 that are applicable to States, Tribes, and territories with primacy. Currently, all States and territories except Wyoming and the District of Columbia have primacy. The Navajo Nation is the only Indian Tribe to have primacy.

The new requirement for reporting CMD to the EPA in § 142.15 applies to States, territories, and Tribes with primacy.

D. Consultations

Section 1414(c)(4)(F)(i) of the SDWA requires the agency to consult with “public water systems, environmental groups, public interest groups, risk communication experts, and the States, and other interested parties” in developing revisions to the Consumer Confidence Report Rule. In addition to seeking and considering public comment on the proposed rulemaking, the EPA consulted with various stakeholders to solicit input on the rulemaking prior to publication of the proposal. The EPA sought recommendations from the National Drinking Water Advisory Council (NDWAC or Council) in four key areas: addressing accessibility challenges, including translating CCRs and meeting Americans with Disabilities Act requirements; advancing environmental justice (EJ) and supporting underserved communities; improving readability, understandability, clarity, and accuracy of information and risk communication of CCRs; and CCR delivery manner and methods, including electronic delivery. The NDWAC provided the EPA with its recommendations on December 14, 2021 (NDWAC, 2021). On April 26, 2022, the EPA hosted a virtual public listening session, in which the EPA provided a brief introduction and overview of the project and purpose and allowed registered attendees to provide input on specific topics and heard verbal comments from interested attendees.

The EPA sought input from Tribal governments as part of Tribal consultation, along with members of State, local government, and utility associations as part of a federalism consultation. The EPA sought input from Tribal governments from March 14, 2022, through June 14, 2022, to better inform the development of the proposed Consumer Confidence Report Rule Revisions (USEPA, 2022c). The EPA hosted two informational webinars for Tribal officials, which included the opportunity for participants to ask questions and provide feedback. Tribes were able to comment on any aspect of the forthcoming rulemaking, and the EPA requested specific input from Tribal governments on elements related to potential regulatory requirements of the proposed Consumer Confidence Report Rule Revisions and suggestions that would assist Tribal governments in implementing and complying with the rule. After the initial Tribal consultation, the agency expanded the scope of the rulemaking to include a requirement for primacy agencies to submit comprehensive CMD annually to the agency. The EPA offered supplemental consultation to the Navajo Nation as a primacy agency who could be affected by the expanded scope. No additional comments were received during the Supplemental Tribal Consultation period. Tribal consultation and coordination were conducted in accordance with the EPA Policy on Consultation and Coordination with Indian Tribes (<https://www.epa.gov/tribal/consultation-tribes>).

On August 25, 2022, the EPA initiated a 60-day federalism consultation by hosting a meeting with members of state and local government associations and invited water utility associations. The EPA presented background information on the proposed rulemaking and sought feedback on key considerations for the rulemaking. The EPA requested feedback on the content of reports delivered twice a year, support for communities with large proportions of non-English speaking populations, and the inclusion of annual collection of compliance monitoring data within the rulemaking. A summary of the CCR Rule Revisions federalism consultation and comments received is included with supporting materials in the docket (USEPA, 2022d).

The EPA also used input received through the Lead and Copper Rule Revisions (LCRR) review process that were related to CCRs and communicating to consumers to inform the development of the revised CCR rule. The Agency issued the final Lead and Copper Rule Revisions (Docket ID

EPA-HQ-OW-2017-0300) on 86 FR 4198, January 15, 2021. On January 20, 2021, President Biden issued the “Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” (86 FR 7037, January 25, 2021) (“Executive Order 13990”). Section 1 of Executive Order 13990 states that it is “the policy of the Administration to listen to the science, to improve public health and protect our environment, to ensure access to clean air and water, . . . and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.” Executive Order 13990 directed the heads of all Federal agencies to immediately review regulations that may be inconsistent with, or present obstacles to, the policy it establishes. In accordance with Executive Order 13990, the EPA reviewed the LCRR to engage meaningfully with the public regarding this important public health regulation before it took effect. As part of the EPA’s commitment to EJ, the EPA specifically sought engagement with communities that have been disproportionately impacted by lead in drinking water, especially lower-income people and communities of color that have been underrepresented in past rule-making efforts in 2021 (USEPA, 2021b). Feedback from the LCRR virtual engagement discussions related to CCRs and drinking water notifications were reviewed, summarized, and considered to inform this rulemaking (USEPA, 2021c).

In developing revisions to the CCR Rule, the EPA conducted separate interviews with nine states, nine CWSs of varying sizes representing different regions, as well as a county health official (risk communication expert), a public interest group, and an EJ organization. The purpose of the interviews with States and water systems was to identify level of effort, costs, and burden associated with CCR implementation, data management and reporting. The purpose of the interviews with the other organizations was to discuss experiences related to drinking water and/or CCRs, including concerns of their members, outreach and communication strategies, translations, and any other challenges they experience.

Additional details on the consultations are provided in the proposed rulemaking (USEPA, 2023), and supporting documents are included in the rule docket (EPA-HQ-OW-2022-0260).

III. Content of Consumer Confidence Reports

CCRs contain a great deal of highly technical information. In amending SDWA section 1414(c)(4), Congress directed the EPA to revise the regulations to increase the readability, clarity, and understandability of the information in the CCRs and to increase the accuracy of information presented, and risk communication. The EPA interprets this statutory directive as setting a goal to make CCRs easier for every CWS consumer to understand so that they may make informed decisions about their health and any risks associated with their drinking water.

A. Report Summaries

1. Proposal

CCRs provide a valuable communication opportunity for the community water systems to provide information to consumers. As a result, in some cases, reports can be quite lengthy. During the EPA’s Retrospective Review, feedback from stakeholders recommended that reports should include an at-a-glance summary to improve understandability of reports (USEPA, 2012). The NDWAC expanded on this idea in recommending that CCRs include a summary page to convey important information and key messages in a simple, clear, and concise manner at the beginning of the report (NDWAC, 2021).

The EPA proposed to amend § 141.156 to require water systems to include a summary at the beginning of each CCR. The proposed rule identified the following pieces of information for inclusion in the report summary: summary of violations and ALEs, information on how consumers can contact the system to receive additional information, and, if applicable, information on how consumers can receive assistance with accessibility needs, such as translating the report into other languages, and a statement identifying that public notifications (PN) of violations or other situations are delivered with the CCR, as allowed in 40 CFR part 141, subpart Q. Systems that include PNs in the CCRs often place them at the end of the report, which may be overlooked by consumers. Including a statement in the summary about PNs in the report will help consumers find important information about violations that may or may not be included in the CCR itself, for example, if the violation occurred outside of the CCR reporting period. This summary should, as much as possible, be accessible and understandable to the public. The proposed rule also

incorporated the flexibility to allow systems to present the information as an infographic to improve clarity and understandability. A summary included at the beginning of the reports allows consumers to quickly view key information and may lead to more people engaging with the reports. The EPA also requested comments on information that should be included in a report summary.

2. Public Comment and the EPA’s Response

The EPA received many comments on the proposed inclusion of summaries in CCRs. A few commenters supported the requirement for CCRs to include a summary, with one commenter noting the summary offers an opportunity for systems to communicate key messages, and another noting summaries could help encourage consumers to read the report. Several commenters supported the proposed content requirements for the summary: contact information, translation assistance information, identifying public notices, and violations/ALEs.

Several commenters disagreed with the addition of a summary citing concerns that it would likely be redundant with required content of the reports, as well as adding length to reports. A few commenters suggested the inclusion of a summary should be limited in some way, for example, applying the requirement for reports exceeding 10 pages in length, or to very large systems serving over 100,000 people. A few commenters expressed concern related to consumer perception of the summary, including that the summaries would confuse consumers by describing technical concepts, discourage consumers from reading the remainder of the report, and erode consumer confidence by highlighting violations. A couple of commenters noted that by adding the required summaries, it would increase burden for systems, and to States that support CWSs by developing the CCRs for them.

The EPA agrees that including a summary in CCRs will benefit customers by clearly highlighting key information near the beginning of the report. In response to concerns from commenters that the summaries will confuse or alarm consumers, the EPA has modified § 141.156(a) to add that summaries must include a “brief description of the nature of the report” as a brief main message to consumers, which will help explain the purpose of the report. The EPA anticipates that the main message would most likely consist of one to three sentences. The inclusion of a “main message” is consistent with

the Centers for Disease Control and Prevention's Clear Communication Index (CDC, 2019) recommendation of including the most important information at the beginning, so that it is easy to find, what the audience should remember, and may also add a call to action (what action the source, in this case CWS, want people to do after receiving and understanding the main message). For example, systems could identify the document as the water quality summary report. Although the EPA agrees that the addition of the summary may add length to the reports, the agency has limited the minimum required information to contact information, summary of violations, instructions for how to receive a paper copy or translation assistance (as applicable) and identifying if public notices are included in the report. Because all CCRs will benefit from a summary section to ensure the key information is consistently found near the beginning of the report, the EPA disagrees with commenters that the requirement to include summaries should be limited to the reports that exceed a specified page length or by system size. The EPA agrees that developing a summary will require additional efforts for CWSs and States to adapt existing processes. However, based on the targeted interviews, the EPA found that for most States or systems that developed a template to include most of the required elements under the existing CCR rule, the first version required the highest level of effort, but then in subsequent years, the additional effort to update or revise the template language was minimal (USEPA, 2022e and USEPA 2022f). Following the promulgation of final revised Consumer Confidence Rule, the EPA intends to work with stakeholders in developing implementation resources to support States and systems in meeting the new requirements.

The EPA disagrees with commenters that believe the summaries will be redundant with report contents. Although the summary requires information described elsewhere in the existing regulations, the CCR will not require water system to provide the same information, the same way, twice. In addition, while the existing CCR rule in § 141.153(h)(2) requires systems to provide a telephone number to contact the CWS for additional information, that requirement would be met with the summary section at the beginning of the report. The EPA disagrees with requiring the suggested additional information in the summaries, because if the summary is too long then that

defeats the purpose; specifically, additional information could overwhelm the consumers with information that would be better suited for the body of the report. CWSs could choose to include additional information, such as an index to help consumers navigate the report to important elements like the contaminant data section. Alternatively, systems could use formatting within the body of the report to highlight specific information, like text boxes.

3. Final Revisions

For the final rule, the EPA modified § 141.156(a) as proposed to require a brief description of the nature of the report. The final revised CCR rule sets minimum content requirements for the report summaries in § 141.156: contact information, brief overview of compliance information in the report, how to request a paper copy of the report for systems using electronic delivery, translation contact information, identification of public notices included in the report, and standard language to encourage sharing the report. The final rule also retains flexibility for systems on how to present the information, include additional features or use infographics. In addition, the EPA made conforming edits in § 141.156 (c)(2) of the summary requirements to reflect changes to § 141.153(h)(3) that the agency made in response to comments received on translation access in CCRs.

B. Contaminant Data Section

1. Proposal

The original Consumer Confidence Report Rule required that data for detected contaminants subject to mandatory monitoring be displayed in one or more tables. Since then, advances in technology and graphics have allowed data to be presented in clearer and more understandable ways using readily available software. The EPA proposed revising § 141.153(d) to allow water systems flexibility in formatting contaminant data to present the information in a more readable and understandable format by replacing "contaminant data table(s)" with "contaminant data section." Despite allowing additional flexibility on how the information is presented, the EPA did not propose to change the type of information on detected contaminants that systems need to report in § 141.153(d)(4), such as reporting the MCL, Maximum Contaminant Level Goal (MCLG), the highest contaminant level used to determine compliance with a NPDR, and the range of

detected levels for each detected contaminant.

2. Public Comment and the EPA's Response

The EPA received many comments supporting the agency's proposal to allow water systems flexibility in formatting contaminant data to present the information in a more readable and understandable format. Commenters stated that they appreciate the flexibility proposed in the revisions that would allow water systems to provide contaminant data sections instead of contaminant data tables and support the use of infographics and other means to present water quality data. A couple of commenters felt that the current CCR is bogged down by tables of non-detects and information that does not concisely present immediate threats to consumers and that large blocks of text and long sentences can act as barriers to readability and could result in a decrease in readership and understanding. By revising the contaminant data formatting requirements commenters said that it will allow water systems to use engaging and meaningful methods to increase readership and understandability of the report contents and let water systems tailor the presentation of complex information to their unique audiences.

While many commenters agreed with the EPA's proposal to allow flexibility in how to present contaminant data, a couple of commenters disagreed with this approach. One commenter stated that allowing water systems to have the flexibility in the contaminant data section would allow water systems to continue providing incomplete and inaccurate information about health effects, contaminant sources, and other information contained in the report. Another commenter said that presenting the required analytical data, using inherent scientific terms and units that accompany them, can be confusing to the public and the continued use of data tables enables the water system to configure the data in a concise manner.

The EPA agrees that giving systems flexibility in how they can present the required analytical data will allow water systems the opportunity to present the information in a more readable and understandable format, which will help increase the readability, clarity, and understandability of CCRs as required by AWIA. During the EPA's consultations prior to issuing the proposed rule, stakeholders identified the use of infographics to display information as one way to help improve understandability of technical concepts

in the reports. The EPA disagrees that allowing this type of flexibility would permit water systems to provide incomplete or inaccurate information to consumers. The requirements on the type of information on detected contaminants that systems need to report in § 141.153(d) would ensure that the report includes complete information, and the existing CCR requirement in § 141.151(a) that “reports must contain information on the quality of the water . . . in an accurate and understandable manner,” would prevent the inclusion of inaccurate information. While the EPA agrees that using tables to present scientific terms and units can be a way for systems to configure the data in a concise manner, that is not the only way that data can be provided in a meaningful way for the public, and as a result, the agency is finalizing requirements that will allow systems the flexibility to decide how to present contaminant data, including in tables as seen in current CCRs, in a manner best suited for their customers.

3. Final Revisions

The EPA is finalizing amendments to § 141.153(d)(2) to state that “The data relating to these contaminants must be presented in the reports in a manner that is clear and understandable for consumers. For example, the data may be displayed in one table or in several adjacent tables.” The rule does not allow the contaminant data to be presented in such a way that it would be difficult for consumers to read or understand; systems may continue to use one or more tables to display contaminant data. In addition, the EPA has replaced “contaminant data table(s)” with “contaminant data section” throughout § 141.153(d). These final revisions to § 141.153(d) will allow water systems flexibility in formatting contaminant data to present the information in a more readable and understandable format.

C. False and Misleading Statements

1. Proposal

In light of the AWIA requirement for the EPA to revise the Consumer Confidence Report Rule to increase the accuracy of information and risk communication presented in the CCR, the EPA included a provision in the proposed rulemaking to explicitly prohibit water systems from including false or misleading statements in their CCRs. Among other things, CCRs are intended to provide consumers, especially those with special health needs, with information they can use to

make informed decisions regarding their drinking water. To make informed decisions, consumers need clear and accurate reports. Feedback received during the pre-proposal stakeholder engagement included concern that some CCRs have misleading images and statements about the safety of the water that may not be supported by the contaminant data or other information in the reports.

2. Public Comment and the EPA's Response

The EPA received many adverse comments on the provision to explicitly prohibit false and misleading statements in CCRs. Commenters expressed concern that the provision violates the First Amendment, noting in particular that it would have a “chilling effect” on water systems leading them to self-censor the information they provide in the CCRs to avoid potential violation. In the proposed rule, the EPA used the example that “stating the water is ‘safe’ may not accurately reflect the safety of the water for sensitive populations, such as people with weakened immune systems, potential lead in drinking water exposure, or other inherent uncertainties and variabilities in the system, such as the potential presence of unregulated contaminants or fluctuation in water chemistry.” Commenters strongly objected to the EPA's use of that as an example of a misleading statement and argued that discouraging or prohibiting systems from using the word “safe” to describe their drinking water quality in CCRs, would cause public distrust and hinder communication with customers, in addition to contradicting the intent of SDWA to use the CCRs to build the public's confidence in the safety of drinking water. Commenters also argued that, in their review, the EPA was inappropriately equating “safe” as without any risk. The commenters noted that the required statement on vulnerable populations in § 141.154(a), already communicates the potential health risk to consumers that may be immuno-compromised. One commenter noted that the existing rule already has sufficient safeguards against false or misleading statements, and state primacy agencies are already resolving cases where water systems contradict the clear meaning of water quality data.

Other commenters supported the provision to prohibit false and misleading statements, and cited several examples of CCR reports they felt exemplified misleading communication to customers. The commenters argued that CCRs should be treated as “right-to-know” reports in the first instance to

support educating consumers in a transparent manner of the risks associated with their drinking water and that statements water systems make to encourage consumer confidence detract from the primary purpose and obscure data or information related to potential health risks to consumers. In particular, commenters highlighted examples of statements comparing tap sampling results for lead to the lead action level, and water system conclusions regarding potential public health impacts even though the lead action level is not a health-based level but used as a screening tool to assess the efficacy of corrosion control treatment. For example, even if a system's tap sampling does not exceed the lead action level, corrosive water can cause lead to leach into drinking water if it is present in lead service lines, certain galvanized service lines, as well as premise plumbing inside the home, including lead-bearing fixtures and solder.

After consideration of the comments on this issue, the EPA agrees that a provision explicitly prohibiting false or misleading statements could have a chilling effect on water systems in preparing their reports. In addition, the existing CCR rule in § 141.151(a) precludes false statements because it provides that “reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner” and, as demonstrated by decades of implementation, has not created a “chilling effect” on water systems. Enforcement of the existing CCR requirements could be used to address instances of a system including false statements or information in their CCR.

Similarly, the existing CCR rule in § 141.153(h)(5) states that “systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purposes of the report.” The purposes of the report, as described in § 141.151(a), are: to “contain information on the quality of the water . . . and characterize the risk (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.” The EPA interprets these provisions as precluding misleading statements by water systems because such statements would detract from the purpose of the report. For example, the following could mislead customers depending on the context or the situation: “Your drinking water contains no lead when it leaves

our treatment plant.” This statement, without additional context or information on other sources of lead in drinking water, and depending on the relevant system-specific facts, could detract from the purpose of the report by downplaying the situational information and potential risks to consumers served by the system. While the statement could be verified as accurate by the primacy agency, by itself it does not address other potential sources of lead prior to reaching taps within households, including lead service lines or premise plumbing, and does not account for whether a system is operating with Corrosion Control Treatment (CCT). When consumers have complete information, they can confidently make decisions and take additional precautions if needed to protect themselves, particularly, if they may be sensitive to impacts of a particular contaminant, such as a person that is pregnant in the case of lead. See section III. E. of this preamble for the discussion of reporting lead service line inventory or corrosion control efforts information that will be required in CCRs by 2025 and 2027, under the LCRR and revised CCR rule respectively (see section VIII. A. of this preamble for a discussion of the compliance date).

The EPA acknowledges that some systems have struggled with communicating in an accurate, clear, and understandable manner regarding the safety of their drinking water and in particular, lead in drinking water. Systems can always work with their primacy agencies if they have questions about appropriate risk communication, and the EPA encourages systems to do so. In addition, the EPA is working to address those concerns in its efforts to revise the NPDWR for lead. For example, in the proposed Lead and Copper Rule Improvements (LCRI), the EPA proposed to revise the mandatory language about lead in drinking water in the CCR. Once the final LCRI is promulgated, the EPA intends to work with stakeholders on developing CCR communication tools and guidance to continue support CCRs that are accurate, clear, understandable, and readable with regards to lead as well as other contaminants.

3. Final Revisions

Upon consideration of the comments received, the EPA has decided not to include the proposed provision to prohibit false and misleading statements in the final rule for the reasons described in this section. The EPA notes that there may be situations where a description of water as “safe” would not be a misleading statement.

D. Risk Communication

1. Proposal

AWIA Section 2008 (SDWA section 1414(c)(4)(F)(i)(I)(bb)) requires the EPA to revise the CCR Rule to increase the “accuracy of information presented, and risk communication” in the reports. The EPA received general feedback from consumers during pre-proposal outreach that the CCRs can be confusing, overly technical, and in certain circumstances unnecessarily alarming to some readers. The NDWAC also made several recommendations that the EPA agrees would improve risk communication. Specifically, the NDWAC recommended revising, simplifying, and clarifying language in § 141.154, which describes required additional health information that must be included in the report. The proposed rule included suggested revisions to § 141.153 *Content of the reports* and § 141.154 *Required additional health information*. More specifically, the EPA proposed new definitions in § 141.153(c) to include in the reports as applicable definitions for *contaminant*, *parts per million (PPM)*, *parts per billion (PPB)*, *parts trillion (PPT)*, *pesticide*, and *herbicide*. The EPA also proposed to change the additional informational language in § 141.154(b) and (c) for nitrate and arsenic that systems must include when they detect those contaminants at specified levels below the MCL. The EPA also proposed revisions in § 141.153(h)(1) that systems include in CCRs a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water, and § 141.153(h)(7) that include compliance descriptions for systems subject to the Total Coliform Rule in 40 CFR part 141, subpart Y to improve risk communication by simplifying overly technical and confusing language.

For the required additional informational statement on lead, arsenic, and nitrate in § 141.154, systems currently may write their own educational statements in consultation with their primacy agency. The EPA proposed to extend this type of flexibility to specific new definitions that the EPA proposed in § 141.153(c)(5) (*i.e.*, *ppm*, *ppb*, *ppt*, *pesticide*, and *herbicide*); a new proposed requirement for systems to include an explanatory statement with Unregulated Contaminant Monitoring Rule (UCMR) results in § 141.153(d)(7); and descriptions of assessments required under the Revised Total Coliform Rule in § 141.153(h)(7). To ensure consumers receive material that appropriately reflects water quality and potential

health risks, the EPA proposed that systems may use the language provided in the CCR Rule, or they may develop their own language, but they will need approval by the primacy agency.

2. Public Comment and the EPA’s Response

Several commenters disagreed with the proposed definitions for *ppm*, *ppb*, *ppt* because the definitions are circular and thus would not improve consumer understanding and do not provide context on what they are defining, which would likely confuse the reader. A few commenters suggested replacing them with analogies such as “X drops in an Olympic sized swimming pool,” or “one cent out of X dollars.” The EPA does not believe it is necessary to provide analogies in regulatory text, systems may choose to use them in CCRs to support public education without detracting from the purpose of the purpose of the report, consistent with § 141.153(h)(5). The EPA agrees with commenters that the definitions of *ppm*, *ppb*, *ppt* are not necessary to include in § 141.153(c) to support consumer understanding because the definitions did not provide helpful information to the readers, are redundant, and circular. Many, if not all, reports already include the definition of the acronyms, and some include additional explanations or analogies.

Several commenters mentioned that the EPA should further revise the mandatory language to improve readability, clarity, and understandability, noting that the required language is cumbersome, difficult to understand, and duplicative. One commenter expressed concern that the language in § 141.153(h)(1) gives customers a false sense of security over the safety of bottled water and noted that it may be a safe alternative during emergency situations. A few commenters support providing systems with flexibility in developing CCR content, and recommended the EPA expand the flexibility to develop alternative language for all mandatory language.

The EPA received several comments on the additional health information statements for arsenic and nitrate in § 141.154(b) and (c). A few commenters suggested that the EPA further edit the statements to improve the readability and simplify the language to lower the calculated reading level. Some commenters claim that the health statements erode consumer confidence and cause confusion because they are required to be made in the absence of an MCL violation. A few commenters

recommended revising discussion on monitoring frequency in § 141.154(b) and (c) and note that the statements do not indicate a violation, and if the system did violate the standard, they would be required to provide consumers with public notice. Another commenter recommended that the EPA should require a more robust discussion of health effects of contaminants.

The EPA disagrees with commenters that the CCR rule should allow systems the flexibility to develop alternative language for all required CCR text in §§ 141.153 and 141.154 because the agency believes the mandatory text in the rule supports consistent communication and reduces burden on systems to develop their own content and it reduces the burden for primacy agencies to review the content. In addition, SDWA section 1414(c)(4)(B) specifies required content in CCR, including brief statements regarding the health concerns of contaminants when there is an MCL violation, provided by the EPA.

3. Final Revisions

As part of the final rule, the EPA is finalizing language in §§ 141.153 and 141.154 and definitions in § 141.153(c) for *contaminant*, *pesticide*, and *herbicide* as proposed. The EPA is also finalizing revisions to regulatory text in § 141.153(h)(1) that systems include in CCRs to provide a brief explanation regarding contaminants that may reasonably be expected to be found in drinking water including bottled water and § 141.153(h)(7) that include compliance descriptions for systems subject to the Total Coliform Rule in 40 CFR part 141, subpart Y. The EPA is finalizing as proposed the flexibility for systems to use alternative informational statements with approval from their primacy agency. As described in this section, the EPA is not including the proposed requirement in § 141.153(c) for reports to include definitions of *ppm*, *ppb*, *ppt*.

E. Corrosion Control Efforts, Action Level Exceedances Information in CCRs, and Other Lead Related Provisions

1. Proposal

AWIA amended SDWA section 1414(c)(4)(B)(iv) and (vii) to require the CCRs to include information on “corrosion control efforts” and to identify any lead ALEs for which corrective action has been required during the monitoring period covered by the CCR. The EPA proposed several revisions to the CCR rule to meet these statutory directives. To meet the AWIA requirement for reporting on “corrosion

control efforts,” the EPA proposed that CWSs would need to include in the CCR an explanation of “the *corrosion control efforts* the system is taking in accordance with 40 CFR part 141, subpart I *Control of Lead and Copper*.” In addition, the proposed revised CCR rule at § 141.153(c)(3)(v) also required CCRs to include the following definition of “corrosion control efforts” in the report: *Treatment (including pH adjustment, alkalinity adjustment, or corrosion inhibitor addition) or other efforts contributing to the control of the corrosivity of water, e.g., monitoring to assess the corrosivity of water*. Rather than prescribing specific language to describe corrosion control efforts, the EPA proposed that systems would develop their own statement to describe their “corrosion control efforts” as defined in the proposed rulemaking because of the variation in the type of corrosion control efforts implemented by individual systems. However, the EPA also requested comments on whether the revised rule should include prescribed language for describing a system’s corrosion control efforts.

To meet the AWIA requirement for systems to report lead ALEs, the EPA proposed in § 141.153(d)(8) to require systems to clearly identify in the contaminant data section any lead ALE for which corrective action was required during the monitoring period covered by the CCR, the steps consumers can take to reduce their exposure to lead and a description of any corrective actions the system has taken or will take.

The EPA also requested comments on whether the revised rule should include prescribed language for describing a system’s lead ALE and corrective action. The EPA also requested comments on what information consumers would find most helpful in the CCR when a PWS identifies the actions being taken to address corrosion control efforts (§ 141.153(h)(8)(iii)) or when a system is required to identify an ALE and describe any corrective actions the system has or will take (§ 141.153(d)(8)).

The EPA proposed a minor modification to the statement on the lead service line (LSL) inventory requirement in § 141.153(h)(8)(ii) (renumbered from § 141.153(d)(4)(xi) that was codified during the LCRR rulemaking) by adding that systems need to include a link to their LSL inventory if it is available on a publicly accessible website. While the EPA has proposed additional revisions to §§ 141.153 and 141.154 within the proposed LCRI, the EPA has not proposed to delay the compliance date for revisions made under the LCRR to

§§ 141.153 and 141.154 except for § 141.153(d)(4)(xii). The proposed revisions to the CCR rule renumbered § 141.153(d)(4)(xii) to § 141.153(h)(8)(i) as a technical edit.

2. Public Comment and the EPA’s Response

The EPA received many comments on the proposed requirements for the corrosion control effort description in the report. Several commenters recommended that the EPA prescribe specific text, noting that plain language is difficult for systems to develop on their own, especially small systems that do not have the resources. Commenters also noted that standard language helps both systems and primacy agencies, especially those without the authority to enforce guidance or the capacity to review each system’s explanation of their corrosion control efforts for adequacy. Commenters also expressed concern that allowing systems to write their statements will add confusion to the reports and increase the likelihood of inaccurate or incomplete descriptions. Some of these commenters did, however, suggest allowing operators to include additional details specific to their system or allow additional flexibility for systems to work with their primacy agencies to adapt the message as necessary.

A few commenters recommended that the rule avoid prescribed language, and instead preferred the EPA provide recommended template language in guidance. These commenters supported the flexibility for systems to develop messages to best communicate with their customers and noted that there are a variety of methods that systems can use to meet the corrosion control requirements. One commenter noted that some States do not have the option for their regulations to be more stringent than Federal regulations, which prevents those States from requiring systems to use non-binding template language. Several commenters suggested that the final rule include both prescribed language and flexibility for water systems to write their own statement. Some commenters suggested the rule include some parameters describing corrosion control efforts, such as a list of options or minimum required content. Some commenters requested clarification on whether the corrosion control efforts described would be limited to actions the system takes for the purpose of controlling corrosion deliberately (*e.g.*, because the system is required to do so), and the time frame for the actions described.

The EPA agrees with commenters that identified benefits to both systems and

primacy agencies of requiring the use of prescribed language for corrosion control efforts while also providing some flexibility so that systems can write their own statement with equivalent information. There is no one-size-fits-all approach to controlling corrosion, and therefore it would be difficult to prescribe the use of a template without allowing flexibility. Under the LCR, some, but not all, systems are required to go through a process to get a State or the EPA designation of optimal corrosion control treatment (OCCT). Some systems without a designation of OCCT have nonetheless installed treatment to control corrosion while others have not. Moreover, all systems conduct tap sampling to assess corrosivity of water. To ensure the description accurately and clearly describes the system's corrosion control efforts, while also providing systems with flexibility in crafting their explanation to fit their unique circumstances, the final rule includes two templates depending on whether the system has a designation of OCCT. Each template also serves to identify the required elements that must be included in an equivalent statement if a system chooses to write its own statement.

The EPA received several comments related to the proposed definition of corrosion control efforts. Commenters expressed concern that the proposed definition did not meet AWIA's intent to improve readability, clarity, and understandability, and noted that it used jargon terms, including "corrosivity," "pH," and "alkalinity". A few commenters recommended either revising the definition to simplify it or removing it from § 141.153(c). However, a definition of "corrosion control efforts" in the CCR rule itself is useful for establishing parameters on the kinds of actions that systems could identify in their reports as efforts to control corrosion. Therefore, the final rule removes the definition from § 141.153(c) and has incorporated it in the requirements for systems to describe corrosion control effort in their CCR (see § 141.153(h)(8)(iii)).

The EPA received several comments on the proposed requirements for information related to lead ALEs and corrective actions for systems to include in their reports in § 141.153(d)(8). A couple of commenters suggested that the EPA prescribe language in regulation and allow systems to work with their primacy agency to modify the message as appropriate. A few commenters did not support the option to include required text in regulation text that the EPA requested comments on, and

instead preferred that the EPA provide example language in guidance. A couple of commenters believe the additional information in the CCR on ALEs is unnecessary because it is duplicative of existing PN requirements for systems to provide Tier 1 notice when a system has a lead ALE according to § 141.202(a). A couple of commenters supported the inclusion of steps consumers can take to reduce their exposure. One commenter suggested that health effects language should also be included in § 141.153(h)(8)(iii).

The EPA does not agree with commenters advocating for the rule to prescribe specific text for describing corrective actions the system has taken or will take to address an ALE because of the wide range of possible corrective actions that systems might take. The EPA disagrees that including information about ALEs is duplicative of PN requirements because PN serves a different purpose in alerting consumers of potential health effects, whereas CCRs provide an annual summary of the information, and offer an opportunity to provide consumers with updates on what the system is doing to take corrective action. Some consumers may have missed the initial notification or updates, and since many CWS post their CCRs online, they can refer to the information at their convenience. In addition, AWIA amended SDWA section 1414(c)(4)(B)(iv) and (vii) to require CCRs to include information on a system's corrosion control efforts as well as identifying lead ALEs for which corrective action has been required by the EPA or the State. Therefore, the final rule reflects those statutory requirements.

3. Final Revisions

In response to comments, the EPA has modified the requirements from the proposed rule for systems to describe their corrosion control efforts requirements in § 141.153(h)(8)(iii) and eliminated the requirement for the CCR to include the proposed definition of *corrosion control efforts* from § 141.153(c). The final rule requires systems to include a description of corrosion control efforts using either a prescribed template depending on whether the system is using OCCT that was designated by the State or the Administrator in § 141.153(h)(8)(iii) or their own statement that includes equivalent information.

The EPA is providing a minor clarification to § 141.153(h)(8)(ii) (renumbered from § 141.153(d)(4)(xi) that was codified during the LCRR rulemaking) to appropriately reflect the LCRR requirements to include water

systems that may have written statements in lieu of an inventory if the system has no lead, galvanized requiring replacement, or lead status unknown service lines. The requirement promulgated with the LCRR rulemaking that was renumbered in the proposed CCR Revisions required water systems to include a statement that a service line inventory has been prepared and provide instructions to access the inventory, including when the inventory consists of a statement that there are no lead service lines. Water systems may have written statements in lieu of the inventory only when the system has no galvanized requiring replacement or unknown service lines, in addition to having no lead service lines; therefore, § 141.153(h)(8)(ii) is revised to address this clarification. The EPA is finalizing § 141.153(d)(8) that requires systems to clearly identify ALEs and describe the corrective actions they have taken or will take, with a minor clarifying edit by adding "in drinking water" following the requirement to include the steps consumers can take to reduce their exposure.

IV. Translation Assistance

CCRs are valuable tools to inform consumers and allow them to make informed decisions about the health and safety of their drinking water. The EPA's existing CCR rule requires water systems serving communities "with a large proportion of non-English speaking residents, as determined by the Primacy Agency," to include in their CCR "information in the appropriate language(s) regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language." See § 141.153(h)(3).

SDWA section 1414(b)(4)(F)(i)(I)(aa), directs the EPA to revise the CCR requirements to "increase the readability, clarity, and understandability of the information presented in consumer confidence reports." As described in the proposal, as of 2019, an estimated 8.3 percent of the people in the United States were considered to have limited English proficiency. Consumers with limited proficiency in English who are not able to read and understand the reports, or do not have sufficient access to that information, may not have as complete an understanding about the quality of their drinking water as more proficient English-speaking consumers.

To maintain primacy states must have the authority to require CWSs to provide

CCRs as required under the CCR rule. See § 142.10(b)(6)(vii) and SDWA section 1413(a)(2).

A. Translation Support Requirements for CWSs and States

1. Proposal

The EPA proposed revisions to the CCR rule and the primacy requirements to fulfill the statutory mandate to increase the readability, clarity, and understandability of the information presented in CCRs. As noted above, the EPA's existing CCR rule requires water systems serving communities "with a large proportion of non-English speaking residents, as determined by the Primacy Agency," to include in their CCR "information in the appropriate language(s) regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language" (§ 141.153(h)(3), emphasis is added). The EPA proposed to change "or" to "and" so that systems would be required to include both the statement about the importance of the report and contact information to obtain a translated copy of the report or assistance in the appropriate language(s). To address the concern that some systems may lack the capacity to provide translated copies of the report or translation assistance, the EPA proposed that systems "unable to provide translation support" would have to include contact information for consumers to obtain translation assistance from the State. The EPA also proposed that primacy States would have to provide translation assistance to consumers of a water system upon request and provide contact information where consumers can obtain translation assistance for inclusion in the system's report.

2. Public Comment and the EPA's Response

Several commenters expressed general support for improving the readability and understandability of the CCRs for all consumers, including those with limited English language proficiency. However, several commenters raised concerns that water systems do not have the capacity to either prepare translated copies of the report or provide translation assistance in the appropriate language. Some commenters expressed concern that States lack capacity to provide translation assistance directly to a system's customers when water systems are unable to provide translation

support. In addition, some commenters suggested that it would not be appropriate to require States to provide translation assistance directly to a water system's customers. Some commenters suggested that the EPA should provide pre-approved translation services or translated versions of CCR templates in multiple languages to assist systems and States.

The EPA agrees with commenters that the agency can significantly reduce the burden on both systems and States by preparing translated templates for CCRs. In response to comments, the EPA will prepare translated templates for CCRs that include translations of technical terms used in the reports and all mandatory statements (e.g., health effects statements required under the EPA's NPDWRs). These materials will be made publicly accessible on the EPA's website and updated as needed (e.g., when new or revised mandatory health effects language is promulgated in future revisions to the CCR rule). Currently, the EPA has initiated the process of preparing translated templates and anticipates completion well before the compliance date of the rule.

The EPA also agrees with commenters that it would not be appropriate for water systems to shift their responsibility for providing readable, understandable CCRs to the primacy agency on the water system's unilateral determination that it is unable to provide translation support. Moreover, because the EPA is providing substantial support for translation assistance, the EPA believes that the challenges of preparing translated reports or providing translation assistance is substantially reduced. At the same time the EPA agrees with comments that failure to translate CCRs may result in millions of consumers not understanding the reports, which means that Congress' direction to increase the readability, clarity, and understandability of the CCRs would not be fulfilled. As a result, the EPA is finalizing a requirement for water systems serving communities with a large proportion of consumers with limited English proficiency to include information in the report where such consumers may obtain a translated copy of the report, or assistance in the appropriate language(s), or the report must be in the appropriate language(s). Some systems are already meeting this requirement; for systems that are not already meeting this requirement, the EPA's provision of translated templates for CCRs and translated mandatory language will address concerns about system capacity and availability of

translation services. In addition, the EPA is finalizing a requirement for primacy States to provide technical assistance to water systems in meeting their obligations to provide translated reports or translation assistance. The requirement to provide technical assistance for this purpose is consistent with the obligations that States accept when they obtain primacy to oversee implementation of the NPDWRs and the CCR rule and is typically covered by the scope of work when they accept EPA grants under section 1443 of SDWA. See SDWA section 1413(a)(2) and "FR Template: Public Water System Supervision (PWSS) Program—SDWA 1443(a)" located in the docket for this rule (Docket ID No. EPA-HQ-OW-2022-0260). Because the EPA is making publicly available translated CCR templates and translated mandatory language for inclusion in the report, the burden of this requirement on both systems and States is significantly reduced and there should not be any water systems that are "unable to provide translation support" to their customers.

3. Final Revisions

Section 141.153(h)(3) of the final rule requires water systems serving communities with a large proportion of consumers with limited English proficiency, as determined by the Primacy Agency, to include in the report a telephone number, address, or contact information in the appropriate language(s) regarding the importance of the report and either information where such consumers may obtain a translated copy of the report or assistance in the appropriate language(s), or the report must be in the appropriate language(s). Each State with primacy must, as a condition of primacy, provide water systems with technical assistance in meeting the applicable requirements in § 141.153(h)(3). Examples of technical assistance include providing water systems with contact information for inclusion in the system's report where consumers can contact the State for translation assistance upon request or providing resources for water systems to translate their reports, including EPA-provided translations of required content for CCRs (e.g., health effects language, definitions) and translated templates of reports. Each application for approval of a program revision that adopts the revised CCR must include: A description of how the State intends to provide water systems with technical assistance in meeting the requirement in § 141.153(h)(3) to provide translation assistance in communities with a large proportion of consumers with limited

English proficiency. In communities with a large proportion of consumers with limited English proficiency, as determined by the Primacy Agency, the report must contain telephone number, address, or contact information in the appropriate language(s) regarding the importance of the report and either contain information where such consumers may obtain a translated copy of the report or assistance in the appropriate language(s), or the report must be in the appropriate language(s).

B. Recipient and Subrecipient Meaningful Access

1. Proposal

The EPA also proposed a provision in the CCR rule that references requirements in 40 CFR part 7 that are applicable to recipients of the agency's assistance. The EPA proposed to require water systems that are recipients of EPA assistance to provide "meaningful access" to information in the reports to persons with limited English proficiency.

2. Public Comment and the EPA's Response

Several commenters expressed confusion about the application of the proposed requirements in § 141.153(h)(3) and (h)(3)(i) and noted that the rule did not clearly define a water system's obligation to provide "meaningful access" to information in the reports to persons with limited English proficiency. In light of these adverse comments, and the fact that water systems are already obligated to comply with nondiscrimination statutes, the EPA is not finalizing the proposed requirement in the CCR Rule at § 141.153(h)(3)(i). The EPA's decision for the CCR rule under SDWA does not change any obligations that water systems that are recipients or subrecipients of EPA financial assistance already have under title VI to provide language assistance services to persons with limited English proficiency in order to avoid discrimination on the basis of national origin. The EPA, has however, concluded that it would not be appropriate to create an obligation that is enforceable under SDWA.

3. Final Revisions

For the reasons described above, at this time, the EPA is not finalizing a requirement in the CCR Rule at § 141.153(h)(3)(i) to require systems that are a recipient of EPA assistance, as defined in 40 CFR 7.25, to take reasonable steps to provide meaningful access to information in the reports to

persons with limited English proficiency who are served by the water system.

C. Language Access Plans

1. Proposal

The EPA also proposed in § 141.155(i) to require systems serving 100,000 or more persons to develop plans for providing meaningful access to the reports for consumers with limited English proficiency, to evaluate the plans annually, and to update as necessary and report with the certification required under § 141.155(c). The proposed rulemaking also required the system to evaluate the languages spoken by consumers with LEP served by the system and the system's anticipated approach to address translation needs.

2. Public Comment and the EPA's Response

Several commenters disagreed with the proposed requirement for systems serving 100,000 or more people to develop a plan for providing meaningful access to consumers with limited English proficiency. One commenter stated that it would be an inefficient use of resources when systems already have established practices to support consumers with LEP. Another commenter noted that although they disagree with requiring a language access plan, they supported limiting the requirement for the plan to large systems serving 100,000 or more people. Other commenters suggested that the requirements for the plan are unclear. The EPA disagrees that requiring systems serving more than 100,000 people to develop a plan is an inefficient use of resources. To clarify that the purpose of the plan is to prepare to assist consumers with LEP, the final rule deletes the phrase "meaningful access" and instead uses the word "assistance." The form of the assistance is not specified; the purpose of the requirement is for systems to plan for the needs of consumers with LEP that is appropriate for the specific system, not to mandate a particular type of assistance. The plans will be a valuable resource for operators and/or designated CWS staff. The content of the plans must include an evaluation of languages spoken in the community served by the water system. As noted above, in developing the plan, the system could collect EPA language access resources, available points of contact for translation support, and training materials for new staff. Water systems may consider using tools such as the latest census data for the area

served, data from school systems, or data from community organizations or from state and local governments to help identify populations with LEP in their service area. The EPA determined that systems serving more than 100,000 persons tend to serve large cities that likely have a diverse population, including consumers with LEP, the makeup of which can change rapidly, and the agency believes it is beneficial for those systems to regularly evaluate the population of consumers with LEP they serve to identify approaches and opportunities for access to translated CCRs. These systems serve almost 50 percent of the population. Several of these larger systems already provide translation resources to their consumers.

3. Final Revisions

The EPA is finalizing the requirement in § 141.155(i) for systems that serve 100,000 or more people to develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system, and the system's anticipated approach to address translation needs. Plans must be evaluated annually and updated as necessary and reported with the certification required in § 141.155(c). Systems may use an existing plan if it meets the requirements in § 141.155(i).

V. Consumer Confidence Report Delivery

A. Biannual Delivery

1. Proposal

AWIA section 2008 amended SDWA section 1414(c)(4)(F)(i)(II) to mandate that the Consumer Confidence Report Rule Revisions require CWSs serving 10,000 or more persons to provide CCRs to customers at least twice per year (biannually). Systems currently are required to provide a CCR to each customer annually by July 1 of each year that contains information and data collected during the previous calendar year. The EPA proposed that systems serving 10,000 or more persons deliver a second CCR by December 31 of each year. Additionally, the EPA also requested comment on the delivery dates proposed in the Consumer Confidence Report Rule Revisions in § 141.155(j).

The EPA specifically requested comment on the timing and feasibility of having water systems deliver the first report sooner in the year, for example by April 1 and deliver the second report by October 1 of each year. The EPA asked for input on whether the deadline to

deliver the second report should be three months or six months after delivering the first report, or some other length of time. The EPA requested feedback on alternative approaches for biannual delivery, including if the reports should cover the previous 6 months, rather than provide an annual summary. For systems serving less than 10,000 consumers, the EPA asked if the original delivery deadline (July 1) should remain, or if the CCR delivery deadline should be updated to reflect the first delivery deadline for large systems (serving 10,000 or more people), if revised from July 1.

2. Public Comment and the EPA's Response

The EPA received several comments on the delivery dates and timing of the biannual delivery requirement proposed in § 141.155(j) of the CCR Rule Revisions. For systems serving 10,000 or more persons who will be required to deliver their CCR's biannually, several commenters were in favor of keeping the proposed delivery dates of July 1 for the first report and December 31 for the second report, noting that it will provide water systems with an additional opportunity to communicate important information to consumers on a more frequent basis. One commenter also stated that systems serving 10,000 or more persons typically have no issues with meeting the current timeline for CCR delivery and agree with the EPA's current reporting requirements to deliver the first report by July 1 of each year and the proposed reporting requirements to deliver a second report by December 31. The EPA agrees with commenters that the biannual delivery requirement for systems serving 10,000 or more persons will allow water systems to communicate with consumers more frequently and allow those systems to communicate information about the quality of their water in a timelier manner. By finalizing the requirement that CCRs be delivered biannually, the EPA is ensuring that consumers will have more frequent access to information about the quality of their drinking water, while meeting Congress' intent to provide critical updates on a timelier basis and minimizing the burden by only requiring a subset of community water systems to provide a 6-month update in addition to the annual report.

While many commenters agreed with the EPA's proposed delivery dates of July 1 for the first report and December 31 for the second report for those systems serving 10,000 or more persons, a few commenters felt that the timing of the second report would be confusing to

customers. They believed that consumers would be confused with the information appearing in more than one report a because a violation or action level exceedance that occurs during the first six months of the year would be reported to customers in two different CCRs, spaced six months apart, delivered by December 31 in the 6-month update, and again the following year by July 1 in the annual summary. For violations or action level exceedances that occur during the second half of a year, those would only be reported in one CCR delivered by July 1 the following year with the annual summary. Commenters also noted that because systems will also need to provide the PN, customers could become confused with multiple notices for the same violation or lead ALE. While the EPA agrees that receiving a 6-month update that contains either applicable information based on samples collected between January and June of the following year or the original annual report (summarizing January through December of the previous calendar year) may be confusing to consumers at first, systems can use the biannual reports (annual report and 6-month update) as an opportunity to provide an update on the violation or situation, especially if the situation has been resolved. The EPA also has determined that some consumers may not receive an initial notice or report, and therefore overlap in CCR rule and PN rule will support broader awareness. Additionally, the EPA sought comment on whether the deadline to deliver the second report be 3 months or 6 months after delivering the first report, or some other length of time and most commenters agreed with the EPA's proposal to deliver the second report 6 months after the first report.

A few commenters also noted that requiring the delivery of a second CCR could increase the burden for States and CWSs. While the EPA acknowledges that increased burden, the EPA notes that this is a statutory requirement. To reduce burden, the EPA structured the requirement so that water systems could meet the requirement without having to prepare a new report if there are no violations or action level exceedances or UCMR results from a prior year to report in the 6-month update.

3. Final Revisions

As part of this final rule, the EPA will continue to require the first report to be delivered by July 1 of each year and has revised the CCR rule to require that a second CCR must be delivered by December 31 of the same year for systems serving 10,000 or more persons.

The report delivered by July 1 must continue to contain information and data collected during the previous calendar year and the second report delivered by December 31 must include a 6-month update, if applicable, based on information and data collected between January 1 and June 30 of the current calendar year. Systems without a violation or an ALE for the six-month period between reports, *i.e.*, information between January and June of the current year, may resend the original annual report (summarizing January through December of the previous calendar year). Systems that have an ALE, a violation, or who receive results for UCMR from the reporting year, must include this information in a 6-month update that accompanies the original annual report.

B. Electronic Delivery

1. Proposal

As part of the CCR Rule Revisions, SDWA section 1414(c)(4)(F)(ii) requires the EPA to "allow delivery consistent with methods described in the memorandum 'Safe Drinking Water Act—Consumer Confidence Report Rule Delivery Options' issued by the EPA on January 3, 2013 (USEPA, 2013)." The memorandum includes an attachment entitled "Consumer Confidence Report Electronic Delivery Options and Considerations (USEPA, 2013)." The memorandum interprets the existing rule language "mail or otherwise directly deliver" to allow a variety of forms of delivery of the CCR, including electronic delivery, so long as the CWS is providing the report directly to each customer. The memorandum outlines a framework for what forms of electronic delivery are and are not acceptable under the original Consumer Confidence Report Rule. In § 141.155(a) of this rule, consistent with the statute, the 2013 *Safe Drinking Water Act—Consumer Confidence Report Rule Delivery Options*, and current practices, the EPA is including options that allow CWSs to use electronic CCR delivery, with an option for customers to request a paper CCR.

Additionally, in the House Report accompanying AWIA, the Committee on Energy and Commerce noted that Americans are increasingly moving away from a paper-driven society and instead relying on electronic technologies to access data, including real-time information; however, they also recognized that "not all persons have access to or are comfortable using these means and [intend] that this new option not be used as an opportunity to avoid making paper copies available to

those customers that want them.” H.R. Rep. No. 115–380, at 27 (2017). Accordingly, the EPA proposed that systems using electronic delivery methods in § 141.155(a)(1)(ii) and (iii) must provide a paper copy of the report to any customer upon request. Consistent with the 2013 delivery options memo, the EPA also proposed that systems may mail a paper copy of the report; mail a notification that the report is available on a website via a direct link; or email a direct link or electronic version of the report.

The proposed rulemaking also incorporated the NDWAC’s recommendation to require systems that deliver the report by mailing a notification combined with posting their CCR on a publicly accessible website to maintain the report on the website for three years following its issuance in § 141.155(a)(4). This is consistent with existing record keeping requirements for CWSs in § 141.155(h).

2. Public Comment and the EPA’s Response

While many commenters support allowing for electronic delivery requirements as outlined in the EPA’s 2013 memorandum, many commenters feel that limiting electronic delivery options to those identified in the memorandum fails to take advantage of changing technology and could unnecessarily limit innovation. Commenters also point out that the ways customers expect to be able to access information has changed since the CCR rule was initially promulgated in 1998, and even since the 2013 electronic delivery memorandum was issued. They note that the EPA’s proposed revisions fail to properly take these advances into consideration by allowing for only a static electronic version of a printed CCR online. Commenters suggest that the EPA should allow for additional flexibility in how CCRs are currently delivered and how they could be delivered in the future by allowing primacy agencies to approve other methods of direct delivery in writing. The EPA agrees that new forms of technology which can provide additional electronic delivery flexibility may become available in the future, such as by a phone application; therefore, the EPA has finalized requirements that will allow systems the flexibility to implement additional direct delivery methods, if approved in writing by the primacy agency.

AWIA directed the EPA to allow electronic delivery methods consistent with the 2013 memorandum, and the options for electronic delivery in the final rule are consistent with the memo.

Since issuing the 2013 delivery options memo, the EPA has found through implementation experience that systems most often use the electronic delivery option by including a notice of availability of the report along with the website address that provides a direct link to the report either in the customer’s bill, or in a separate notice, such as a post card mailed to the customer, to meet the requirement that the CCR be directly delivered if it is not mailed to the customer. The EPA received a few comments on the references in § 141.155(a)(1)(ii) and (iii) to a “direct link” in the proposed revisions to delivery requirements. These provisions allow systems to mail a notification that the report is available on a website via a “direct link” or email a “direct link” or electronic version of the report. The requirement to provide a “direct link” (sometimes referred to as “one click”) was originally included in the 2013 memorandum as an interpretation of the “otherwise directly deliver” provision in the 1998 CCR rule. Commenters argued that by incorporating the “direct link” in the revised CCR rule, it stifles innovation in providing information and engaging customers because the rule does not allow any navigation away from the required CCR content. Commenters mentioned that by changing the rule to remove the “direct link” requirement, the CCR could be published as a dynamic, interactive, flexible, and adaptive experience where customers can explore data while interacting with information. The EPA disagrees with the commenters suggestion that the “direct link” provisions are a barrier to how customers engage with the information in the CCR, because the “direct link” provisions allow customers to easily find and view their CCR. Moreover, the requirement is consistent with the statutory direction in SDWA 1414(c)(4)(F)(ii) to “allow delivery . . . by methods consistent with methods described in” the 2013 memorandum. Systems could choose to supplement the direct link to the CCR with links to additional information, or use other “dynamic” or “interactive” features, consistent with § 141.153(h)(5). The systems would still be required to provide paper copies upon request, as indicated in § 141.155(a)(2). Also, the EPA does not exclude systems from establishing a landing page that contains “direct links” to CCRs, along with other information and links that allow customers to interact with the portions of the CCR most relevant to them.

A few commenters also stated that where systems solely rely on electronic

delivery methods, customers in underserved communities, including those without consistent internet access, may not receive the report. They suggested that the EPA consider other accessibility options for areas and customers without stable internet or computer access, noting that nearly one in four U.S. households lacks home internet. They also state that newly developed CCR resources should be compatible for mobile phone access to increase access to CCRs. The EPA agrees that electronic delivery may not be right for every customer, particularly those customers who live in communities without consistent and reliable internet or access to computers; however, these challenges have been addressed by allowing customers to request a paper copy of their CCR. The EPA is requiring that systems using electronic delivery methods described in § 141.155(a)(1)(ii) and (iii) must provide a paper copy of the report to any customer upon request. See section V.E. of this preamble for revisions to the “good faith” delivery provisions in this final rule to encourage at least one form of non-electronic delivery where a system is aware of a substantial number of bill-paying consumers without access to electronic forms of the report.

3. Final Revisions

The final rule allows CWSs to use electronic CCR delivery methods consistent with the 2013 delivery options memo if they provide a paper copy of their CCR to any customer upon request. For systems that electronically deliver the reports by posting the report to a website and providing a notification either by mail or email, the report must be publicly available on the website at the time notification is made. These requirements are consistent with the requirements of SDWA section 1414(c)(4)(F)(ii), as amended by AWIA, and require systems to mail a notification that the report is available on a website via a direct link; email a direct link or electronic version of the report; or mail a paper copy of the report if requested by the customer. The EPA also added in § 141.155(a)(iv) the clause “Another direct delivery method approved in writing by the primacy agency” to allow primacy agencies to approve additional direct delivery methods.

C. Posting Online

1. Proposal

Currently, § 141.155(f) of the existing rule requires CWSs that serve 100,000 or more persons to post their current year’s CCR on a publicly accessible site on the

internet. In the proposed revisions to the CCR rule, the EPA requested comments on whether to lower the threshold of system size subject to this requirement to post their CCR on the internet in § 141.155(f), specifically systems that serve 75,000 or more customers, 50,000 or more customers, or a different threshold. The EPA also requested input on what challenges this requirement may pose to PWSs serving fewer than 100,000 persons.

2. Public Comment and the EPA's Response

Of the comments received on the topic for lowering the threshold of system size required to post CCRs online, most were supportive of the revision. Of the commenters in support of reducing the threshold, most favor applying the requirement to systems that serve 50,000 or more people, with several commenters noting that many systems of that size are already posting CCRs online. A couple of commenters recommended the threshold be lowered to systems serving 10,000 or more persons, with commenters noting that lowering the threshold of systems who are required to post their CCRs on the internet would help to increase accessibility and make it easier for people to find their report online. However, a couple of commenters cautioned against reducing the threshold below the existing one (systems serving more than 100,000) due to concerns that it will cause an increase in resource demands for systems and primacy agencies and that small community systems may not have a website or dedicated personnel responsible for updating and maintaining it and could incur the burden to pay for a third party to maintain a website.

The EPA agrees with commenters that reducing the threshold below the existing one will improve accessibility for consumers served by those systems. The EPA also agrees that the potential burden for systems serving fewer than 100,000 persons could be significant, particularly for those systems who do not currently post their CCR online and could incur substantial costs to do so; however, several commenters have stated that it should be feasible for systems serving 50,000 or more persons to post their CCR's online with minimal burden since many of those same systems are already posting their CCR's online. Based on the comments received and the increased access customers would have to CCRs, the EPA agrees that requiring those systems to post their CCRs online is achievable. Also, because systems serving 50,000 or more

persons will be required to make their lead service line inventory publicly accessible online under the LCRR (USEPA, 2021c), some portion of those systems will already be posting information online and thus will likely not incur a substantial burden when posting their CCRs online.

3. Final Revisions

This final rule requires each system serving 50,000 or more to post its current year's report to a publicly accessible site on the internet. These revisions will strengthen the public accessibility to information in CCRs. The existing CCR rule requirement for systems serving 100,000 or more people to post the CCR report on a publicly accessible site on the internet was promulgated almost 20 years ago when access to free or low-cost social media, web hosting services, and filesharing platforms that water systems can use to host their inventories online were not as widely available as they are today. The EPA selected 50,000 or more persons as the threshold for this revised requirement because it will allow more customers nationwide to access CCRs online and is feasible since most of these systems already display CCR information on their websites.

D. Delivery Certification

1. Proposal

The EPA proposed to revise the requirement in § 141.155(c) for systems to mail a copy of the report to the primacy agency to instead "provide" a copy. In addition, the EPA requested comments on potential revisions to the timing for CWSs to send certifications of delivery of the CCR to their primacy agencies, in accordance with in § 141.155(c). The existing CCR rule requires water systems to mail a copy of the report to the primacy agency, followed within three months by a certification that the report has been distributed to customers and that the information is correct and consistent with the compliance monitoring data previously submitted to the primacy agency. The EPA specifically sought comment on benefits or challenges for water systems if they would be required to certify delivery of the CCR at the same time they distribute it to customers. In addition, the EPA asked for input on requiring systems to provide the delivery certification within 10 days or 30 days of delivery or if there are additional delivery certification dates the EPA should consider.

2. Public Comment and the EPA's Response

The EPA received many comments on the timing for sending the primacy agency delivery certification. A couple of the commenters opposed changing the existing time period of 3 months for systems to send the delivery certification to the primacy agencies, noting that having 3 months is an appropriate amount of time for water systems to certify delivery, with consideration for other priorities and responsibilities that must be addressed by the system. Several commenters supported changing the delivery certification timing to improve system compliance and record keeping for primacy agencies because a longer interval between the deadline for distribution and certification increases the likelihood of a water system forgetting to submit their delivery certification to the primacy agency, resulting in a violation. One commenter also stated that the current requirement to issue CCRs by July 1 but not provide a certification of delivery until October 1 often results in a delay of documents submitted to the State and a missed opportunity to promptly correct system errors. A couple of commenters responded that systems should be able to meet the shorter delivery certification time because some systems are already submitting CCR delivery certification earlier than October 1, with one commenter noting that their department requires that CCR delivery certification be delivered by July 1, and another commenter stating that in their experience, most systems provide certifications to primacy States within 30 days of delivery.

The EPA agrees that shortening the delivery certification timeframe may take systems some time to get accustomed to; however, the EPA disagrees a shorter certification timeframe would pull resources away from preparing and delivering the CCRs. Additionally, many commenters also told the EPA that it would be feasible to submit delivery notification within a shorter timeframe and also stated that doing so could help increase compliance with the regulations by prompting systems to submit their certifications before they forget to do so. The EPA agrees that shortening the timeline for systems to send the delivery certification to the primacy agency will decrease the likelihood that systems forget to submit their delivery certification. Certification of delivery plays an important role in the EPA's and primacy agency's oversight and enforcement by making it easier to

ascertain compliance with the CCR rule requirements and allow primacy agencies to better target noncompliers. The EPA has determined that by shortening the certification deadline to a 10-day timeline, it will allow primacy agencies to track compliance more quickly, and follow-up with systems to resolve a violation, in order to ensure the public is effectively informed about their local drinking water.

While several comments supported shortening the timing for providing the certification, the EPA received mixed feedback on how much to shorten the deadline (e.g., 10 days, 30 days, or simultaneous with the deadline for CCR distribution to customers). A few commenters supported shortening the time period to 10 days, consistent with other reporting timelines to primacy agencies in § 141.31, including PN delivery certification. Some commenters preferred a requirement for systems to provide the certification at the same time they send primacy agencies a copy of the CCR report—i.e., no later than the date the system is required to distribute the report. Some commenters noted that some primacy agencies already require water systems to submit delivery certifications with a copy of the CCR. On the other hand, one commenter noted that having a certification deadline that coincides with the delivery deadline to customers is not feasible.

The EPA agrees that there are feasibility concerns with a certification deadline that coincides with the delivery deadline to customers. The EPA agrees that the 10-day time frame for PN certification is an appropriate benchmark to use for establishing the timeline for CCR certification. In addition, reducing the time between CCRs delivery and certification from 3 months to 10 days will help primacy agencies identify more quickly which systems potentially did not comply with the delivery requirements or inaccurate compliance monitoring data in the CCRs in order to address the non-compliance as soon as possible.

3. Final Revisions

The final rule revises § 141.155(c) to reduce the timeline from three months to no later than 10 days after the date the system is required to distribute the report to its customers, that systems will need to provide a certification to their primacy agency indicating that the report was distributed to customers and the information is correct and consistent with the compliance monitoring data submitted to the primacy agency.

E. Good Faith Delivery

1. Proposal

Current regulations require that PWSs make a good faith effort to provide the CCR to non-bill paying consumers served by the system in § 141.155(b). Non-bill paying consumers include renters, like people who live in apartment buildings, and other users of the water system who do not receive a bill and therefore do not get direct delivery of the CCR. The proposed rule incorporated NDWAC's recommendations to expand examples of "good faith" delivery to help update and clarify approved distribution methods to reach non-bill paying consumers in § 144.155(b). The following "good faith" delivery examples provide more modern outreach approaches that were not available or as widely used when the original rule was promulgated. The NDWAC recommendations included mailing postcards to service addresses and/or postal addresses, holding public forums, sending alert text messages with a link to the CCR to interested consumers, advertising the availability on social media, and using a "Quick Response" code, also known as a QR code, or equivalent in posting materials. A QR code is a type of bar code that may be read by an imaging device such as a smart phone's camera. The EPA specifically sought input on whether the CCR rule should include additional outreach requirements to enhance awareness for non-bill paying consumers or a requirement for water systems to post information on social media or online list-serves to increase consumer awareness of and access to CCRs.

2. Public Comment and the EPA's Response

The majority of commenters support the EPA's expanded list of additional examples of good faith delivery methods in § 144.155(b), which include more modern outreach efforts, such postcards, social media, public forums, and other good faith efforts to inform non-bill paying consumers about the availability of water quality reports. One commenter suggested adding delivery of reports by carrier route to the list of examples of good-faith delivery methods. The commenter states that they have been using this method since 1998 and appreciates the confidence of knowing that the information about the water quality reports is being delivered to both bill-paying and non-bill paying consumers along the route. Many commenters specifically supported allowing water systems to use social

media as an expanded form of good faith delivery because it is a very common, popular, and simple way to reach consumers, noting that it would increase consumers awareness of and access to CCRs. While one commenter said that the EPA's current options for reaching non-bill paying consumers are sufficient, the EPA should not discount the use of social media as a good faith delivery method and a way to increase consumer awareness as it is a popular way for people to receive information. A couple of commenters also suggested that the EPA consider including a "reverse 911" or other mass communication subscription services, such as listservs, as additional expanded methods of good faith delivery.

The EPA agrees that expanding examples of good faith delivery efforts in § 141.155(b) will help increase accessibility to water quality reports among non-bill paying consumers. By providing water systems with expanded examples of good faith delivery methods, the EPA is giving these systems the flexibility to customize their good faith delivery efforts so they can better reach non-bill paying consumers at single billed addresses such as apartments, some manufactured housing communities, and businesses that are not bill paying customers.

Commenters also noted that non-electronic delivery methods should be considered as an additional delivery option for consumers who may not have stable access to a computer or the internet and therefore would have trouble accessing electronic water quality reports. Commenters also note that in rural areas, nearly one-fourth of the population—14.5 million people—lack any opportunity to access to broadband service. The EPA agrees that non-bill paying consumers at addresses with a single meter, such as multi-family apartments, some manufactured housing communities and those in rural areas may be less likely to receive CCRs due to a lack of internet or because the CWS may not have their address in their records. The EPA has included in the final rule additional recommendations in § 144.155(b) for systems to pay particular attention to consumers that are non-bill paying and may have challenges with accessing the CCR when electronic delivery methods are used. The provision states "where a system is aware that it serves a substantial number of non-bill paying consumers, the system is encouraged to directly deliver the reports or notices of availability of the reports to service addresses. Where a system is aware of a substantial number of bill-paying

consumers without access to electronic forms of the report, the system should use one non-electronic form.” While several commenters support the EPA’s addition of expanded good faith delivery methods, several commenters also stated that systems should be encouraged, but not required, to post their CCRs on social media and/or other online services such as list-serves using resources that are routinely available and reasonably achievable. Commenters stated that mandatory requirements related to good faith delivery, such as mailing postcards, would undercut the environmental and economic savings that have been realized through electronic delivery and small and/or rural water systems may not have the capacity to meet a requirement to post their CCRs on social media and/or other online services such as list-serves. A couple of commenters also stated that any efforts to reach non-bill paying customers should be at the discretion of the utility to customize delivery in a way that works for their customers. They stated that a uniform requirement for delivery to ensure non-bill paying customers receive the report would put unnecessary burdens on those systems who already have a process in place by potentially requiring those systems to adapt their current process to any new requirements. A couple of commenters claimed that mailing post cards with QR codes to apartments may not be feasible due to lack of addresses and may not be effective because the QR codes require the extra step of scanning a QR code and/or logging online for the full report. However, a couple of commenters stated that the EPA should emphasize direct delivery to single billed addresses serving multiple people such as apartments, manufactured home communities and require bulk delivery of the report to every address in the service area or, at minimum, require CWS to send a post card to every address in their service area with a QR code and website link for the report along with a stamped return card for requesting a hard copy. Another commenter noted that under the existing delivery requirements, CCRs are not being adequately delivered to all consumers (*i.e.*, renters, condo owners, residents of nursing homes, etc.), which the commenter claims is a serious and widespread problem. They specifically noted that the existing requirements for systems to make a “good faith effort” to reach non-bill paying consumers is an abject failure, because renters, condo owners, and residents of group facilities such as nursing homes rarely, if ever, see these reports.

The EPA has determined that a requirement to mail non-bill paying consumers either the report or a post card notifying them that the report is available, would significantly increase delivery costs. Also, because water systems and utilities that serve their local communities have the knowledge and understanding of which delivery methods would work best for their communities, the EPA agrees that any good-faith delivery methods from the expanded list in § 144.155(b) used to reach non-bill paying consumers should be at the discretion of the utility. In addition, it would be anomalous for the CCR rule to allow water systems to forego direct delivery of hard copy CCRs or postcards to bill paying customers, as allowed under 2013 CCR delivery options memo and the AWIA amendments to SDWA while at the same time imposing a new requirement for water systems to directly deliver paper copies of the CCR or postcards notifying consumers of the availability of the CCR.

3. Final Revisions

In this final rule, the EPA added the following examples of “good faith” delivery methods to § 144.155(b) for reaching non-bill paying consumers: mailing reports or postcards with a link to the report to all service addresses and/or postal customers; using an opt-in notification system to send emails and/or texts with a link to the report to interested consumers; advertising the availability of the report on social media; publication in newsletters, posting a copy of the report or notice of availability with links (or equivalent, such as Quick Response (QR) codes) in public places; and holding a public meeting to educate consumers on the reports. Systems must make a good faith effort to reach consumers who do not get water bills, using means recommended by the primacy agency. A good faith effort to reach consumers includes a mix of methods to reach the broadest possible range of persons served by the water system. The final rule also includes additional recommendations in § 144.155(b) for systems to pay particular attention to consumers that are non-bill paying and may have challenges with accessing the CCR when electronic delivery methods are used. The provision states “where a system is aware that it serves a substantial number of non-bill paying consumers, the system is encouraged to directly deliver the reports or notices of availability of the reports to service addresses. Where a system is aware of a substantial number of bill-paying consumers without access to electronic

forms of the report, the system should use at least one non-electronic form.”

VI. Compliance Monitoring Data

A. CMD Reporting Requirement

1. Proposal

The EPA proposed a new regulatory requirement in § 142.15 pursuant to sections 1445(a)(1)(A) and 1413(a)(3) of SDWA for states to report CMD from PWS annually to the EPA for all NPDWRs.

2. Public Comment and the EPA’s Response

The EPA received many comments requesting that the EPA propose CMD reporting requirements under a separate regulatory action based on three major concerns. Commenters claimed that (1) CMD reporting requirements are unrelated to the CCR Rule revisions; (2) a separate rulemaking would allow the EPA to better explain its rationale for CMD reporting requirements and the EPA’s intended uses of the data; and (3) combining the CMD reporting requirements with the CCR Rule revisions may result in relevant and interested stakeholders not being aware of the EPA’s proposed new reporting requirements.

The EPA disagrees that revising state annual reporting requirements to include CMD is unrelated to the CCR Rule revisions. In implementing the Foundations for Evidence-Based Policymaking Act of 2018 (2018 Evidence Act), the EPA identified as an initial focus area the importance of data quality and reliability when determining compliance with drinking water standards. The GAO raised similar concerns and concluded that unreliable data from States were limiting the EPA’s ability to target enforcement priorities and communicate PWSs performance (USGAO, 2011). GAO also concluded that the EPA should ensure not only corrective action milestones, and violations, but also water systems’ test results, *i.e.*, CMD, are current, accurate, and complete (USGAO, 2006). AWIA amended SDWA section 1414—Enforcement of Drinking Water Regulations with provisions to improve information on drinking water. Section 2008 of AWIA amended SDWA section 1414(c)(4) on Consumer Confidence Reports and section 2011 of AWIA created a new SDWA section 1414(j)—Improved Accuracy and Availability of Compliance Monitoring Data. This final rule improves the accuracy and availability of drinking water data that the agency and the public receive to make informed decisions and protect

public health. In addition, there is no statutory or regulatory requirement to revise only one rule at a time, or to publish each rule in separate **Federal Register** publications. The EPA often revises multiple drinking water rules at the same time. For example, when promulgating or revising a NPDWR for inclusion in 40 CFR part 141, the EPA often revises the CCR rule in 40 CFR 141, subpart O and the Public Notification Rule in 40 CFR part 141, subpart Q, as well as the primacy requirements in 40 CFR part 142.

The EPA also disagrees that a separate rulemaking is necessary for the EPA to explain its rationale and intended uses of CMD. The EPA has described the rationale for the CMD reporting requirement (see section I.E. of this preamble), the statutory basis for this regulatory action (see section I.C. of this preamble), the agency's intended uses for the data (see section I.E. of this preamble) and complied with all applicable statutory requirements for this rule. The EPA notes that some commenters requested that the CMD reporting requirement be a separate rulemaking due to concerns that there was insufficient discussion regarding the scope of the proposed provision, which stated that the reporting requirement applied to both monitoring and related data as well as records under § 142.14. The EPA has considered these comments and amended the scope of the final reporting requirement after reassessing what data the agency requires for oversight in addition to the data reporting and management capabilities of the EPA and primacy agencies accordingly (see section II.B. of this preamble). The EPA is also developing tools to facilitate the transmittal of CMD to the EPA for both States that use SDWIS State and those that rely on State-specific data management systems.

Lastly, the EPA disagrees with some commenters' concerns that combining the CMD requirements with the CCR rule revisions may have resulted in relevant and interested stakeholders not being aware that the proposed CMD reporting requirement was included in the same **Federal Register** publication. Prior to issuing the notice of proposed rulemaking in the **Federal Register**, the EPA conducted a federalism consultation as well as a supplemental Tribal consultation with the Navajo Nation, the only Tribe with primary enforcement responsibilities (see sections II.D and X.E of this preamble), and specifically requested input on considerations regarding the proposed CMD reporting requirement. The EPA considered both the comments received

during the consultations as well as public comments received on the proposed rulemaking in developing the final rule.

3. Final Revisions

As a part of this final rule, the EPA is finalizing a requirement in § 142.15 for States with primacy to report CMD for all NPDWRs to the EPA on an annual basis. "CMD for all NPDWRs" refers to CMD for all NPDWRs for which the State receives data during the reporting time period. This provision will not require any additional data collection by water systems or States and does not change existing reporting relationships between PWSs, laboratories, and States.

B. Scope and Administrative Burden of CMD Reporting

1. Proposal

The EPA proposed that States would be required to report both CMD and related data including specified records kept by the State in § 142.14.

2. Public Comment and the EPA's Response

Several commenters expressed concern about the administrative and financial burden that the proposed reporting requirement would entail. Most commenters were concerned about the burden associated with reporting specified records kept by the State in § 142.14 to the EPA. Several commenters expressed concern that the reporting requirement would increase the burden on the States if the EPA used the CMD to second-guess State decisions by necessitating additional staff resources to resolve or defend compliance determinations. Several commenters were concerned about the burden for both SDWIS-using and non-SDWIS-using States to transmit their data to the EPA.

Many commenters expressed concern about the proposed scope of CMD reported annually to the EPA, as well as "data necessary for determining compliance." The proposed rule also provided that "related compliance data include specified records kept by the State in § 142.14." Commenters noted that specified records kept by the States under § 142.14 comprise nearly 120 different documents specific to each PWS that cannot be readily digitized and stored in the EPA and/or State databases. Commenters raised concerns over the administrative burden associated with collating, digitizing, and transmitting these documents to the EPA as well as the EPA's intentions for collecting these documents.

The EPA carefully considered comments regarding State burden

associated with annual submission of records kept by States under § 142.14. The EPA has also re-evaluated its own technical and administrative capacity to collect, manage and use this volume of records. Based on these considerations, the EPA has elected to remove the annual reporting of "specified records kept by the State under § 142.14" from this final rule. Instead, the EPA will continue to request certain case-specific records from case-specific States on an as-needed basis using its existing authority under § 142.14(g).

Many commenters expressed concern about the burden of reporting CMD to the EPA on an annual basis. The EPA disagrees that this reporting requirement will be unduly burdensome for the States. For States currently using or in the process of transitioning to SDWIS State, the EPA is developing a SDWIS State Annual Compliance Monitoring Data Reporting Extraction Tool that will create a copy of the CMD from the State's Microsoft SQL or Oracle database to submit directly to the EPA. This tool builds off the EPA's existing SDWIS Data Extraction Tool that 42 states currently use to share a limited subset of CMD with the EPA for the Six-year Review of Drinking Water Standards. The SDWIS Annual Data Extraction Tool is intended to automate the data transfer process, leveraging the suite of data quality checks and reviews built into the SDWIS State software and submission to the EPA processes. Some commenters noted that not every State with primacy uses SDWIS State to maintain and track compliance of PWSs and thus that this new reporting requirement will impose an undue burden on these States. For States that do not use SDWIS State, the EPA intends to develop a process to allow for these States to submit a full extraction of their CMD database to the EPA, along with documentation that defines the data elements in their database. The EPA is currently in the process of developing the DW-SFTIES as the long-term replacement for SDWIS State. DW-SFTIES will include an automated data extraction and reporting feature. These processes, along with the reduction in scope of CMD to be submitted to the EPA, will minimize the burden that this reporting requirement will impose on the States.

3. Final Revisions

In this final rule, the EPA is requiring States to report "compliance monitoring data and related monitoring data necessary for determining compliance for all NPDWRs in 40 CFR part 141." "Compliance monitoring data" comprises all sample results that PWSs

are already required to collect and report to primacy agencies for purposes of determining compliance with NPDWRs, including MCL, MRDL, and treatment technique (TT) requirements. Related monitoring data are information about each sample result that must be reported to the primacy agency for compliance determination, including data to ensure that the correct number of samples were taken at the right time, in the correct locations, and were analyzed using an approved analytical method.

VII. Other Revisions

A. Housekeeping

1. Proposal

Included in the proposed revisions of the Consumer Confidence Report Rule, the EPA identified minor technical corrections within sections of 40 CFR part 141, subpart O, as described in this section:

40 CFR 141.152 Effective dates: The EPA proposed revisions to language in *CFR 141.152 Effective dates*, by removing compliance dates which have passed or are no longer applicable.

40 CFR 141.153 Content of the reports: The EPA proposed revisions to language in *CFR 141.153 Content of the reports*, by removing regulatory text that has been superseded by new or existing regulations and removing compliance dates which have passed or are no longer applicable.

40 CFR 141.154 Required additional health information: The EPA proposed revisions to language in *CFR 141.154 Required additional health information*, by removing regulatory text that has been superseded by new or existing regulations and removing compliance dates which have passed or are no longer applicable.

2. Public Comment and the EPA's Response

The EPA received a few comments on suggested edits to the existing CCR rule related to housekeeping revisions. One commenter identified § 141.154(e) for removal because it includes an outdated reference to § 141.12, which no longer exists in the CFR. The EPA agrees with the suggestion to remove § 141.154(e), as indicated in amendatory instructions in the proposed rule (88 FR 20092 at 20113, April 5, 2023). A couple of the commenters recommended the EPA remove the reference to the Safe Drinking Water Hotline. The EPA disagrees with removing the hotline because SDWA section 1414(c)(4)(A) requires that the regulations provide for a "toll-free hotline that consumers can call for more information and

explanation." The EPA has included additional options for contacting the agency though the website epa.gov/safewater.

3. Final Revisions

The EPA is finalizing minor technical corrections within sections of 40 CFR part 141, subpart O as proposed. The minor technical corrections will ensure consistency between the Consumer Confidence Report Rule Revisions and existing the EPA drinking water regulations by removing the out-of-date and no longer applicable text from the regulations. The EPA is not creating any new obligations with these technical corrections in §§ 141.152, 141.153, and 141.154, that included moving compliance dates which have passed or are no longer applicable and removing regulatory text that has been superseded by new or existing regulations. The EPA is adding a conforming edit to remove § 141.153(d)(3)(ii), consistent with removing § 141.153(d)(1)(iii) that was included in the proposed revisions to the rule. Both §§ 141.153(d)(1)(iii) and 141.153(d)(3)(ii) reference §§ 141.142 and 141.143, which have been removed from 40 CFR part 141.

Rather than delete the Safe Drinking Water hotline in the regulation text, the EPA has made editorial modifications to §§ 141.153(e)(3), 141.153(h)(1)(iv), and 141.154(a), to add the agency's website, epa.gov/safewater, to provide CCR readers to an alternate option for contacting the EPA.

In addition, the EPA is making conforming edits to 40 CFR part 141, subpart O, appendix A to remove the table notes "† Until March 31, 2016;" "‡ Beginning April 1, 2016;" and "¹ These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG." For consistency, the table entries for "Total Coliform Bacteria †" and "Fecal coliform and *E. coli* †" have been deleted, and the "Total Coliform Bacteria ‡," "*E. coli* ‡" and "Arsenic (ppb)" have been edited to remove the symbols and note. The EPA has determined that these footnotes and entries are outdated, and no longer effective, and is deleting or editing them as described to reduce potential confusion for States and water systems.

VIII. Rule Implementation and Enforcement

A. Compliance Date

1. Proposal

The EPA proposed compliance with the CCR Rule Revisions beginning approximately one year after the expected publication date of the rule,

with CWSs complying with the new CCR content and delivery requirements in §§ 141.151 through 141.156 beginning April 1, 2025. The EPA specifically requested comment on the feasibility for systems and States with primary enforcement responsibility to implement the revised CCR Rule by the proposed compliance date in 2025. The EPA requested comment on whether the agency should consider revising the compliance dates in § 141.152(a) to require compliance two years after publication of the final rule for CWSs in States with primacy, or on the date the State-adopted rule becomes effective, whichever comes first while retaining a 2025 date for water systems where the EPA directly implements the program.

The EPA proposed that the requirement for States to report CMD to the EPA annually take effect in the CFR 30 days after publication of the final rule in the **Federal Register** in 2024 and that States would be required to comply with requirements for annual CMD reporting to the EPA beginning one year after the effective date in 2025.

2. Public Comment and the EPA's Response

A couple of commenters supported the proposed 2025 compliance timeline for CWSs to comply with the CCR requirements while several other commenters supported a compliance deadline two years from promulgation for CWSs in States with primacy; however, many commenters suggested an alternate compliance timeline of three years to be consistent with compliance timeline of NPDWRs promulgated under SDWA section 1412. The commenters identified needing additional time for systems to comply with the revised CCR requirements to adapt their report development and distribution process. Commenters highlighted that the proposed compliance date in 2025 is before the allowed timeframe for States to submit request for primacy enforcement responsibility in § 142.12(b). The commenters cited States needing additional time to update their regulations, conduct appropriate training, develop guidance, update business processes, update data management systems, and adopt translation assistance efforts. Several commenters highlighted that there are more than one concurrent drinking water rulemakings that will likely have overlapping new or revised CCR requirements. The commenters mentioned that States have limited resources, and they anticipate it will require significant resources to prepare for implementation, including

developing training and guidance, for multiple simultaneous new or revised rules. Several commenters also recommended that compliance with revised CCR requirements should begin at the beginning of the compliance cycle (*i.e.*, January 1), rather than April 1, as proposed. They noted a compliance date such as the proposed compliance date of April 1 could cause confusion for systems and States as to which set of CCR rule requirements would apply (original or revised) for reports delivered before April 1.

The EPA agrees with commenters' concerns regarding the benefit of allowing additional time for systems and States to comply with the final revised CCR Rule requirements. Under the proposed compliance timeline of 2025, there is potential for confusion among States and systems in identifying how to comply with both the existing State CCR rules, which are based on the current CCR, or the revisions that would be applicable under the Federal CCR prior to State adoption of revised CCR regulations, which typically takes at least two years. The EPA also recognizes the challenges States and systems will likely encounter with implementing several new or revised regulations, including the Per- and Polyfluoroalkyl Substances (PFAS) NPDWR, the LCRR, and the LCRI. In anticipation of new or revised rule requirements, the EPA assumes States will likely need to update their data systems, train staff, and conduct outreach and training of water systems to educate them on new requirements prior to compliance of the revised CCR rule compliance date (USEPA, 2024a). There will be additional upfront activities that will be needed to comply with the PFAS and LCRI rulemakings, and some States may find it more effective to combine similar activities, such as trainings, for more than one of the new or revised rules. Therefore, in response to comments, the EPA is finalizing a compliance date for systems of January 1, 2027. At that time, CWSs would be required to meet the revised CCR rule requirements, meaning that reports delivered in 2027, which summarize data collected in 2026, or earlier, will reflect this final rule.

The EPA's requirements for primacy include the requirement that the State have authority to require community water systems to provide CCRs (§ 142.10(b)(6)(vii)). Each State, Tribe, or territory with primacy must submit complete and final requests for the EPA approval of program revisions to adopt the revised CCR no later than two years after promulgation of this rule. Primacy agencies may request an extension of up

to two years in certain circumstances under § 142.12.

Several commenters requested that the EPA delay the requirement for States to submit CMD to the EPA beyond the proposed timeline of 2025 but did not provide a specific alternate timeline. The commenters expressed concerns regarding the agency's readiness to collect, manage, process, and use CMD by 2025. They also noted one year is insufficient for States to develop the capacity to fulfill the requirement to provide CMD. One commenter requested the EPA not delay the compliance timeline. Lastly, a few commenters recommended the compliance timeline for collecting CMD be delayed until the EPA updates its database system, including incorporation into DW-SFTIES that is under development.

The EPA agrees with commenters' concerns that States need additional time to develop capacity to submit CMD to the EPA. This extra time can be used to update State data systems to submit CMD to the EPA on an annual basis. Therefore, the EPA is finalizing a compliance date of May 24, 2027. The EPA also agrees the agency will benefit from additional time to update data systems, develop extraction tools, and to provide guidance to support implementation. The EPA intends to engage stakeholders to identify best practices for publicly displaying CMD following the promulgation of the final rule. The EPA disagrees with comments recommending reporting of CMD be delayed until DW-SFTIES is complete since that delay is unnecessary: prior to the compliance date, the EPA will modify SDWIS FED to maintain the collected CMD and will provide an enhanced CMD extraction and sharing tool for primacy agencies that use the SDWIS State. Additionally, the EPA will provide a database extraction option for the primacy agencies that do not use SDWIS State.

3. Final Revisions

In response to comments, the EPA is finalizing a compliance date of January 1, 2027, for the revised CCR rule. This means that reports delivered in 2027 will need to meet the requirements in this final rule. To reflect this change, the EPA has modified § 141.152(a) to reflect the revised compliance dates for all CWSs to develop and provide CCRs to their customers according to the revised requirements in subpart O.

To address the challenges and concerns by commenters regarding the need for additional time for States and the EPA to prepare for the new requirement to collect CMD, the final

rule provides that compliance with the CMD requirement will be required no earlier than May 24, 2027. This means that States will be required to report CMD to the EPA annually, on a specific schedule and in a format as prescribed by the Administrator, no earlier than three years after the promulgation of this final rule.

B. Special Primacy

1. Proposal

As previously discussed in section IV. A. of this preamble, the EPA proposed requiring States with primacy to provide meaningful access to CCRs for consumers with LEP. Primacy agencies would also be required to maintain copies of translation support plans they receive from systems serving 100,000 or more people for 5 years (§ 142.14(h)(2)). In addition, even though the mailing waiver is not a new requirement, the EPA proposed that States submit with their primacy application a description of how the State implements the provisions in § 141.155(g), along with a description of how the State intends to provide water systems with technical assistance in meeting the requirements in § 141.153(h)(3) to provide translation assistance in communities with a large proportion of consumers with limited English proficiency (§ 142.16(f)(5)).

As discussed in section VI of this preamble, the EPA also proposed requiring that States, territories, and Tribes with primacy over PWSs submit CMD collected from the PWSs as a condition of primacy. The EPA proposed revisions to the primacy requirements for annual reporting to the EPA by States (§ 142.15) to include all monitoring and related data necessary for determining compliance with existing NPDWRs as required by 40 CFR part 141 to be reported by a water system to the State to demonstrate compliance with NPDWRs.

2. Public Comment and the EPA's Response

Section IV.A.2. of this preamble discussed the EPA's response to comments on translation support requirements by States and systems. A few commenters requested clarification on the roles and responsibilities for water systems and the State for providing translated reports and translation assistance, and suggested that the regulation should include eligibility criteria to make clear when the State would be responsible for translation services instead of a system, since the proposed regulation would have required, as a condition of primacy, that the State provide

translation support services when a system is unable to provide those services. The EPA did not receive comment on the recordkeeping requirements to maintain copies of the language access plans, or the primacy application requirements to describe the small system mailing waiver procedures.

3. Final Revisions

As described in section IV.A.3. of this preamble, the EPA is not requiring States to provide translated reports or translation assistance to consumers with LEP. Instead, the final rule clarifies the role for water systems to provide translated reports or translation assistance to their consumers if the system serves a large proportion of consumers with LEP and the role for States to provide systems with technical assistance. In § 142.16(f)(5)(i), the EPA is requiring the States' primacy application to include a description of how the State intends to provide CWSs with technical assistance in meeting the requirements in § 141.153(h)(3) for providing translation assistance in communities with a large proportion of consumers with limited English proficiency. 40 CFR 142.14(h)(2) requires States to keep a record of the language access plans submitted by systems serving 100,000 or more people for five years (see section IV. C. of this preamble). Also, in § 142.16(f)(5)(ii), primacy applications will need to include a description of the State's procedures for issuing small system mailing waivers consistent with

§ 141.155(g). Section VI. B. 3. of this preamble describes the final rule requirement for States to report CMD to the EPA annually. The EPA is making technical corrections to the numbering in § 142.16(f). Special primacy requirements proposed in § 142.16(f)(4) have been renumbered to § 142.16(f)(5) because § 142.16(f)(4) was inadvertently deleted in the proposed rule. The EPA is not creating any new obligations in § 142.16(f)(4) with these technical corrections.

IX. Economic Analysis

A. Estimates of the Total Annualized Cost of the Final Rule Revisions

The EPA estimates the total average annual cost of this final action would be \$20 million. The estimated costs for the final CCR Rule Revisions include those incurred by primacy agencies and community water systems. The EPA categorized the costs into three categories: program costs, CCR production costs, and CMD reporting costs. The EPA discusses the expected costs as well as the assumptions and data sources used in preparation of this estimate in the Economic Analysis of the Final Revised Consumer Confidence Report Rule (USEPA, 2024a).

Estimated costs for this final rule (revised CCR Rule in 40 CFR part 141 and the CMD requirement in 40 CFR part 142) are based on the following assumptions about the requirements:

- CWSs serving 10,000 or more persons would provide two reports per year.

- All reports would include a report summary.

- Large systems serving 100,000 persons or more would be required to identify plans for providing meaningful access to the reports for consumers with limited English proficiency.

- All CWSs would include language explaining their corrosion control efforts and describe corrective actions they have taken to address any lead ALE that occurred in the system during the reporting period.

- Primacy agencies would report CMD to the EPA.

Exhibit 1 of this preamble details the EPA estimated annual average national costs using a two percent discount rate by major cost component. On November 9, 2023, the Office of Management and Budget (OMB) issued an updated Circular No. A-4 on the development of regulatory analysis as required under Executive Order 12866, that became effective March 1, 2024. Consistent with OMB's updated guidance, the annualized present value of the cost of the CCR Rule Revisions was calculated at a 2 percent discount rate. These numbers transform future anticipated costs associated with the final revised CCR rule requirements in the present value. The annualized cost for each category of cost, shown in Exhibit 1 is equal to the amortized present values of the costs in each category over the 25 years from the year of rule promulgation, 2024 to 2048.

EXHIBIT 1—ANNUALIZED COSTS OF THE FINAL REVISED CCR RULE AT TWO PERCENT DISCOUNT RATE

Cost component	Primacy agencies	Community water systems	Total
2% Discount Rate			
Program Costs	\$2,956,899	\$359,464	\$3,316,363
CCR Cost	828,159	15,544,891	16,373,049
Compliance Monitoring Data Reporting	77,691	0	77,691
Total	3,862,749	15,904,355	19,767,103

Additional details regarding the EPA's cost assumptions and estimates can be found in the Draft Information Collection Request (ICR) (USEPA, 2024b), ICR Number 2764.02, which presents estimated cost and labor hours for the CCR Rule Revisions. Copies of the Draft ICR may be obtained from the EPA public docket for this final rule, under Docket ID No. EPA-HQ-OW-2022-0260.

B. Program and Administrative Costs for CCR and CMD

"Program costs" refers to the actions primacy agencies will take to adapt their respective CCR programs and CMD reporting activities. They include upfront program costs associated with revising their program and applying for primacy as well as ongoing costs associated with program maintenance. "Administrative" costs refer to CWS activities to prepare for the new CCR and CMD reporting requirements. The

EPA estimates that upfront and ongoing program costs for primacy agencies and the upfront administrative costs to CWSs depend on the role the primacy agency plays in the CCR development process. The EPA grouped primacy agencies into three categories based on the level of support they provide in the development of CCRs.

- *Category 1:* Primacy agencies in this category do not develop CCRs nor provide direct technical assistance to CWSs in support of CCR development.

- *Category 2:* Primacy agencies in this category may fully or partially develop CCRs for a small number of their CWSs, or they may provide resources and technical assistance to all CWSs developing CCRs themselves.

- *Category 3:* Primacy agencies in this category develop all CCRs on behalf of their CWSs.

For reporting CMD, the EPA anticipates the upfront costs for primacy agencies will depend on whether the primacy agency currently uses SDWIS State. Those currently using SDWIS State will have a lower level of effort burden than those that do not currently use SDWIS State.

1. Upfront Costs

The EPA assumed each primacy agency must read and understand the rule after promulgation. A primacy agency must also develop a primacy revision package, update its reporting system, conduct preliminary data analysis, and conduct start-up activities such as staff training and outreach.

The EPA assumed CWSs will incur upfront administrative costs not directly related to the production of CCRs. These costs include reviewing training materials received from primacy agencies and training staff to produce CCRs in compliance with the rule revisions.

Before complying with the new CMD reporting requirement, States must adapt their existing reporting procedures or create a new reporting procedure. These upfront costs include staff training, setting up a reporting system for CMD, and formalizing procedures for providing CMD to the EPA.

The EPA anticipates the upfront costs for CMD reporting will depend on whether the primacy agency currently uses SDWIS State, and primacy agencies that currently use SDWIS State will have a lower level of effort burden than those that do not currently use SDWIS State. The EPA anticipates primacy agencies will expend some effort to design and develop procedures and workflows for managing data, develop support documentation, and test and validate these procedures.

2. Ongoing Costs

After adopting the rule revision, primacy agencies incur costs on an ongoing basis to administer the rule. In the case of the CCR Revisions, each primacy agency will collect and review data annually to determine which CWSs will have additional reporting requirements, *i.e.*, biannual delivery and translation. Since this is a revision to an existing rule, the EPA assumed that

primacy agencies will incur minimal additional ongoing program administration costs. These costs will consist only of compliance tracking, reporting, and enforcement activities for the additional biannual CCRs required by the revised rule. The EPA assumed primacy agencies already conduct other ongoing program administration activities, such as staff training, under the current CCR Rule and will not incur additional costs under the CCR Rule Revisions for these activities.

The only system size to incur ongoing administrative costs will be large systems serving 100,000 or more people. This is because these systems must periodically research, adjust, and update their translation plan to account for changing demographics, as well as revise their plan to address feedback from the primacy agency. Other administrative costs associated with activities all CWSs will conduct, such as ongoing training, is assumed to be \$0 because CWSs already conduct ongoing staff training for the previous CCR rule, and general staff training is not considered a new activity under the revised rule.

Primacy agencies will incur costs on an ongoing basis to annually report CMD to the EPA. Specifically, each primacy agency will need resources to maintain their reporting systems.

C. Revisions to Consumer Confidence Report Requirements Costs

The EPA estimated the costs to primacy agencies and CWSs to comply with the rule revision. Although the CCR Rule applies to CWSs, the EPA assumed some primacy agencies will continue to provide support and will incur report development costs. The EPA anticipates all primacy agencies will also incur additional enforcement and reporting costs for the second CCR. The EPA assumed CWSs (and not primacy agencies) are responsible for delivering reports, including those developed by the primacy agency. “CCR production costs” refer to the burden that CWSs and primacy agencies will incur because of content and delivery changes that apply to CCRs. These changes include:

- Developing a brief report summary.
- Including language explaining their corrosion control efforts and developing descriptions of corrective actions following an ALE (if applicable) for the CCR.
- Providing a second CCR each year for CWSs serving 10,000 or more people.
- Posting CCR online for CWSs serving between 50,000 and 99,999 people.

- Good faith delivery efforts.

The EPA received a few comments on the costs of delivery of CCRs, noting that for water systems, biannual delivery would increase the costs associated with developing CCRs, as well as impose additional burden. One commenter expressed concern with increased costs of providing CCRs biannually, or twice per year, and stated that requiring biannual delivery for systems would significantly increase the workload of the staff responsible for tracking compliance with report deadlines and content. Another commenter noted that the costs of “good faith delivery,” such as publishing in local newspapers, were not accounted for in the estimated costs. The EPA agrees that the costs for CWSs serving 10,000 or more people will increase due to the requirement to provide CCRs twice per year; however, the agency has incorporated costs for the second delivery in the cost estimate, including “good faith” delivery. The EPA also anticipated that approximately 20 percent of the CWSs serving 10,000 or more people would be required to provide a 6-month update and has incorporated estimated costs to produce the 6-month update. A couple of commenters provided suggested revised estimates for postal rates, specifically noting that the costs vary depending on the mail class. The EPA agrees that postal rates vary and has updated the estimated postal rates to include a mix of mail categories.

The EPA received several comments related to costs of translations. A couple of commenters provided estimated translation costs and expressed concern with the potentially burdensome costs for providing translations. The EPA agrees that systems and States will incur costs for translations and has estimated the costs of providing translation access using a mix of translating reports or using a contracted translation hotline. As indicated in section IV.A.2. of this preamble, the EPA intends to provide translations for required content and templates following the rule promulgation to reduce the burden in developing CCRs for systems and States. The EPA made conservative assumptions for the purposes of estimating costs of the final rule, by including translation support costs of occasional use of a hotline and developing translated material.

The EPA also received a couple of comments on the estimated costs for primacy agencies. The commenters claimed that the EPA’s Economic Analysis did not properly estimate the costs to primacy agencies that provide substantial support to CWSs in developing the CCRs, and they noted

that the revisions will require those States to update their systems and processes for the revised rule. The EPA disagrees that the cost model does not incorporate costs for States providing support to CWSs because the agency used information provided by the Association of State Drinking Water Administrators (ASDWA, 2020) to assign each State and their CWSs into three categories (see section IX.B of this preamble). Program and CCR development costs were estimated for States and systems using the three categories.

D. Compliance Monitoring Data (CMD) Requirement Costs

This final rule will require the 66 primacy agencies to report the CMD for all NDPWRs to the EPA on an annual basis. These include data systems for 49 states, five territories, the Navajo Nation, nine direct implementation Tribal programs (as EPA Regions), DC (as EPA Region 3), and Wyoming (as EPA Region 8). CMD comprises sample results and related monitoring data for each NPDWR under 40 CFR part 141. Sample result data are the values of all samples PWSs are required to collect and report to primacy agencies for purposes of determining compliance with MCLs, MRDL, or TT established in the NPDWRs. The related monitoring data, or sample meta-data, represent several additional data elements, already required to be reported, about each sample result including sample location, collection date, and analytical method.

The EPA received several comments requesting clarification on the scope of CMD required to be reported under the proposed rulemaking, and the likely significant burden. See section VI.B. of this preamble for the EPA's response to the comments associated with the scope of CMD reported. After considering comments, EPA reduced the scope of the CMD required to be reported. After consideration of comments received, the EPA also revised the estimated costs of reporting CMD to account for the various formats and amount of CMD the agency expects to receive.

E. Qualitative Benefits

The effects of the revisions to the CCR Rule are difficult to quantify due to uncertainty of how many people read their CCRs and how changes to the report will affect their actions and health. Therefore, the EPA did not attempt to quantify how the CCR Rule Revisions will change the ability of CWSs to meet health-based standards or what reductions in morbidity or mortality will result. Instead, the EPA

described the type of benefits the revisions could generate.

The EPA anticipates the rule revision will help better inform the public. This is because the rule revision will require CWSs to:

- Increase the frequency of CCR delivery (for systems serving 10,000 or more people).
- Improve the methods of CCR delivery.
- Increase accessibility for consumers with limited English proficiency.
- Improve the clarity of CCRs.
- Include additional health-relevant information in CCRs.
- In addition, the CMD annual reporting requirements will allow for a better understanding of water system implementation of drinking water regulations, which better informs the public and allows the EPA and States to address public health issues more readily.

All these changes will lead to a more informed public. A more informed consumer is better equipped to make decisions about their health. In addition, a more informed public may be more likely to provide input on water quality and engage with their local water system and local decision-makers.

The EPA anticipates the primary benefit of the CCR Rule Revisions will be an improvement to public health protection. The revised rule will ensure consumers in all communities have accurate, timely, and accessible drinking water data. This will allow consumers to make educated decisions regarding any potential health risks pertaining to the quality, treatment, and management of their drinking water supply.

The EPA anticipates the primary benefit of the final rule requirements for States to submit to the EPA CMD for all NPDWRs will be an improvement in the EPA's ability to fulfill its oversight responsibilities under SDWA as a result of ready access to water system compliance monitoring data. The EPA also anticipates that ready access to CMD will provide benefits as a result of a more complete and accurate understanding of trends in contaminant occurrence and water system compliance. It will also support EPA's periodic reviews of existing regulations, enable a more comprehensive approach to identifying infrastructure needs, and inform the EPA and State collaboration to deliver technical and funding assistance to water systems that more effectively addresses underlying technical, managerial, and financial capacity-building needs. The EPA also anticipates benefits from an improved ability to provide more complete and

accurate information on compliance to Congress and the public, consistent with GAO's recommendations (USGAO, 2011).

X. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review

This action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review. The Economic Analysis of the Consumer Confidence Report Rule Revisions (which includes costs associated with the CMD reporting requirement) is available in the docket and is summarized in section IX. of this preamble.

B. Paperwork Reduction Act

The information collection activities in this rule have been submitted for approval to OMB under the Paperwork Reduction Act. The ICR document that the EPA prepared has been assigned the agency's ICR number 2764.02. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

The major information requirements concern CWS and primacy agency activities to implement the rule including recordkeeping and reporting requirements. This ICR provides preliminary burden and cost estimates for the Consumer Confidence Report Rule Revisions and CMD reporting.

Respondents/affected entities: The respondents/affected entities are community water systems and States.

Respondent's obligation to respond: Under this rule the respondent's obligation to respond is mandatory. Section 1414(c)(4) requires "each community water system to mail, or provide by electronic means, to each customer of the system at least once annually a report on the level of contaminants in the drinking water purveyed by that system" Furthermore, section 1445(a)(1)(A) of the SDWA requires that "[e]very person who is subject to any requirement of this subchapter or who is a grantee, shall establish and maintain such records, make such reports, conduct such monitoring, and provide such information as the Administrator may reasonably require by regulation to assist the Administrator in establishing

regulations under this subchapter, in determining whether such person has acted or is acting in compliance with this subchapter.” In addition, section 1413(a)(3) of the SDWA requires States to “keep such records and make such reports . . . as the Administrator may require by regulation.”

Estimated number of respondents:

Total respondents include 66 primacy agencies (50 States plus the District of Columbia, U.S. territories, the EPA Regions conducting direct implementation of Tribal primacy, and one Tribal nation), 49,424 are CWSs, for a total of 49,490 respondents.

Frequency of response: The frequency of response varies across respondents and year of implementation. In the initial 3-year ICR period for the CCR Rule Revision, systems will continue to deliver reports annually until the compliance date of 2027. Following promulgation of the final rule, primacy agencies and CWs will conduct upfront start up activities for the first two years. CWSs activities will include reading guidance from their primacy agency, training staff, and conducting background research for developing language access plans (systems serving 100,000 or more people). For the first two years of implementation, primacy agencies will become familiar with the rule, prepare and submit primacy applications, update their reporting systems, and conduct outreach and training for systems and staff. Beginning in 2027, systems serving 10,000 or more people will be required to provide report biannually, or twice per year. Systems serving 100,000 or more will be required to submit a plan to provide meaningful access by July 1, 2027. Primacy agencies will be required to submit comprehensive CMD to the EPA beginning in 2027.

Total estimated burden: 115,895 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$4.4 million (per year), includes \$0 million annualized capital or operation & maintenance costs.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

C. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (RFA). The small entities subject to the requirements of this action are PWSs serving 10,000 people or fewer. This is the threshold specified by Congress in the 1996 Amendments to the SDWA for small water system flexibility provisions. As required by the RFA, the EPA proposed using this alternative definition in the **Federal Register** (USEPA, 1998a), sought public comment, consulted with the Small Business Administration, and finalized the small water system threshold in the agency's CCR regulation (USEPA, 1998b). As stated in that final rule, the alternative definition is applied to this final regulation.

The EPA has determined that of the approximately 45,000 small entities serving fewer than 10,000 people, no small entities (zero percent) will experience an impact of greater than one percent of average annual revenues. Details of this analysis are presented in the Docket (EPA-HQ-OW-2022-0260).

D. Unfunded Mandates Reform Act

This action does not contain an unfunded mandate of \$100 million or more as described in the Unfunded Mandates Reform Act (UMRA), 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes minimal enforceable duties on any state, local or Tribal governments or the private sector.

Based on the cost estimates detailed in section IX of this preamble, the EPA determined that compliance costs in any given year would be below the threshold set in UMRA, with maximum single-year costs of approximately \$22 million dollars. The EPA has determined that this rule contains a Federal mandate that would not result in expenditures of \$100 million or more for state, local, and Tribal governments, in the aggregate, or the private sector in any one year.

This rule will establish requirements that affect small CWSs. However, the EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because the regulation requires minimal expenditure of resources.

E. Executive Order 13132: Federalism

The EPA has determined that this action will have minor federalism implications under Executive Order 13132. It will not have substantial direct

effects on the State, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

The EPA concluded that this rule may be of interest to State because it may impose direct compliance costs on public water systems and/or primacy agencies and the Federal Government will not provide the funds necessary to pay those costs. As a result of this determination, the EPA held a federalism consultation with state and local government and partnership organizations on August 25, 2022, to allow them the opportunity to provide meaningful and timely input into its development. The EPA invited the following national organizations representing state and local government and partnership organizations to participate in the consultation: the National Governors Association, National Association of Counties, National League of Cities, United States Conference of Mayors, National Conference of State Legislatures, Environmental Council of the States, Association of Metropolitan Water Agencies, American Water Works Association, Association of State Drinking Water Administrators, Association of Clean Water Administrators, Association of State and Territorial Health Officials, National Rural Water Association, National Water Resources Association, and Western States Water Council to request their input on the rulemaking.

In addition to input received during the meetings, the EPA provided an opportunity for the public to provide written input within 60 days after the initial meeting. A summary report of the views expressed during the federalism consultation is available in the Docket (EPA-HQ-OW-2022-0260).

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action has Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law. As described previously, the CCR Rule Revision would apply to all CWS and would require systems serving more than 10,000 people to provide reports biannually, or twice per year. Information in the SDWIS FED water system inventory indicates there are approximately 711 total Tribal systems, including 19 large Tribal CWSs (serving more than 10,001 customers). The rule would also impact a Tribal government

that has primary enforcement authority (primacy) for PWSs on Tribal lands.

Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011), the EPA consulted with Tribal officials during the development of this action to gain an understanding of Tribal views of potential revisions to specific areas of the Consumer Confidence Report Rule. The start of the initial Tribal consultation and coordination period began on March 14, 2022, during which a Tribal consultation notification letter was mailed to Tribal leaders of federally recognized Tribes. During the initial consultation period the EPA hosted two identical national webinars with interested Tribes on March 22, 2022, and April 7, 2022, to request input and provide rulemaking information to interested parties. The close of the initial consultation period and deadline for feedback and written comments to the EPA was June 14, 2022. The EPA received both verbal and written comments during the two informational webinars. A summary of the CCR Rule Revisions Tribal consultation and comments received is included with supporting materials in the docket.

Preceding the conclusion of the initial Tribal consultation period, the EPA began considering additional revisions that would expand the scope of the CCR rulemaking to include a requirement for primacy agencies to submit comprehensive CMD annually to the agency. However, this revision was not described during the initial consultation and coordination period. The EPA identified the Navajo Nation as the lone Tribal government with primacy that would be subject to the primacy requirement and offered supplemental consultation and coordination with the Navajo Nation to discuss any potential impacts or concerns about how the CMD submission requirement would affect the Navajo Nation. All supplemental consultation and coordination processes were conducted in accordance with the EPA Policy on Consultation and Coordination with Indian Tribes. The supplemental Tribal consultation period was open from August 30, 2022, through October 14, 2022. The EPA did not receive any additional comments on the proposed rule during the supplemental Tribal consultation process.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why

the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The requirements in this rule apply to potential health risks to all consumers and vulnerable populations and are not targeted specifically to address a disproportionate risk to children.

However, the EPA's *Policy on Children's Health* may apply to this action. The proposed revisions to the CCR Rule would continue to address risks to children from contaminants in drinking water by informing parents and guardians and will strengthen the EPA oversight of PWSs by requiring the submittal of CMD.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866. This action is not likely to have a significant adverse effect on the supply, distribution or use of energy and has not otherwise been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. The entities affected by this action do not, as a rule, generate power. This action does not regulate any aspect of energy distribution as the water systems and State, territories, and Tribal agencies that are proposed to be regulated by this rule already have electrical service. As such, the EPA does not anticipate that this rule will have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act

This rule does not involve technical standards. Under section 12(d) of the National Technology Transfer and Advancement Act, the agency is required to use voluntary consensus standards in its regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Where available and potentially applicable voluntary consensus standards are not used by the EPA, the Act requires the agency to provide Congress, through the OMB, an explanation of the reasons for not using such standards. Because this

rule does not involve or require the use of any technical standards, the EPA does not believe that this Act is applicable to this rule. Moreover, the EPA is unaware of any voluntary consensus standards relevant to this rule.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

Executive Order 12898 directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or Indigenous peoples) and low-income populations. The EPA believes that the human health or environmental conditions that exist prior to this action have the potential to result in disproportionate and adverse human health or environmental effects on communities with EJ concerns.

The EPA believes that this action is likely to reduce existing disproportionate and adverse effects on communities with EJ concerns by increasing the availability of drinking water compliance data to the public, improving delivery options of CCRs for non-bill paying consumers and improving the ability of consumers with LEP to access translation support to understand the information in their reports. Improved access to critical information in CCRs can also encourage these consumers to become more involved in decisions which may affect their health and promote dialogue between consumers and their drinking water utilities.

CCRs are communication tools used by water systems to provide consumers information about drinking water quality, including, but not limited to, detected contaminants and violations. In enacting AWIA of 2018, Congress recognized the need to improve the availability and understandability of information contained in CCRs. Members of many underserved communities may be renters, making them less likely to receive the same CCR information that bill-paying customers who own their homes receive through direct delivery. Based on 2021 Census information (U.S. Census Bureau, 2021a), households who rent are much more likely to be below the poverty

level than households who own their homes. Often renters do not receive copies of the CCR, as these reports are often delivered by CWSs to the billing address on file for these communities, which is often a central management office or property owner. While these systems are required to make a “good faith effort” to deliver CCRs to non-bill paying customers, often the reports are not distributed to all community members. At the National Drinking Water Advisory Council meeting on September 30, 2021, members specifically expressed their concern about non-bill paying customers not receiving the CCR (NDWAC, 2021).

The EPA is expanding the existing language in the rule at § 144.155(b) for “good faith” delivery methods to include examples of more modern outreach efforts, such as social media options.

In addition to CCRs being difficult for residents of some communities to access, they often contain technical language that may be particularly difficult for consumers with LEP to understand. Based on 2021 data from the U.S. Census Bureau (U.S. Census Bureau, 2021b), people in limited English households, *i.e.*, households where no one in the household age 14 and over speaks English only or speaks English “very well”, are roughly two times as likely to be people of color as people in all other households, *i.e.*, households where at least one person in the household age 14 and over speaks English only or speaks English “very well.” LEP can be a barrier to accessing and understanding the information presented in CCRs. If consumers with LEP are not able to read and understand the reports, or have sufficient access to that information, the value of the CCR is diminished and raises equity concerns that consumers with LEP may not have as complete an understanding about the quality of their drinking water as more proficient English-speaking consumers. During an interview with a consumer protection organization, the participants noted that based on their experience, members with LEP that lived in manufactured housing communities had difficulties getting translation assistance with CCRs. See revisions the EPA finalized to support consumers with LEP in section IV of this preamble.

In developing this rule, the EPA provided meaningful involvement by engaging with a variety of stakeholders to better understand and address EJ concerns. This included interviewing an EJ organization and a consumer protection organization (USEPA, 2022f). The NDWAC CCR Rule Revisions

working group consisted of twelve people from PWSs, environmental groups, public interest groups, and Federal, State, and Tribal agencies, including a member from the EPA’s National Environmental Justice Advisory Council. The EPA specifically sought engagement with communities that have been disproportionately impacted by lead in drinking water for the LCRR, especially lower-income people and communities of color that have been underrepresented in past rule-making efforts as part of the EPA’s commitment to EJ. In considering revisions to the CCR Rule, the EPA reviewed comments from those meetings related to notifications and CCRs, see section II.D of this preamble for more information about stakeholder engagement. Additional information on consultations and stakeholder engagement can be found in the proposed rulemaking (88 FR 20092, April 5, 2023), and supporting documents are included in the rule docket (EPA-HQ-OW-2022-0260).

The information supporting this Executive order review is contained in section II. D. Consultations, and section IV. Translation Assistance of this preamble and in the proposed rule (88 FR 20092, April 5, 2023), and supporting documents are included in the rule docket (EPA-HQ-OW-2022-0260).

The EPA anticipates the primary benefit of the final rule requirements for State to submit to the EPA CMD for all NPDWRs will be an improvement in the EPA’s ability to fulfill its oversight responsibilities under SDWA as a result of ready access to water system compliance monitoring data. The EPA also anticipates that ready access to CMD will provide benefits as a result of a more complete and accurate understanding of trends in contaminant occurrence and water system compliance. It will also support the EPA’s periodic reviews of existing regulations, enable a more comprehensive approach to identifying infrastructure needs, and informing the EPA and state collaboration to deliver technical and funding assistance to water systems that more effectively addresses underlying technical, managerial, and financial capacity-building needs. The EPA also anticipates benefits from an improved ability to provide more complete and accurate information on compliance to Congress and the public, consistent with GAO’s recommendations (USGAO, 2011).

K. Congressional Review Act

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).

XI. Severability

The purpose of this section is to clarify the EPA’s intent with respect to the severability of provisions of this rule. If the provision to report CMD is determined by judicial review or operation of law to be invalid, the EPA intends that the partial invalidation should not render any portion of the revisions to the CCR rule and associated primacy requirements invalid. Moreover, if any provision or interpretation in this final rule is determined by judicial review or operation of law to be invalid, including provisions related to either CMD or CCR, that partial invalidation should not render the remainder of this final rule invalid.

XII. References

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List of Subjects

40 CFR Part 141

Environmental protection, Copper, Indians—lands, Intergovernmental relations, Lead, Lead service line, National Primary Drinking Water Regulation, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 142

Environmental protection, Administrative practice and procedure, Copper, Indians—lands, Intergovernmental relations, Lead, Lead service line, National Primary Drinking Water Regulation, Reporting and recordkeeping requirements, Water supply.

Michael S. Regan,
Administrator.

For the reasons set forth in the preamble, the EPA amends 40 CFR parts 141 and 142 as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

■ 2. Amend § 141.151 by revising paragraphs (a), (c), and the first sentence of paragraph (f) to read as follows:

§ 141.151 Purpose and applicability of this subpart.

(a) This subpart establishes the minimum requirements for the content of reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner. This subpart also includes requirements for systems serving more than 100,000 persons to develop and annually update a plan for providing assistance to consumers with limited English proficiency.

* * * * *

(c) For the purpose of this subpart, *customers* are defined as billing units or service connections to which water is delivered by a community water system. For the purposes of this subpart, *consumers* are defined as people served by the water system, including customers, and people that do not receive a bill.

* * * * *

(f) For purpose of this subpart, the term “primacy agency” refers to the State or Tribal government entity that has jurisdiction over, and primary enforcement responsibility for, public water systems, even if that government does not have interim or final primary enforcement responsibility for this part.

* * *

■ 3. Amend § 141.152 by:

- a. Revising the section heading and paragraphs (a) through (c) and (d)(1);
- b. Removing the period at the end of paragraph (d)(2) and adding “; and” in its place; and
- c. Adding paragraph (d)(3).

The revisions and addition read as follows:

§ 141.152 Compliance dates.

(a) Between June 24, 2024, and December 31, 2026, community water systems must comply with §§ 141.151 through 141.155, as codified in 40 CFR part 141, subpart O, on July 1, 2023. Beginning January 1, 2027, community water systems must comply with §§ 141.151 through 141.156.

(b) Each existing community water system must deliver reports according to § 141.155 by July 1 each year. Each report delivered by July 1 must contain

data collected during the previous calendar year, or the most recent calendar year before the previous calendar year.

(c) A new community water system must deliver its first report by July 1 of the year after its first full calendar year in operation.

(d) * * *

(1) By April 1, 2027, and annually thereafter; or

* * * * *

(3) A community water system that sells water to another community water system that is required to provide reports biannually according to § 141.155(i) must provide the applicable information required in § 141.155(j) by October 1, 2027, to the buyer system, and annually thereafter, or a date mutually agreed upon by the seller and the purchaser, included in a contract between the parties.

■ 4. Amend § 141.153 by:

- a. Revising paragraphs (a) and the first sentence of paragraph (b)(2);
- b. Adding paragraph (c)(1)(iii);
- c. Adding paragraph (c)(5);
- d. Removing the period at the end of paragraph (d)(1)(i) and adding “; and” in its place;
- e. Removing “; and” at the end of paragraph (d)(1)(ii) and adding a period in its place;
- f. Removing paragraph (d)(1)(iii);
- g. Revising paragraphs (d)(2), (d)(3) introductory text, and (d)(3)(i);
- h. Removing and reserving paragraph (d)(3)(ii);
- i. Revising and republishing paragraph (d)(4);
- j. Revising paragraphs (d)(5) through (7);
- k. Adding paragraph (d)(8);
- l. Revising paragraphs (e)(1) introductory text and (e)(3) introductory text;
- m. Revising paragraphs (f) introductory text and (f)(3); and
- n. Revising and republishing paragraph (h).

The revisions and additions read as follows:

§ 141.153 Content of the reports.

(a) Each community water system must provide to its customers a report(s) that contains the information specified in this section, § 141.154, and include a summary as specified in § 141.156.

(b) * * *

(2) If a source water assessment has been completed, the report must notify consumers of the availability of this information, the year it was completed or most recently updated, and the means to obtain it.

(c) * * *

(1) * * *

(iii) *Contaminant*: Any physical, chemical, biological, or radiological substance or matter in water.

* * * * *

(5) Systems must use the following definitions for the terms listed below if the terms are used in the report unless the system obtains written approval from the state to use an alternate definition:

(i) *Pesticide*: Generally, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

(ii) *Herbicide*: Any chemical(s) used to control undesirable vegetation.

(d) * * *

(2) The data relating to these contaminants must be presented in the reports in a manner that is clear and understandable for consumers. For example, the data may be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

(3) The data must be derived from data collected to comply with EPA and State monitoring and analytical requirements during the previous calendar year, or the most recent calendar year before the previous calendar year except that:

(i) Where a system is allowed to monitor for regulated contaminants less often than once a year, the contaminant data section must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than 5 years need be included.

* * * * *

(4) For each detected regulated contaminant (listed in appendix A to this subpart), the contaminant data section(s) must contain:

(i) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in appendix A to this subpart);

(ii) The MCLG for that contaminant expressed in the same units as the MCL;

(iii) If there is no MCL for a detected contaminant, the contaminant data section(s) must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique and/or action level, as appropriate, specified in paragraph (c)(3) of this section;

(iv) For contaminants subject to an MCL, except turbidity and *E. coli*, the

contaminant data section(s) must contain the highest contaminant level used to determine compliance with an NPDWR and the range of detected levels, as follows:

(A) When compliance with the MCL is determined annually or less frequently: The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(B) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a monitoring location: the highest average of any of the monitoring locations and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. For the MCLs for TTHM and HAA5 in § 141.64(b)(2), systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL.

Note to paragraph (d)(4)(iv): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in appendix A of this subpart.

(v) For turbidity.

(A) When it is reported pursuant to § 141.13: The highest average monthly value.

(B) When it is reported pursuant to the requirements of § 141.71: the highest monthly value. The report should include an explanation of the reasons for measuring turbidity.

(C) When it is reported pursuant to § 141.73 or § 141.173 or § 141.551: the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in § 141.73 or § 141.173, or § 141.551 for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity;

(vi) For lead and copper: the 90th percentile concentration of the most recent round(s) of sampling, the number of sampling sites exceeding the action level, and the range of tap sampling results;

(vii) [Reserved]

(viii) [Reserved]

(ix) The likely source(s) of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and

source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in appendix A to this subpart that is most applicable to the system; and

(x) For *E. coli* analytical results under subpart Y: The total number of *E. coli* positive samples;(5) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the contaminant data section(s) should differentiate contaminant data for each service area and the report should identify each separate distribution system. For example, if displayed in a table, it should contain a separate column for each service area. Alternatively, systems could produce separate reports tailored to include data for each service area.

(6) The detected contaminant data section(s) must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language of appendix A to this subpart.

(7) For detected unregulated contaminants for which monitoring is required, the reports must present the average and range at which the contaminant was detected. The report must include a brief explanation of the reasons for monitoring for unregulated contaminants such as:

(i) Unregulated contaminant monitoring helps EPA to determine where certain contaminants occur and whether the Agency should consider regulating those contaminants in the future.

(ii) May use an alternative educational statement in the CCR if approved by the Primacy Agency.

(8) For systems that exceeded the lead action level in § 141.80(c), the detected contaminant data section must clearly identify the exceedance if any corrective action has been required by the Administrator or the State during the monitoring period covered by the report. The report must include a clear and readily understandable explanation of the exceedance, the steps consumers can take to reduce their exposure to lead in drinking water, and a description of any corrective actions the system has or will take to address the exceedance.

(e) * * *

(1) If the system has performed any monitoring for *Cryptosporidium* which indicates that *Cryptosporidium* may be present in the source water or the finished water, the report must include:

* * * * *

(3) If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, EPA strongly encourages systems to report any results which may indicate a health concern. To determine if results may indicate a health concern, EPA recommends that systems find out if EPA has proposed an NPDWR or issued a health advisory for that contaminant by contacting the Agency by calling the Safe Drinking Water Hotline (800-426-4791) or an alternative method identified on the website epa.gov/safewater. EPA considers detects above a proposed MCL or health advisory level to indicate possible health concerns. For such contaminants, EPA recommends that the report include:

* * * * *

(f) Compliance with NPDWR. In addition to the requirements of paragraph (d)(6) of this section, the report must note any violation that occurred during the period covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.

* * * * *

(3) Lead and copper control requirements prescribed by subpart I of this part. For systems that fail to take one or more actions prescribed by §§ 141.80(d), 141.81, 141.82, 141.83, 141.84, or 141.93, the report must include the applicable language of appendix A to this subpart for lead, copper, or both.

* * * * *

(h) Additional information:

(1) The report must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. This explanation may include the language of paragraphs (h)(1)(i) through (iii) of this section or systems may use their own comparable language. The report also must include the language of paragraph (h)(1)(iv) of this section.

(i) Both tap water and bottled water come from rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in

some cases, radioactive material. The water can also pick up and transport substances resulting from the presence of animals or from human activity. These substances are also called contaminants.

(ii) Contaminants are any physical, chemical, biological, or radiological substance or matter in water. Contaminants that may be present in source water include:

(A) *Microbial contaminants*, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(B) *Inorganic contaminants*, such as salts and metals, which can occur naturally in the soil or groundwater or may result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(C) *Pesticides and herbicides*, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

(D) *Organic chemical contaminants*, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

(E) *Radioactive contaminants*, which can occur naturally or be the result of oil and gas production and mining activities.

(iii) To protect public health, the Environmental Protection Agency prescribes regulations which limit the amount of certain contaminants in tap water provided by public water systems. The Food and Drug Administration regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

(iv) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily mean that water poses a health risk. More information about contaminants and potential health effects can be obtained by contacting the Environmental Protection Agency by calling the Safe Drinking Water Hotline (800-426-4791) or visiting the website [epa.gov/safewater](https://www.epa.gov/safewater).

(2) The report must include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report. If a system uses a website or social media to share additional information, EPA recommends including information

about how to access such media platforms in the report.

(3) In communities with a large proportion of consumers with limited English proficiency, as determined by the Primacy Agency, the report must contain information in the appropriate language(s) regarding the importance of the report and either contain information where such consumers may obtain a translated copy of the report, or assistance in the appropriate language(s), or the report must be in the appropriate language(s).

(4) The report must include information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.

(5) The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

(6) Systems required to comply with subpart S of this part.

(i) Any ground water system that receives notice from the State of a significant deficiency or notice from a laboratory of a fecal indicator-positive ground water source sample that is not invalidated by the State under § 141.402(d) must inform its customers of any significant deficiency that is uncorrected at the time of the next reporting period or of any fecal indicator-positive ground water source sample in the next report or 6-month update according to § 141.155. The system must continue to inform the public annually until the State determines that particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed under § 141.403(a). Each report must include the following elements:

(A) The nature of the particular significant deficiency or the source of the fecal contamination (if the source is known) and the date the significant deficiency was identified by the State or the dates of the fecal indicator-positive ground water source samples;

(B) If the fecal contamination in the ground water source has been addressed under § 141.403(a) and the date of such action;

(C) For each significant deficiency or fecal contamination in the ground water source that has not been addressed under § 141.403(a), the State-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(D) If the system receives notice of a fecal indicator-positive ground water

source sample that is not invalidated by the State under § 141.402(d), the potential health effects using the health effects language of appendix A to this subpart.

(ii) If directed by the State, a system with significant deficiencies that have been corrected before the next report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction under paragraph (h)(6)(i) of this section.

(7) Systems required to comply with subpart Y of this part.

(i) Any system required to comply with the Level 1 assessment requirement or a Level 2 assessment requirement that is not due to an *E. coli* MCL violation must include in the report the text found in paragraphs (h)(7)(i)(A) through (C) of this section as appropriate, filling in the blanks accordingly and the text found in paragraphs (h)(7)(i)(D)(1) and (2) of this section if appropriate. Systems may use an alternative statement with equivalent information for paragraphs (h)(7)(i)(B) and (C) of this section if approved by the primacy agency.

(A) Coliforms are bacteria that occur naturally in the environment and are used as an indicator that other, potentially harmful, waterborne organisms may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(B) Because we found coliforms during sampling, we were required to conduct [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] assessment(s) of the system, also known as a Level 1 assessment, to identify possible sources of contamination. [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessment(s) were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(C) Because we found coliforms during sampling, we were required to conduct [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] detailed assessments, also known as a Level 2 assessment, to identify possible sources of contamination. [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were completed. In

addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(D) Any system that has failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

(1) During the past year we failed to conduct all the required assessment(s).

(2) During the past year we failed to correct all identified defects that were found during the assessment.

(ii) Any system required to conduct a Level 2 assessment due to an *E. coli* MCL violation must include in the report the text found in paragraphs (h)(7)(ii)(A) and (B) of this section, and health effects language in appendix A to this subpart, filling in the blanks accordingly and the text found in paragraphs (h)(7)(ii)(C)(1) and (2) of this section, if appropriate. Systems may use an alternative statement with equivalent information for paragraphs (h)(7)(ii)(A) through (C) of this section, if approved by the primacy agency.

(A) We found *E. coli* bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s), also known as a Level 2 assessment, to identify problems and to correct any problems that were found during these assessments.

(B) We were required to complete a detailed assessment of our water system, also known as a Level 2 assessment, because we found *E. coli* in our water system. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(C) Any system that has failed to complete the required assessment or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

(1) We failed to conduct the required assessment.

(2) We failed to correct all defects that were identified during the assessment that we conducted.

(iii) If a system detects *E. coli* and has violated the *E. coli* MCL, in addition to completing the table as required in paragraph (d)(4) of this section, the system must include one or more of the

following statements to describe any noncompliance, as applicable:

(A) We had an *E. coli*-positive repeat sample following a total coliform-positive routine sample.

(B) We had a total coliform-positive repeat sample following an *E. coli*-positive routine sample.

(C) We failed to take all required repeat samples following an *E. coli*-positive routine sample.

(D) We failed to test for *E. coli* when any repeat sample tested positive for total coliform.

(iv) If a system detects *E. coli* and has not violated the *E. coli* MCL, in addition to completing the table as required in paragraph (d)(4) of this section, the system may include a statement that explains that although they have detected *E. coli*, they are not in violation of the *E. coli* MCL.

(8) Systems required to comply with subpart I of this part.

(i) The report must notify consumers that complete lead tap sampling data are available for review and must include information on how to access the data.

(ii) The report must include a statement that a service line inventory (including inventories consisting only of a statement that there are no lead, galvanized requiring replacement, or lead status unknown service lines) has been prepared and include instructions to access the publicly available service line inventory. If the service line inventory is available online, the report must include the direct link to the inventory.

(iii) The report must contain a plainly worded explanation of the corrosion control efforts the system is taking in accordance with subpart I of this part. Corrosion control efforts consist of treatment (e.g., pH adjustment, alkalinity adjustment, or corrosion inhibitor addition) and other efforts contributing to the control of the corrosivity of water, e.g., monitoring to assess the corrosivity of water. The system may use one of the following templates or use their own explanation that includes equivalent information.

(A) For systems with state or EPA-designated Optimal Corrosion Control Treatment:

(1) Corrosion of pipes, plumbing fittings and fixtures may cause lead and copper to enter drinking water. To assess corrosion of lead and copper, [name of system] conducts tap sampling for lead and copper at selected sites [insert frequency at which system conducts tap sampling]. [Name of system] treats water using [identify treatment method] to control corrosion, which was designated as the optimal corrosion control treatment by [the state

or EPA, as applicable]. To ensure the treatment is operating effectively, [name of system] monitors water quality parameters set by the [state or EPA, as applicable] [insert frequency at which system conducts water quality parameter monitoring].

(2) If applicable add: [Name of system] is currently conducting a study of corrosion control to determine if any changes to treatment methods are needed to minimize the corrosivity of the water.

(B) For systems without state or EPA designated Optimal Corrosion Control Treatment:

(1) Corrosion of pipes, plumbing fittings and fixtures may cause metals, including lead and copper, to enter drinking water. To assess corrosion of lead and copper, [name of system] conducts tap sampling for lead and copper at selected sites [insert frequency at which system conducts tap sampling].

(2) If applicable, add: [Name of system] treats water using [identify treatment method] to control corrosion.

(3) If applicable add: [Name of system] is currently conducting a study of corrosion control to determine if any changes to treatment methods are needed to minimize the corrosivity of the water.

■ 5. Amend § 141.154 by:

■ a. Revising the last sentence of paragraph (a);

■ b. Revising paragraphs (b), (c)(1) and (2), and (d)(2); and

■ c. Removing paragraphs (e) and (f).

The revisions read as follows:

§ 141.154 Required additional health information.

(a) * * * EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791) or on EPA's website [epa.gov/safewater](https://www.epa.gov/safewater).

(b) A system that detects arsenic above 0.005 mg/L and up to and including 0.010 mg/L:

(1) Must include in its report a short informational statement about arsenic, using language such as: Arsenic is known to cause cancer in humans. Arsenic also may cause other health effects such as skin damage and circulatory problems. [NAME OF UTILITY] meets the EPA arsenic drinking water standard, also known as a Maximum Contaminant Level (MCL). However, you should know that EPA's MCL for arsenic balances the scientific community's understanding of arsenic-related health effects and the cost of removing arsenic from drinking water.

The highest concentration of arsenic found in [YEAR] was [INSERT MAX ARSENIC LEVEL per § 141.153(d)(4)(iv)] ppb.

(2) May use an alternative educational statement in the CCR if approved by the Primacy Agency.

(c) * * *

(1) Must include a short informational statement about the impacts of nitrate on children using language such as: Even though [NAME OF UTILITY] meets the EPA nitrate drinking water standard, also known as a Maximum Contaminant Level (MCL), if you are caring for an infant and using tap water to prepare formula, you may want to use alternate sources of water or ask for advice from your health care provider. Nitrate levels above 10 ppm pose a particularly high health concern for infants under 6 months of age and can interfere with the capacity of the infant's blood to carry oxygen, resulting in a serious illness. Symptoms of serious illness include shortness of breath and blueness of the skin, known as "blue baby syndrome." Nitrate levels in drinking water can increase for short periods of time due to high levels of rainfall or agricultural activity, therefore we test for nitrate [INSERT APPLICABLE SAMPLING FREQUENCY]. The highest level for nitrate found during [YEAR] was [INSERT MAX NITRATE LEVEL per § 141.153(d)(4)(iv)] ppm.

(2) May use an alternative educational statement in the CCR if approved by the Primacy Agency.

(d) * * *

(2) May use an alternative educational statement in the CCR if approved by the Primacy Agency.

■ 6. Amend § 141.155 by:

■ a. Revising the section heading:

■ b. Revising paragraphs (a) through (c), (e), and (f);

■ c. Revising the first sentence of paragraph (g) introductory text, and paragraphs (g)(1)(i) and (g)(2); and

■ d. Adding paragraphs (i) and (j).

The revisions and additions read as follows:

§ 141.155 Report delivery, reporting, and recordkeeping.

(a) Except as provided in paragraph (g) of this section, each community water system must directly deliver a copy of the report to each customer.

(1) Systems must use at a minimum, one of the following forms of delivery:

(i) Mail or hand deliver a paper copy of the report;

(ii) Mail a notification that the report is available on a website via a direct link;

(iii) Email a direct link or electronic version of the report; or

(iv) Another direct delivery method approved in writing by the primacy agency.

(2) Systems using electronic delivery methods in paragraph (a)(1)(ii), (iii), or (iv) of this section must provide a paper copy of the report to any customer upon request. The notification method must prominently display directions for requesting such copy.

(3) For systems that choose to electronically deliver the reports by posting the report to a website and providing a notification either by mail or email:

(i) The report must be publicly available on the website at time notification is made;

(ii) Notifications must prominently display the link and include an explanation of the nature of the link; and

(iii) Systems may use a web page to convey the information required in §§ 141.153, 141.154, and 141.156.

(4) Systems that use a publicly available website to provide reports must maintain public access to the report for no less than 3 years.

(b) The system must make a good faith effort to reach consumers who do not get water bills, using means recommended by the primacy agency. EPA expects that an adequate good faith effort will be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers includes a mix of methods to reach the broadest possible range of persons served by the water system such as, but not limited to: Posting the reports on the internet; mailing reports or postcards with links to the reports to all service addresses and/or postal customers; using an opt in notification system to send emails and/or texts with links to the reports to interested consumers; advertising the availability of the report in the news media and on social media; publication in a local newspaper or newsletter; posting a copy of the report or notice of availability with links (or equivalent, such as Quick Response (QR) codes) in public places such as cafeterias or lunch rooms of public buildings; delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers; delivery to community organizations; holding a public meeting to educate consumers on the reports.

(i) Where a system is aware that it serves a substantial number of non-bill paying consumers, the system is encouraged to directly deliver the reports or notices of availability of the reports to service addresses.

(ii) Where a system is aware of a substantial number of bill-paying consumers without access to electronic forms of the report, the system should use at least one non-electronic form of delivery.

(c) No later than 10 days after the date the system is required to distribute the report to its customers, each community water system must provide a copy of the report to the primacy agency and a certification that the report(s) has/have been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the primacy agency.

* * * * *

(e) Each community water system must make its reports available to the public upon request. Systems should make a reasonable effort to provide the reports in an accessible format to anyone who requests an accommodation.

(f) Each community water system serving 50,000 or more persons must post its current year's report to a publicly-accessible site on the internet.

(g) The Governor of a State or their designee, or the Tribal Leader where the Tribe has met the eligibility requirements contained in § 142.72 for the purposes of waiving the mailing requirement, can waive the requirement of paragraph (a) of this section for community water systems serving fewer than 10,000 persons. * * *

(1) * * *

(i) Publish the reports in one or more local newspapers or on one or more local online news sites serving the area in which the system is located;

* * * * *

(2) Systems serving 500 or fewer persons may forego the requirements of paragraphs (g)(1)(i) and (ii) of this section if they provide notice that the report is available upon request at least once per year to their customers by mail, door-to-door delivery or by posting in one or more locations where persons served by the system can reasonably be expected to see it.

* * * * *

(i) Systems serving 100,000 or more persons, must develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system, and the system's anticipated approach to address translation needs. The first plan must be provided to the state with the first report in 2027. Plans must be evaluated annually and updated as necessary and reported with the

certification required in paragraph (c) of this section.

(j) Delivery timing and biannual delivery:

(1) Each community water system must distribute reports by July 1 each year. Each report distributed by July 1 must use data collected during, or prior to, the previous calendar year using methods described in paragraph (a) of this section.

(2) Each community water system serving 10,000 or more persons must distribute the report biannually, or twice per calendar year, by December 31 using methods described in paragraph (a) of this section.

(3) Systems required to comply with paragraph (j)(2) of this section, with a violation or action level exceedance that occurred between January 1 and June 30 of the current year, or have received monitoring results from required monitoring under the Unregulated Contaminant Monitoring Rule in § 141.40, must include a 6-month update with the second report with the following:

(i) A short description of the nature of the 6-month update and the biannual delivery.

(ii) If a system receives an MCL, MRDL, or treatment technique violation, the 6-month update must include the applicable contaminant section information in § 141.153(d)(4), and a readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, actions taken by the system to address the violation, and timeframe the system expects to complete those actions. To describe the potential health effects, the system must use the relevant language of appendix A to this subpart.

(iii) If a system receives any other violation, the 6-month update must include the information in § 141.153(f).

(iv) If a system exceeded the lead action level following monitoring

conducted between January 1 and June 30 of the current year, the system must include information identified in § 141.153(d)(4)(vi) and (d)(8).

(v) For systems monitoring under § 141.40 that become aware of results for samples collected during the reporting year but were not included in the reports distributed by July 1, the system must include information as required by § 141.153(d)(7).

■ 7. Add § 141.156 to read as follows:

§ 141.156 Summary of report contents.

(a) Each report must include a summary displayed prominently at the beginning of the report, including a brief description of the nature of the report.

(b) Systems must include, at a minimum, the following information in the summary:

(1) Summary of violations and compliance information included in the report required by § 141.153(d)(6) and (8), (f), and (h)(6) and (7).

(2) Contact information for owner, operator, or designee of the community water system as a source of additional information concerning the report, per § 141.153(h)(2).

(c) If applicable, systems must include the following in the summary:

(1) For systems using delivery methods in § 141.155(a)(1)(ii), (iii), or (iv), the summary must include directions for consumers to request a paper copy of the report, as described in § 141.155(a)(2).

(2) For systems subject to § 141.153(h)(3) because they serve a large proportion of consumers with limited English proficiency, the summary must include information where consumers may obtain a translated copy of the report, or get assistance in the appropriate language(s).

(3) For systems using the report to also meet the public notification

requirements of subpart Q of this part, the summary must specify that it is also serving to provide public notification of one or more violations or situations, provide a brief statement about the nature of the notice(s), and a brief description of how to locate the notice(s) in the report.

(d) The summary should be written in plain language and may use infographics.

(e) For those systems required to include a 6-month update with the second report under § 141.155(j)(2), the summary should include a brief description of the nature of the report and update, noting the availability of new information for the current year (between January and June).

(f) The report summary must include the following standard language to encourage the distribution of the report to all persons served:

Please share this information with anyone who drinks this water (or their guardians), especially those who may not have received this report directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this report in a public place or distributing copies by hand, mail, email, or another method.

■ 8. Amend appendix A to subpart O by:

■ a. Removing the entries for “Total Coliform Bacteria †” and “Total Coliform Bacteria ‡”;

■ b. Adding the entry for “Total Coliform Bacteria” under “Microbiological contaminants”;

■ c. Removing the entry for “Fecal coliform and *E. coli* †”;

■ d. Revising the entries for “*E. coli* ‡” and “Arsenic (ppb)”;

■ e. Removing footnotes †, ‡, and 1.

The addition and revisions read as follows:

Appendix A to Subpart O of Part 141—Regulated Contaminants

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major sources in drinking water	Health effects language
Microbiological contaminants:						
Total Coliform Bacteria.	TT		TT		N/A	Use language found in § 141.153(h)(7)(i)(A).

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major sources in drinking water	Health effects language
<i>E. coli</i>	Routine and repeat samples are total coliform-positive and either is <i>E. coli</i> -positive or system fails to take repeat samples following <i>E. coli</i> -positive routine sample or system fails to analyze total coliform-positive repeat sample for <i>E. coli</i> .		Routine and repeat samples are total coliform-positive and either is <i>E. coli</i> -positive or system fails to take repeat samples following <i>E. coli</i> -positive routine sample or system fails to analyze total coliform-positive repeat sample for <i>E. coli</i> .	0	Human and animal fecal waste.	<i>E. coli</i> are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely-compromised immune systems.
Arsenic (ppb) ..	0.010	1000	10	0	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

* * * * *

PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

- 9. The authority citation for part 142 continues to read as follows:
- Authority:** 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.
- 10. Amend § 142.14 by adding paragraph (h) to read as follows:
- § 142.14 Records kept by States.**
- (h) Each State that has primary enforcement responsibility must maintain the following records under subpart O of this part:
- (1) A copy of the consumer confidence reports for a period of one year and the certifications obtained pursuant to 40 CFR 141.155(c) for a period of 5 years.
- (2) A copy of the plans submitted pursuant to 40 CFR 141.155(i) for a period of 5 years.
- 11. Amend § 142.15 by:
- a. Revising paragraph (b) introductory text;
- b. Removing the period at the end of the paragraph (b)(2) and adding “; and” in its place; and
- c. Adding paragraph (b)(3).

- The revision and addition read as follows:
- § 142.15 Reports by States.**
- (b) Each State which has primary enforcement responsibility must submit annual reports to the Administrator on a schedule and in a format prescribed by the Administrator, consisting of the following information:
- (3) No earlier than May 24, 2027, compliance monitoring data and related monitoring data necessary for determining compliance for all National Primary Drinking Water Regulations (NPDWRs) in 40 CFR part 141.
- 12. Amend § 142.16 by revising paragraphs (f)(1) and (3), and adding paragraph (f)(5) to read as follows:
- § 142.16 Special primacy requirements.**
- (f) * * *
- (1) Each State that has primary enforcement responsibility must adopt the revised requirements of 40 CFR part 141, subpart O no later than May 25, 2026. States must submit revised programs to EPA for approval using the procedures in § 142.12(b) through (d).
- (3) Each State must, as a condition of primacy, provide water systems with

- technical assistance in meeting the requirements in 40 CFR 141.153(h)(3) to provide translation assistance to consumers with limited English proficiency. Examples of technical assistance include providing water systems with contact information for inclusion in the system’s report where consumers can contact the state for translation assistance upon request, or providing resources for water systems to translate their reports, including EPA-provided translations of required content for CCRs (e.g., health effects language, definitions) and translated templates of reports through a website.
- (5) Each application for approval of a revised program must include:
- (i) A description of how the State intends to provide water systems with technical assistance in meeting the requirements in 40 CFR 141.153(h)(3) to provide translation assistance in communities with a large proportion of consumers with limited English proficiency; and
- (ii) A description of the state’s procedures for waiving the mailing requirement for small systems consistent with 40 CFR 141.155(g).
- [FR Doc. 2024–10919 Filed 5–23–24; 8:45 am]
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