



FEDERAL REGISTER

Vol. 89

Thursday,

No. 110

June 6, 2024

Pages 48255–48486

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at www.govinfo.gov, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, gpocusthelp.com.

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 89 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-09512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:
Email FRSubscriptions@nara.gov
Phone 202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



Contents

Federal Register

Vol. 89, No. 110

Thursday, June 6, 2024

Agricultural Marketing Service

RULES

Fees for Official Inspection and Weighing Services under the United States Grain Standards Act, 48257–48266

Agriculture Department

See Agricultural Marketing Service
See Forest Service

Army Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48402–48403

Bureau of Consumer Financial Protection

NOTICES

Request for Information:
Fees Imposed in Residential Mortgage Transactions, 48400–48402

Census Bureau

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Military Panel Topical 2 and Topical 3 Operations, 48363
Quarterly Financial Report Program, 48364–48365
Quarterly Survey of Public Pensions, 48365–48366

Civil Rights Commission

NOTICES

Hearings, Meetings, Proceedings, etc.:
California Advisory Committee, 48362
Minnesota Advisory Committee, 48362–48363

Coast Guard

RULES

Safety Zone:
Gulf Intracoastal Waterway, Corpus Christi, TX, 48325–48327
Gulf of Mexico and South Bay, Boca Chica Beach, TX, 48328–48330
Southern California Annual Firework Events for the Los Angeles Long Beach Captain of the Port Zone, 48327–48328

Commerce Department

See Census Bureau
See Economic Analysis Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Comptroller of the Currency

NOTICES

Hearings, Meetings, Proceedings, etc.:
Mutual Savings Association Advisory Committee, 48484

Defense Acquisition Regulations System

RULES

Defense Federal Acquisition Regulation Supplement:
Limitation on the Acquisition of Certain Goods Other Than United States Goods; Correction, 48330

Defense Department

See Army Department

See Defense Acquisition Regulations System

See Engineers Corps

See Navy Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48409, 48412
Arms Sales, 48404–48414, 48416–48418
Charter Amendments, Establishments, Renewals and Terminations:
Board of Visitors, Marine Corps University, 48408–48409
Inland Waterways Users Board, 48403–48404
Hearings, Meetings, Proceedings, etc.:
Defense Advisory Committee for the Prevention of Sexual Misconduct, 48415–48416
Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, 48414–48415
Military Family Readiness Council, 48404

Economic Analysis Bureau

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Services Surveys: BE–125, Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons, 48367–48368
Services Surveys: BE–45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons, 48366–48367

Education Department

PROPOSED RULES

Transitioning Gang-Involved Youth to Higher Education Program, 48356–48359

Energy Department

See Federal Energy Regulatory Commission

RULES

Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings; Correction, 48266

Engineers Corps

NOTICES

Environmental Impact Statements; Availability, etc.:
Long-Term Sediment Management of the Federal Navigation Channel at or Near the Confluence of the Lower Snake and Clearwater Rivers in Asotin, Whitman, and Garfield Counties, WA, and Nez Perce County, ID; Notice of Intent, 48418–48419

Environmental Protection Agency

NOTICES

Permits; Applications, Issuances, etc.:
National Pollutant Discharge Elimination System General Permit for Concentrated Animal Feeding Operations Located in Idaho, 48428

Federal Aviation Administration

RULES

Airspace Designations and Reporting Points:
Eastern United States; Correction, 48269–48271

Manchester Boston Regional Airport, NH, 48271–48272

PROPOSED RULES

Airworthiness Directives:

BAE Systems (Operations) Limited Airplanes, 48348–48351

Federal Communications Commission

NOTICES

First-Come, First-Serve Channel Change Opportunity for Class A Television, LPTV and TV Translator Stations, 48429

Media Bureau Announces the Incorporation of 2020 United States Census Population Data Into the Commission's TVStudy Software and Requirement To Utilize Such Data Effective August 1, 2024, 48429–48430

Federal Deposit Insurance Corporation

NOTICES

Termination of Receiverships, 48430

Federal Energy Regulatory Commission

PROPOSED RULES

Establishment of Categorical Reasonable Period of Time for Action on Requests for Water Quality Certification, 48351–48356

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48426–48428

Combined Filings, 48420–48422, 48425–48426

Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:

McFarland Storage C, LLC, 48426

Licenses; Exemptions, Applications, Amendments, etc.:

City of Seattle, 48423–48424

Request for Extension of Time:

Texas LNG Brownsville LLC, 48422–48423

Federal Maritime Commission

NOTICES

Agreement Filed, 48430

Federal Reserve System

NOTICES

Change in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding Company, 48430–48431

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 48431

Fish and Wildlife Service

NOTICES

Endangered and Threatened Species:

5-Year Status Reviews for Southeastern Species, 48437–48440

Food and Drug Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Prescription Drug Marketing, 48431–48432

Record Retention Requirements for the Soy Protein and Reduced Risk of Coronary Heart Disease Health Claim, 48434–48435

Final Debarment Order:

Marina Sievert, 48432–48434

Foreign Assets Control Office

RULES

Publication of the List of Areas of Northeast and Northwest Syria in Which Activities are Authorized, 48309–48310

Russian Harmful Foreign Activities Sanctions Regulations Determinations, 48324–48325

Syrian Sanctions, 48310–48324

Foreign-Trade Zones Board

NOTICES

Approval of Subzone Status:

Hardware Plus, Inc., Caguas, PR, 48368

Forest Service

NOTICES

Proposed New Recreation Fee Sites, 48361

Proposed Recreation Fee Site, 48361

Proposed Recreation Fee Sites, 48362

General Services Administration

RULES

Acquisition Regulation:

Reduction of Single-Use Plastic Packaging, 48330–48337

Health and Human Services Department

See Food and Drug Administration

See National Institutes of Health

NOTICES

Hearings, Meetings, Proceedings, etc.:

President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders, 48435–48436

Homeland Security Department

See Coast Guard

See U.S. Customs and Border Protection

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Website Satisfaction Surveys, 48440–48442

Internal Revenue Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48485

Hearings, Meetings, Proceedings, etc.:

Taxpayer Advocacy Panel's Notices and Correspondence Project Committee, 48484–48485

International Trade Administration

NOTICES

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium, 48392–48395

Certain Carbon and Alloy Steel Cut-To-Length Plate from France, 48368–48370

Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea, 48389–48391

Certain Plastic Decorative Ribbon from the People's Republic of China, 48376–48377

Circular Welded Carbon Steel Standard Pipe and Tube Products from Turkiye, 48374–48376

Citric Acid and Certain Citrate Salts from the People's Republic of China, 48377–48379

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China, 48391–48392

Fresh Garlic from the People's Republic of China, 48373–48374

Large Diameter Welded Pipe from the People's Republic of China, 48381–48382

Large Diameter Welded Pipe from the Republic of Korea, 48382–48384

Large Diameter Welded Pipe from the Republic of Türkiye, 48379–48381, 48386–48389

Non-Refillable Steel Cylinders from the People's Republic of China, 48370–48373

Stainless Steel Plate in Coils from Belgium, 48384–48386

International Trade Commission

NOTICES

Investigations; Determinations, Modifications, and Rulings, etc.:

Boltless Steel Shelving Units Prepackaged for Sale from Malaysia, Taiwan, Thailand, and Vietnam, 48445

Certain Wi-Fi Routers, Wi-Fi Devices, Mesh Wi-Fi Network Devices, and Hardware and Software Components Thereof, 48444–48445

Crystalline Silicon Photovoltaic Cells and Modules from China; Scheduling of Expedited Five-Year, 48442–48443

Sodium Hexametaphosphate from China, 48443–48444

Labor Department

See Wage and Hour Division

Land Management Bureau

NOTICES

Temporary Closure:
Rob Jagers Campground, 48442

National Archives and Records Administration

See Office of Government Information Services

National Highway Traffic Safety Administration

PROPOSED RULES

Federal Motor Vehicle Safety Standard:
Fuel System Integrity of Hydrogen Vehicles, Compressed Hydrogen Storage System Integrity, Incorporation by Reference, 48359–48360

National Institutes of Health

NOTICES

Hearings, Meetings, Proceedings, etc.:

National Institute of Allergy and Infectious Diseases, 48436–48437

National Institute of Neurological Disorders and Stroke, 48437

National Oceanic and Atmospheric Administration

RULES

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:

2024 Commercial Longline Closure for Golden Tilefish in the South Atlantic, 48338

Lake Ontario National Marine Sanctuary, 48272–48291

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Permits for Incidental Taking of Endangered or Threatened Species, 48398–48399

Western and Central Pacific Fisheries Convention Vessel Information Family of Forms, 48397–48398

Hearings, Meetings, Proceedings, etc.:

Gulf of Mexico Fishery Management Council, 48395–48396

New England Fishery Management Council, 48396–48397

National Science Foundation

NOTICES

Draft South Pole Station Master Plan, 48447–48448

Navy Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48420

Nuclear Regulatory Commission

NOTICES

Hearings, Meetings, Proceedings, etc.:

Advisory Committee on Reactor Safeguards, 48448

Office of Government Information Services

NOTICES

Requests for Nominations:
Freedom of Information Act Advisory Committee, 48446–48447

Patent and Trademark Office

NOTICES

Inventorship Guidance for AI-Assisted Inventions, 48399–48400

Pension Benefit Guaranty Corporation

RULES

Valuation Assumptions and Methods, 48291–48309

Pipeline and Hazardous Materials Safety Administration

NOTICES

Hazardous Materials:
Tare Weight Marking Policy for Cylinders, 48482–48484

Postal Regulatory Commission

NOTICES

New Postal Products, 48448–48449

Presidential Documents

PROCLAMATIONS

Special Observances:
Immigrant Heritage Month (Proc. 10772), 48255–48256

Science and Technology Policy Office

NOTICES

Request for Information:
Federal Evidence Agenda on Disability Equity; Correction, 48449

Securities and Exchange Commission

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48476–48477

Application:
24X National Exchange LLC, 48466–48473

Goldman Sachs BDC, Inc. et al., 48449–48451

Deregistration under the Investment Company Act, 48453–48458

Self-Regulatory Organizations; Proposed Rule Changes:
Cboe Exchange, Inc., 48463–48466

Investors Exchange LLC, 48458–48462

MEMX LLC, 48473–48476

The Nasdaq Stock Market LLC, 48451–48453

Small Business Administration**RULES**

Eliminating Self-Certification for Service-Disabled Veteran-Owned Small Businesses, 48266–48269

Social Security Administration**NOTICES**

Social Security Ruling:

Titles II and XVI: How We Apply Medical-Vocational Profiles, 48477–48479

Titles II and XVI: How We Evaluate Past Relevant Work, 48479–48482

Transportation Department

See Federal Aviation Administration

See National Highway Traffic Safety Administration

See Pipeline and Hazardous Materials Safety Administration

Treasury Department

See Comptroller of the Currency

See Foreign Assets Control Office

See Internal Revenue Service

U.S. Customs and Border Protection**PROPOSED RULES**

9–11 Response and Biometric Entry-Exit Fee for H–1B and L–1 Visas, 48339–48348

Wage and Hour Division**NOTICES**

Agency Information Collection Activities; Proposals,

Submissions, and Approvals:

Employment Information Form, 48445–48446

Records to be Kept by Employers—Fair Labor Standards Act, 48446

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Proclamations:**

10772.....48255

7 CFR

800.....48257

8 CFR**Proposed Rules:**

106.....48339

10 CFR

433.....48266

13 CFR

125.....48266

128.....48266

14 CFR

71 (2 documents) 48269,
48271

Proposed Rules:

39.....48348

15 CFR

922.....48272

18 CFR**Proposed Rules:**

4.....48351

5.....48351

6.....48351

7.....48351

29 CFR

4001.....48291

4010.....48291

4022.....48291

4041.....48291

4041A.....48291

4043.....48291

4044.....48291

4050.....48291

4262.....48291

4281.....48291

31 CFR

542 (2 documents) 48309,
48310

587.....48324

33 CFR

165 (3 documents) 48325,
48327, 48328

34 CFR**Proposed Rules:**

Ch.VI.....48356

48 CFR

225.....48330

502.....48330

538.....48330

552.....48330

49 CFR**Proposed Rules:**

571.....48359

50 CFR

622.....48338

Presidential Documents

Title 3—

Proclamation 10772 of May 31, 2024

The President

Immigrant Heritage Month, 2024

By the President of the United States of America

A Proclamation

America is the only country in the world with a heart and soul that draws from old and new. We are home to people whose ancestors have been here for thousands of years and home to people from every place on Earth. Some people came freely, some came chained by force, some came when famine struck or to flee persecution, and some came to chase dreams that are only possible here in America. We all come from somewhere, but we are all Americans. This month, we honor the contributions and celebrate the remarkable courage of our Nation's immigrants, whose hopes and dreams helped found this country and continue to push us forward today.

My own family came to America in the mid-1800s, when famine struck their homeland in Ireland. The Finnegans of County Louth and the Blewitts of County Mayo traveled across an ocean, landing on America's shores with an unbending belief in the possibilities our Nation had to offer. Vice President Kamala Harris' parents emigrated from India and Jamaica to pursue their education in medicine and economics. So many Americans share a similar story—their families leaving everything behind to pursue the American Dream and working tirelessly to build good lives for themselves and good futures for their families.

Immigrants keep our economy strong and help drive the success of our Nation. They ensure our safety as first responders and military service members; they maintain the health of our communities as doctors and nurses; they are there for our family members and children as educators and care workers; they feed and fuel our population as more than half of the Nation's farmworkers; they are one in five of our business owners; and they are leaders in technology, philanthropy, and media. All told, they contribute hundreds of billions of dollars in taxes each year and create millions of jobs. The ingenuity, grit, and perseverance of immigrants are driving forces in every aspect of American life.

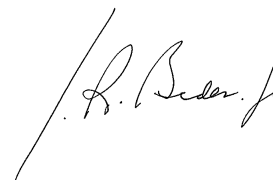
On day one of my Administration, I sent a comprehensive plan to the Congress to fix our broken immigration system. It aimed to expand legal pathways of immigration; provide protections for Dreamers and others who contribute to this country; and address the violence, corruption, and instability that leads many to flee their homes. My Administration has worked tirelessly to strengthen our legal immigration system and support those who are here. We have rebuilt the United States Refugee Admissions Program, which once again serves as a beacon for displaced persons around the world. We continue to vigorously defend the Deferred Action for Childhood Arrivals (DACA) policy, which has allowed more than 800,000 Dreamers to live and work in the place they call home, against attacks in the courts. For the first time ever, we have extended Affordable Care Act coverage to DACA recipients. We have also expanded legal pathways for people from Venezuela, Cuba, Nicaragua, and Haiti and instituted reunification programs so that families stay together while they complete the immigration process. My Administration will continue to do everything we can, but we need the Congress to take action and provide funding and resources necessary to secure our border and reform our immigration system.

As Americans, we have an obligation to ensure that everyone feels safe and respected. We must give hate no safe harbor. But too often, immigrant communities remain the target of bias and discrimination. That is why my Administration is fighting against the rise of all forms of hate. In 2021, I signed the COVID-19 Hate Crimes Act, making it easier to report hate crimes, and I also established the White House Initiative on Hate-Motivated Violence to counter these types of attacks and foster national unity.

During my trip to Ireland last year, I walked the streets my ancestors used to walk and looked out at the ocean they crossed two centuries earlier to reach America. For hundreds of years, people from around the world have made the courageous trek to our Nation's soil. They are drawn to our shores by the American idea that we are all created equal and deserve to be treated equally throughout our lives. We have never fully lived up to that promise, but we have never walked away from it either. This month—and every month—may we recommit to keeping lit the torch of liberty that has led generations of immigrants to America.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2024 as National Immigrant Heritage Month. I call upon the people of the United States to learn more about the history of our Nation's diverse and varied immigrant communities and to observe this month with appropriate programs and activities that remind us of the values of diversity, equity, and inclusion.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-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 dark ink, appearing to read "Joe Biden", with a long, sweeping horizontal line extending to the left.

Rules and Regulations

Federal Register

Vol. 89, No. 110

Thursday, June 6, 2024

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 800

[Doc. No. AMS-FGIS-24-0010]

RIN 0581-AE28

Fees for Official Inspection and Weighing Services Under the United States Grain Standards Act

AGENCY: Agricultural Marketing Service, Department of Agriculture (USDA).

ACTION: Interim rule; request for comments.

SUMMARY: The Agricultural Marketing Service (AMS), Federal Grain Inspection Service (FGIS or the Service) is revising the fee schedule for official inspection and weighing services performed under the United States Grain Standards Act (USGSA), as amended. Specifically, this interim rule announces the new rates for the remainder of fiscal year 2024, and until such time as new fees are set by a final rule. AMS intends to follow this rulemaking with a notice of proposed rulemaking establishing a new regulatory fee formula. The necessary and immediate changes to the current fees will prevent FGIS cessation of services due to insufficient required funding and, most urgently, avoid significant negative impacts to the \$54 billion grain export industry. This interim rule will allow FGIS to fully recover the actual costs of providing services and re-establish a 3- to 6-month operating reserve, consistent with the USGSA, and, in doing so, ensure uninterrupted essential grain inspection services that enable U.S. companies to continue exporting and marketing U.S. grain around the world.

DATES: This interim rule is effective July 8, 2024. Comments are due July 8, 2024.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim rule. Comments may be submitted through the Federal

eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Please reference Doc. No. AMS-FGIS-24-0010. Comments may also be submitted by email to Anthony Goodeman at Anthony.T.Goodeman@usda.gov. All comments submitted in response to this rule will be included in the record and will be made available to the public on the internet at the address provided above. Please be advised that the identity of the individuals or entities submitting the comments will be made public. Prospective customers can find the fee schedules posted on AMS's public website: <https://www.ams.usda.gov/about-ams/fgis-program-directives>.

FOR FURTHER INFORMATION CONTACT:

Denise Ruggles, Executive Program Analyst, USDA, AMS, FGIS, Telephone: 816-702-3897, Email:

Denise.M.Ruggles@usda.gov; or

Anthony Goodeman, Senior Policy Advisor, USDA, AMS, FGIS, Telephone: 202-720-2091, Email:

Anthony.T.Goodeman@usda.gov.

SUPPLEMENTARY INFORMATION: This rule establishes revised 2024 fees for grain inspection and weighing services provided by the Agricultural Marketing Service's (AMS) Federal Grain Inspection Service (FGIS or the Service). The new fees account for the actual cost of FGIS providing official services. The new fees were calculated using formulas modeled after those in other AMS user-fee grading programs. A forthcoming notice of proposed rulemaking to be published separately will amend FGIS's user fee regulations to incorporate the formulas.

Background

The USGSA authorizes and requires the Secretary to charge and collect reasonable fees to cover the estimated costs for performing official grain inspection and weighing services (which are mandatory under the Act for U.S. grain exports). In 2015, Congress amended the USGSA to provide that "[i]n order to maintain an operating reserve of not less than 3 and not more than 6 months, the Secretary shall adjust the fees . . . not less frequently than annually." (7 U.S.C. 79(j)(4) and 79a(l)(3)) To comply with these provisions, FGIS (then the Grain Inspection, Packers, and Stockyards Administration (GIPSA)) issued

regulations requiring the agency to review and adjust fees annually in order to maintain a 3- to 6-month reserve of operating expenses. (81 FR 49855)

Through those regulations, the Service determined that a 4.5-month operating reserve would comply with the statutorily required operating reserve of 3 to 6 months. In years when the operating reserve has been sufficient, for each \$1 million that the reserve's balance exceeded 4.5 months, the Service reduced fees by 2 percent, and no greater than 5 percent. Conversely, in years when the operating reserve was projected to be insufficient, for each \$1 million that the balance fell short of the 4.5-month target, the Service increased fees by 2 percent, while also capping such increases at 5 percent. In accordance with the current regulations, annual fees cannot increase or decrease by greater than 5 percent. The intention of this regulatory cap had been to limit the magnitude of an annual fee adjustment.

The current regulations provide for FGIS review and revision of fees annually (7 CFR 800.71(b)) to establish the tonnage fees (national and local) and supervision fees. The annual adjustment of fees is based on the operating reserve total at the end of the prior fiscal year. Fees are increased or decreased to maintain an operating reserve of 4.5 months of operating expenses. Historically, the operating reserve balance remained higher than the 4.5-month target, so FGIS annually reduced fees by the maximum amount, 5 percent, in 2017 (81 FR 96339), 2018 (83 FR 6451), and 2019 (84 FR 11926); and by 2 percent in 2020 (85 FR 8536).

However, at the close of FY 2020, FGIS was operating at a loss of \$5 million and had an operating reserve balance below 4.5 months of operating expenses. In accordance with current regulations, FGIS increased fees by 5 percent in 2021 (86 FR 1475), 2022 (87 FR 920), and 2023 (88 FR 18512). These annual fee increases were not sufficient to both cover operating costs and a maintain a sufficient operating reserve. Because of the limitations on the magnitude of the annual increase, 2023 fees were lower than those charged in 2016 (e.g., the contract regular hourly rate in 2016 was \$40.20 and, in 2023, the rate was \$39.20). A drop in export tonnage (and its associated revenue) further increased the FGIS deficit. Table

1 below illustrates the interplay between FGIS revenues, reserve

balances, and export tonnage over the previous 5 years.

TABLE 1—FGIS GRAIN INSPECTION AND WEIGHING NET INCOME AND OPERATING RESERVE FOR THE LAST 5 FISCAL YEARS

Fiscal year	Operating net (in millions)	Operating reserve balance (in millions)	Operating reserve balance (in months)	Annual export tons (in million metric tons) ¹
2019	(\$6)	\$15.5	5	108
2020	(5.5)	10	3	110
2021	(3)	7	2.5	137
2022	(4)	3	1	124
2023	(3.5)	(0.5)	(0.3)	97

¹ The data in this column represent export grain officially inspected and/or weighed (excluding land carrier shipments to Canada and Mexico inspected or weighed by delegated States and designated agencies), and outbound grain officially inspected and/or weighed by FGIS.

Since 2021, the expected revenue from user fees has been lower than the Service anticipated. Since 2021, the export volume (on which FGIS assesses tonnage fees) has declined year-over-year: by 10 percent in 2022, 22 percent in 2023, and 10 percent year-to-date in 2024. Reduced export volume has also impacted FGIS’ ability to reestablish a sufficient operating reserve. This decline has been, in part, impacted by natural disasters. Though export volumes vary depending on weather, prices, and global demand, export volumes had risen in consecutive years since 2018. This significant decline was not expected, and the hurricane and severe drought were major unexpected events that contributed to the sudden decline in export volume.

In August 2021, Hurricane Ida struck the coast of Louisiana just prior to the high-volume harvest season. The lower Mississippi River handles over half of U.S. grain exports, and many of the major grain exporters sustained damage and could not return to normal operations for months. Grain export inspection volume declined year-over-year by 10 percent in 2022, and corresponding FGIS user fee revenue dropped by \$3 million in FY 2022.

Then, in 2022, a severe drought struck the midwestern U.S., and parts of the Mississippi River, which handles the barge traffic to feed the nation’s largest export market, sunk to the lowest levels in recorded history, dating back 143 years. Those record-low river levels hindered barge and vessel loading operations, and export volumes declined by another 22 percent year-over-year from 2022 to 2023. FGIS experienced another \$3.5 million reduction in revenue for the same period. In the two years following the hurricane and drought, FGIS revenue was down a combined \$6.5 million. Agency operating costs were also significantly impacted by the COVID–19

Pandemic, as well as information technology and cost-of-living expenses increases.

While the above discussed conditions individually presented significant challenges, their unprecedented, cumulative effect over a short time span limited FGIS’s ability to recover its costs and contributed to the depletion of FGIS’s reserves, jeopardizing its current ability to sustain and provide inspection and weighing services.

2023 Periodic Review

Under the current regulations, FGIS can review all fees to “ . . . ensure they reflect the true cost of providing and supervising official service.” (7 CFR 800.71(c)) Given the confluence of events outside the agency’s control, FGIS performed a periodic review in 2023 that examined the costs of all services offered. The review disclosed that most FGIS fees were misaligned with their actual costs and the current regulatory fee formula did not account for all agency costs. This misalignment and failure to account for actual costs has contributed to the current financial situation. The operating reserves for grain inspection and weighing activities at the end of FY 2023 were \$0. With higher costs and lower export volume, FGIS faces a widening deficit for FY 2024, estimated to be approximately (\$9 million), unless it makes immediate fee adjustments. In addition to the need for an immediate fee adjustment, the agency also determined that the current fees do not fully account for the agency’s operating expenses. Without an immediate increase in fees to reflect the true cost of providing and supervising official services, FGIS must cease operations and will not be able to provide mandatory inspection and weighing services for the grain industry. In 2023, FGIS presented potential fee scenarios at public meetings and received stakeholder feedback that

official services are necessary and add value to U.S. grain commodities. Stakeholders cautioned against large swings in the fees. They also acknowledged that FGIS has a responsibility to carry out inspection and weighing services and maintain appropriate reserves to sustain operations.

In addition to conducting the 2023 Periodic Review, FGIS has also implemented cost-saving measures to mitigate losses where possible. In FY24, the agency has frozen hiring of inspection and weighing staff, reduced travel to “mission-critical only,” reduced overtime at elevator locations, frozen employee awards, and reassigned underutilized staff to other field offices. These measures are appropriate and necessary but will be insufficient to correct the financial deficit and rebuild the operating reserve.

New Fee Calculation

The new fees are based on the actual costs FGIS incurs in providing official services and the need to re-establish an operating reserve. The existing FGIS tonnage formula only accounts for fees assessed on grain tonnage and supervision of official agencies (§ 800.71(b)(1) and (2)); it excludes direct service costs and unit fees. In contrast, the new fees account for these costs.

Formulas for the Regular Rate, Overtime Rate, and Holiday Rate

FGIS utilized the formulas described below to calculate the revised fees announced in this interim rule. Salaries, hours, and most rates used in the formulas are based on the prior fiscal year’s obligations and hours of service. Some rates, such as those for equipment use and specialist laboratory services, are based on unique cost components that are not accounted for in the prior fiscal year’s obligations and service

hours. FGIS has rounded the final rates to the nearest \$0.10. Currently, some fees are charged on a per unit basis and others are charged on a per hour basis. FGIS will continue to provide costs based on a per hour and per unit basis to maintain consistency.

The formulas used to determine hourly rates are as follows:

Regular rate—The total direct pay of FGIS personnel performing grading, weighing, laboratory services, and equipment testing divided by the total direct hours for the previous year, which is then multiplied by the next year's percentage of cost-of-living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses will be added to the cost of providing the service through the operating rate or the travel will be billed separately. An example of the calculation will look like this: [Total direct pay divided by total direct hours (\$2,663,407/82,985) = \$32.10, multiplied by 1.7% (cost-of-living increase) = \$32.64, + \$10.04 (benefits rate) + \$28.90 (operating rate) + \$0.01 (bad debt allowance rate) = \$71.59 (rounded to \$71.60); rounding is done to the nearest \$0.10.]

Overtime Rate—The total direct pay of FGIS personnel performing grading, weighing, laboratory services, and equipment testing divided by the total direct hours, which is then multiplied by the next year's percentage of cost-of-living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses will be added to the cost of providing the service through the operating rate or the travel will be billed separately. An example of the calculation will look like this: [Total direct pay divided by total direct hours (\$2,663,407/82,985) = \$32.10, multiplied by 1.7% (cost-of-living increase) = \$32.64, multiplied by 1.5 (overtime rate) = \$48.96 + \$10.04 (benefits rate) + 28.90 (operating rate) + \$0.01 (bad debt allowance rate) = \$87.91 (rounded to \$87.90); rounding is done to the nearest \$0.10.]

Holiday Rate—The total direct pay of FGIS personnel performing grading, weighing, laboratory services, and

equipment testing divided by the total direct hours, which is then multiplied by the next year's percentage of cost-of-living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses will be added to the cost of providing the service through the operating rate or the travel will be billed separately. An example of the calculation will look like this: [Total direct pay divided by total direct hours (\$2,663,407/82,985) = \$32.10, multiplied by 1.7% (cost-of-living increase) = \$32.64, multiplied by 2 (double time or Holiday rate) = \$65.28, + \$10.04 (benefits rate) + \$28.90 (operating rate) + \$0.01 (bad debt allowance rate) = \$104.23 (rounded to \$104.20); rounding is done to the nearest \$0.10.]

Formula calculations are based on the prior fiscal year's actual costs or historical costs, workload data, projection of expenses impacting program costs, cost-of-living increases, and inflation. Cost-of-living increases and inflation factors are based on the economic assumptions from the Office of Management and Budget (OMB). Rather than codify a reference to an OMB budget document in this rule, each year AMS intends to use the most recent economic factors released by OMB for budget development purposes to determine cost impacts for these user fee activities.

Formulas for the Benefits Rate, Operating Rate, and Allowance for Bad Debt Rate

FGIS derived the components of the formulas above using the previous fiscal year's actual costs, as follows:

Benefits rate—The total direct benefits costs of FGIS personnel performing grading, weighing, laboratory services, and equipment testing divided by the total hours worked (regular, overtime, and holiday), which is then multiplied by the next calendar year's percentage cost-of-living increase. An example of the calculation will look like this: [Total direct benefits costs/(total regular hours + total overtime hours + total holiday hours) (\$819,207/82,985)] = \$9.87, multiplied by 1.7% (Cost of Living) = \$10.04.]

Operating Rate—The total operating costs (including user fee adjustment) of FGIS personnel performing grading, weighing, laboratory services, and equipment testing divided by total hours worked (regular, overtime, and holiday), which is then multiplied by the percentage of inflation. The Operating Rate will include the adjustment for user fee reserve as an Operating Cost. For the purposes of this example, FGIS will call out the reserve adjustment separately. This example will assume \$1,000,000 is needed for the reserve and assume all other operating costs are \$42,000,000, divided by 630,000 total hours. An example of the calculation will look like this: [Total operating costs/(total regular hours + total overtime hours + total holiday hours) ((\$42,000,000 + 1,000,000)/630,000)] = \$69.61, multiplied by 2% (inflation) = \$69.62.]

Allowance for Bad Debt Rate—Total bad debt for grading, weighing, laboratory services, and equipment testing divided by total hours worked (regular, overtime, and holiday). An example of the calculation will look like this: [Total bad debt cost/(total regular hours + total overtime hours + total holiday hours) (\$1,000/82,985) = \$0.01.]

As noted above, the formulas reflect that the cost of providing services includes both direct and indirect costs. Direct costs include the cost of salaries, employee benefits, and if applicable, travel and some operating costs. Indirect costs include the cost of program and AMS activities supporting the services provided to the industry and are not covered by FGIS tonnage fees. For purposes of these formulas, indirect costs have been included as part of operating costs.

Revised Fees for 2024

Tables 2–4 below set forth the revised fees for FGIS inspection and weighing services effective July 8, 2024, and until a final rule is issued. Fees were revised following the periodic review prescribed in the regulations to ensure cost recovery for official services performed by FGIS (specifically that revenue meets obligations for FY 2024) and rebuilding of the mandatory operating reserve.

FGIS calculated the hourly rates in the tables below by applying the formulas identified in the preceding sections to data for FY 2023 obligations and hours. The hourly rates also account for a 5.2 percent cost-of-living increase and inflation. However, the tables below do not implement the full

fee increases that would otherwise result from application of the formulas. Without an adjustment, the formulas would result in a 111 percent increase in most fees. FGIS has adjusted the rates downwards by approximately 20 percent to establish more reasonable fees that also cover the costs of

providing official inspection services for the remainder for FY 2024, and until such time as a final rule is issued. Accordingly, FY 2024 fees for official grain inspection and weighing services provided under the USGSA in the United States and Canada¹ are as follows:

TABLE 2—FEE TABLE 1—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT'S FACILITY IN AN ONSITE FGIS LABORATORY¹

Service	Regular rate Monday–Friday (6 a.m.–6 p.m.)	Night differential Monday–Friday (6 p.m.–6 a.m.)	Overtime rate Sunday and Saturday	Holiday rate
Inspection and Weighing Services Hourly Fees (per service representative):				
One-Year Contract (per hour per Service representative):	\$65.00	\$71.50	\$81.30	\$97.50
Noncontract (per hour per Service representative):	93.30	.....	116.60	140.00
Service				2024 Rate
Additional Tests (cost per test, assessed in addition to the hourly rate): ²				
Aflatoxin (rapid test kit method)				\$17.90
All other Mycotoxins (rapid test kit method)				32.60
NIR or NMR Analysis (protein, oil, starch, etc.)				4.30
Waxy corn (per test)				4.30
Class Y Weighing—online (per carrier)				2.80
Fees for other tests not listed above will be based on the noncontract hourly rate from Fee Table 1 (per hour/per representative) .....				.....
Tonnage Fee (assessed in addition to all other applicable fees, only one tonnage fee will be assessed when inspection and weighing services are performed on the same carrier):				
All outbound carriers serviced by the specific field office (per-metric ton): ³				
Delegated States/Designated Agencies (national \$0.057) ⁴				\$0.057
League City tonnage fee (local \$0.080 plus national \$0.057)				0.137
New Orleans tonnage fee (local \$0.012 plus national \$0.057)				0.069
Pacific Northwest tonnage fee (local \$0.135 plus national \$0.057)				0.192
Toledo tonnage fee (local \$0.154 plus national \$0.057)				0.211

¹ Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in §800.72(a).

² Appeal and re-inspection services will be assessed the same fee as the original inspection service.

³ Standard carrier capacity for trucks/submitted samples—52,800 lbs. (approx. 23.95 metric tons (mt)), container—54,000 lbs. (approx. 24.49 mt), rail—220,000 lbs. (approx. 99.79 mt), barge—3,648,000 lbs. (approx. 1,654.70 mt), Pacific Northwest (PN) barge—6,707,000 lbs. (approx. 3,042.24 mt).

⁴ Tonnage fee is assessed on export grain inspected and/or weighed, excluding land carrier shipments to Canada and Mexico.

TABLE 3—FEE TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY^{1 2}

Original Inspection and Weighing (Class X) Services:	
Sampling only (use hourly rates from Fee Table 1).	
Service	2024 Rate
Stationary Lots (sampling, grade/factor, and checkloading):	
Truck/trailer/container (per carrier)	\$35.00
Railcar (per carrier)	51.90
Sacked grain (per hour per service representative plus an administrative fee per hundred weight)	0.125/CWT
Lots sampled online during loading (sampling use hourly rates from Fee Table 1, plus):	
Truck/trailer/container (per carrier)	21.30
Railcar (per carrier)	43.90
Sacked grain (per hour per service representative plus an administrative fee per hundred weight)	0.125/CWT
Other services:	
Submitted sample (per sample—grade and factor)	21.30
Factor only (per factor—maximum 2 factors)	10.40
Class X Weighing will be based on the noncontract hourly rate from Fee Table 1 (per hour/per service representative) .....	.....
Additional tests (excludes sampling):	
Aflatoxin (rapid test kit method)	52.50
All other Mycotoxins (rapid test kit method)	67.60

¹ Canada fees include the noncontract hourly rate, the Toledo field office tonnage fee, and the actual cost of travel.

TABLE 3—FEE TABLE 2—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY ^{1 2}—Continued

Service	
Fecal Matter Assay—Detection of Fecal Matter (Qualitative)	326.55
NIR or NMR Analysis (protein, oil, starch, etc.)	17.90
Test Kit Evaluation (Monday–Friday)	111.70
Tilletia controversa Kühn (TCK) spores testing (per sample)	326.55
Waxy Corn (per test)	17.90
Fees for other tests not listed above will be based on the noncontract hourly rate from Fee Table 1	
Pesticide Residue Testing:	
Routine Compounds (per hour per service representative)	376.50
Non-routine Compounds (Subject to availability) (per hour per service representative)	200.90
Original Inspection and Weighing (Class X) Services:	
Appeal inspection and review of weighing service ³ .	
Sampling service for Appeals additional (hourly rates from Fee Table 1).	
Board appeal and Appeals (grade and factor)	142.70
Factor only (per factor—max 2 factors) ⁴	75.10
Additional tests (assessed in addition to all other applicable tests):	
Aflatoxin (rapid test kit method)	52.50
All other Mycotoxins (rapid test kit method)	82.20
Mycotoxin (per test—HPLC)	245.60
NIR or NMR Analysis (protein, oil, starch, etc.)	31.10
Sunflower oil (per test)	31.10
Fees for other tests not listed above will be based on the noncontract hourly rate from Fee Table 1	
Stowage examination (service on request):	
Ship (per stowage space) (minimum 5 spaces per ship)	89.00
Subsequent ship examinations (same as original) (minimum 3 spaces per ship)	89.00
Barge (per examination)	71.30
All other carriers (per examination)	28.20

¹ Fees apply to original inspection and weighing, re-inspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72(a).

² In addition to a 2-hour minimum charge on Saturday, Sunday, and holidays, an additional charge will be assessed when the revenue from the services in Fee Table 2, does not equal or exceed what would have been collected at the applicable hourly rate.

³ If, at the request of the Service, a file sample is located and forwarded by the Agency, the Agency may, upon request, be reimbursed at the rate of \$3.50 per sample by the Service. (Invoice processed through appropriate payment method.)

⁴ Factor only appeal—In accordance with 800.135(b) Kind and Scope, an appeal inspection is limited to the kind and scope of the original or re-inspection service; in the case of factor-only inspections, the service is limited to a maximum of two factors with no grade assignment.

TABLE 4—FEE TABLE 3—MISCELLANEOUS SERVICES

Service	2024 Rate
Grain grading seminars (per hour per service representative) ¹	\$111.70
Samples provided to interested parties (per sample)	5.20
Extra copies of certificates and divided lots (per certificate)	3.50
Special mailing (actual cost)	Actual cost
Travel (mileage, airfare, per diem, etc.)	Actual cost
Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 2.)	
Special Weighing Services (per hour per service representative): ¹⁰	
Scale testing and certification	145.20
Evaluation of weighing and material handling systems	145.20
NTEP prototype evaluation (other than Railroad Track Scales)	145.20
NTEP prototype evaluation of Railroad Track Scales	145.20
Use of FGIS railroad track scale test equipment per facility for each requested service	870.70
Mass standards calibration and re-verification	145.20
Special [weighing] projects	145.20

¹ Regular business hours—Monday through Friday—service provided at other than regular business hours will be charged at 1½ times the applicable hourly rate (see § 800.0(b)(14) for definition of “business day.”)

Regulatory Changes

This interim rule adds a new section (§ 800.74) to the regulations to implement the revised fees set forth above. Because the current user fee regulation at 7 CFR 800.71 does not permit fee increases greater than 5 percent, this interim rule also imposes a temporary stay on § 800.71. A temporary stay is also placed on

§ 800.72(b), as the additional charge provided therein is incorporated into Fee Table 2, footnote 2, above. To accommodate the stay imposed on §§ 800.71 and 800.72(b) and the addition of new § 800.74, conforming changes are made where §§ 800.71 or 800.72 are otherwise referenced in 7 CFR part 800, including in the following

sections: 800.34, 800.36, 800.73, 800.156(d)(5), and 800.197(b)(3).

Good Cause Analysis

Impact to Industry

Without an immediate fee increase, FGIS will not be able to continue providing official inspection and weighing services. While there will be financial impacts to the agency and its

operations if fees are not immediately increased, the impact of FGIS failing to provide basic services will have far-reaching and unprecedented impacts on the industry, including an unprecedented national disruption of grain exports. In the past, isolated, regional, and time-limited disruptions in the provision of official inspection and weighing services have had major ramifications for the industry. Likewise, failing to operate and provide official inspection and weighing could lead to unsustainable uncertainty and cost that may far exceed impacts of past isolated, regional, and time-limited disruptions.

FGIS inspects or weighs, on average, approximately \$137 million worth of grain commodities every day, averaging \$54 billion annually. The USGSA requires that nearly all grain exports be inspected and weighed by FGIS prior to export. FGIS provides these services mostly on bulk grain vessels loaded at ports throughout the U.S., with activities concentrated in the lower Mississippi River, Texas Gulf, Pacific Northwest, and Great Lakes regions. Each vessel can carry from 500,000 to 2,000,000 or more bushels of grain (12,500 to 50,000 metric tons), which represents between 500 and 2,000 truckloads of grain brought to market by producers, totaling millions of dollars on each vessel. The grade and condition of the commodity can greatly impact the value and end use functionality, so FGIS performs independent grading in accordance with a contract specific to each vessel. These contracts describe the grades and factors necessary to fulfill the requirements agreed to by buyer and seller. As an unbiased and trusted third party, FGIS grades and weights are respected around the world and facilitate trade through near-universal understanding and acceptance. Without such acceptance, some countries could require inbound quality inspections which could delay and introduce variables to the acceptance of U.S. grain shipments.

Since nearly every export shipment is subject to mandatory FGIS inspection and weighing, the results of those FGIS grade requirements (e.g., U.S. No. 2 or better Yellow corn per FGIS standards) are typically written into the contract terms for final settlement. If FGIS can no longer provide those services, the shippers would not be able to meet their current contractual obligations. This could lead to the cancellation of contracts or modification of contracts to accept some other terms for grading. If alternative grading is used, inspections would be conducted by unlicensed and potentially untrained graders who may or may not have a relationship or

financial interest with the shipping or receiving company. In contrast, every FGIS inspector must be trained, licensed, and free of conflicts of interest. The inspections are supported by an appeals system and national monitoring program to ensure alignment across the country. Without such support, the U.S. grain industry could be subject to foreign buyer concerns about quality and have no mechanism, such as an FGIS appeals or formal complaint system, to address such concerns expressed against U.S. grain shipments. Without such a system in place, global acceptance of U.S. grain exports could be placed at higher risk. FGIS plays a vital role in the global grain industry.

Nearly every grain export shipment would be impacted in some way if FGIS ceases operations, with immediate impacts upstream to handlers and producers. U.S. grain will immediately become less competitive as U.S. companies pay demurrage charges on vessels, barges, and railcars, which could amount to many thousands of dollars per hour; and these inefficiencies could result in lower prices ultimately paid to farmers. For example, when exports were hindered due to Hurricane Ida in 2021, vessels could not load, barge traffic halted, and corn and soybean prices unexpectedly sunk to their lowest levels in five weeks. This event was severe and directly impacted only one geographic area of the export chain, yet it had rippling effects throughout the grain supply chain. In contrast, if FGIS ceases operations entirely, the whole grain export marketing chain would be impacted and could prompt significant market volatility.

If the cessation of operations causes delays at export points, barges and trains will be delayed, grain elevators will fill, and the orderly U.S. grain handling system will quickly congest. Farmers may not be able to bring their crops to market during harvest, causing farmers to go unpaid for ready-for-delivery crops, and harvested grain could be subject to damage and discounts due to improper storage. As an example, during an inspection disruption at an elevator in Washington in 2014, export capacity was reduced by 86 percent, delaying hundreds of thousands of tons of U.S. grain shipments. The elevator quickly filled up with inbound grain from farmers, but without the normal export outlets, had to stop taking inbound grain. A major rail line stopped servicing the elevator, and farmers could not bring their grain to market during harvest. This caused significant harm to those handlers, farmers, and the public, as hundreds of

millions of dollars in grain shipments were delayed. Such bottlenecks further impact farmers as the grain can become damaged as it sits in fields or farm storage waiting for normal export channels to reopen.

FGIS also oversees a network of private and public organizations, called Official Agencies, which provide inspection and weighing services on FGIS' behalf, primarily at interior locations. These Official Agencies inspect or weigh over 200 million metric tons of grain annually. While there are some appropriations dedicated to monitoring compliance of those operations, the daily oversight and interaction is funded through a user fee. If FGIS ceases operations, those activities would cease. Lack of oversight of domestic inspection would threaten an important component of the grain inspection system. When information asymmetries exist between buyers and sellers about grain quality, domestic inspection provides an unbiased assessment to all parties about protein content, damaged kernels, foreign material, and other quality factors related to the product's market value to ensure fair and efficient marketing of U.S. grains. Further, lack of oversight means farmers or handlers could be unnecessarily discounted, as the user-fee supported Federal appeals program would cease.

Impact to Government

In addition to the mandatory grain inspection and weighing services FGIS provides under the USGSA, FGIS provides several other services to facilitate the marketing of grain and related products. If FGIS cannot sustain operations, it would not be able to provide additionally important services, including perform phytosanitary inspection services on behalf of the Animal and Plant Health Inspection Service (APHIS); report hazardous shipments to the Food and Drug Administration (FDA); or conduct tests of railroad scales used in commerce.

Many export shipments require a phytosanitary certificate to meet the importing countries' phytosanitary requirements. FGIS, through a memorandum of understanding with APHIS, conducts many of these inspections concurrently with the quality grading. This efficiency allows the United States Department of Agriculture (USDA) to perform two examinations at once. If FGIS can no longer provide this service, customers could encounter delays and taxpayers could see higher costs as APHIS could have to provide these services

unexpectedly and without sufficient staff.

During the occurrence of its official inspection services, if FGIS encounters a condition that could be hazardous to human or animal health, FGIS reports those findings to FDA. Those actionable conditions include insect infestation, a carcinogenic toxin called aflatoxin, unusual odors or additives in grain, and other conditions unsuitable for consumption. Similar to the relationship with APHIS, FGIS conducts these inspections concurrently and efficiently with the grain quality inspection. If FGIS can no longer operate, FDA will have to draw from taxpayer resources to fulfill these inspections, or if these inspection activities could go unfulfilled, it could expose the public to hazardous conditions that would have otherwise been identified by FGIS.

FGIS maintains an optional, user-fee supported program to test railroad track scales to various industries, including grain handlers. These tests ensure confidence in the scales used to weigh of commodities loaded in railcars transported on the Nation's rail system. If FGIS is unable to provide those services, the certification of railroad scales could be delayed, reducing confidence and exposing the rail infrastructure to risk of handing overweight freight. This service would need to be otherwise absorbed by another organization such as the National Institute of Science and Technology, which would involve careful planning and sufficient transition time.

Statutory Compliance

This action also seeks to ensure compliance with the USGSA, which requires FGIS to charge fees sufficient to cover the costs of the official inspection and weighing services it provides, and to adjust fees annually to maintain an operating reserve of not less than 3 and not more than 6 months. The Service is committed to issuing the final rule expeditiously after reviewing public comments and obtaining additional information.

At current rates, FGIS does not charge sufficient fees to meet obligations, and has incurred significant losses in the current 2024 fiscal year. FGIS must immediately increase fees to ensure that revenue meets obligations for the 2024 fiscal year. Otherwise FGIS will default and must cease operations.

The USGSA requires the Secretary to charge and collect reasonable fees to cover the estimated costs for performing official grain inspection and weighing services (which are mandatory under

the Act for U.S. grain exports). The Act also requires the maintenance of an operating reserve balance of three-to-six months (*i.e.*, approximately \$9M to \$17M). At present, FGIS is non-compliant with the requirements of the USGSA, in both instances; and, upon good cause, AMS has determined that it must immediately adjust grain inspection and weighing fees to maintain mandatory services and the orderly marketing of grain for the U.S. grain export industry, which is valued at over \$54 billion annually. This interim final rule announces the 2024 rates to be charged for the remainder of the fiscal year, and until such time as a final rule is issued.

Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting the revised fees for FY 2024 into effect because further delay will result in significant, negative supply chain impacts throughout the entire U.S. grain industry.

Alternatives Considered

The USGSA allows for the required official inspection of grain to be exported out of the United States to be waived in emergency and other circumstances that would not impair the objectives of the Act. Waivers have been used in limited instances, such as in the aftermath of Hurricane Ida in 2021, but do not present a feasible option for FGIS to address the current budgetary shortfall. A waiver from FGIS allows for shipment of grain without official inspection. If parties have contracted for USDA inspected grain, both parties must agree to accept the uninspected grain if a waiver has been issued. Widespread shipment of uninspected grain could raise skepticism about the quality of U.S. grain. This could have widespread and long-term unintended consequences for the U.S. grain industry both domestically and internationally.

In 2014, when a single grain elevator, in the State of Washington, could not receive Federal grain inspection services for a month, exporters had to request, in accordance with the USGSA and implementing regulations at 7 CFR 800.18, emergency grain inspection and weighing waivers from the Secretary to export grain. These waivers allowed exporters to ship some of their grain but not all. Loading capacity was reduced by 83 percent, causing rail lines to stop deliveries to the elevator and halting producer grain shipments at interior locations. The issuance of waivers can also result in unintended negative effects for the industry as customers

abroad may reject the product for failing to meet contractual requirements (*i.e.*, a particular USDA grade). Therefore, the utilization of waivers has been limited to short term, regional issues that were remedied within a reasonable timeframe.

Without adjusting hourly and unit-based fees, FGIS anticipates a deficit in its FY 2024 operating reserves of nearly \$9M. With such a shortfall, FGIS will not have sufficient revenue to meet obligations and will cease operations. U.S. grain exports would be disrupted for the over \$54 billion grain export industry. Factors that have contributed to this potential imminent harm to the public include: (1) an eight-year period of low fees (*i.e.*, 2024 fees, \$39.20/hour, are lower than 2016 fees, \$40.20/hour); (2) regulatory provisions that limit annual fee increases and do not fully account for the actual cost of services provided; (3) inflation; (4) cost-of-living adjustments for the Federal workforce; (5) increased service delivery costs driven by unprecedented weather events (*e.g.*, Hurricane Ida and droughts); (6) declining global demand for grain; and (7) an increased volume of U.S. grain being distributed to domestic processing plants (which excludes them from mandatory inspection and weighing under the USGSA).

While the above conditions individually presented significant challenges, their unprecedented confluence, with other circumstances, over a short span presents a situation where FGIS must immediately take action to maintain operations and compliance with the USGSA.

For the reasons stated above, AMS finds that good cause exists for this interim rule to be effective 30 days after publication in the **Federal Register**.

Severability

The Department believes that each component of the rule is legally supportable, individually and in the aggregate. To the extent a court may enjoin any part of the rule, the Department intends that other provisions or parts of provisions should remain in effect. The stay of the current regulations is severable from the establishment of the revised 2024 fees.

Required Regulatory Analyses

Executive Orders 12866, 13563, and 14094 and the Regulatory Flexibility Act

The Office of Management and Budget has designated this rulemaking as not significant under Executive Order 12866, "Regulatory Planning and Review," Executive Order 13563,

“Improving Regulation and Regulation Review,” and Executive Order 14094, “Modernizing Regulatory Review.” Since grain export volume can vary significantly from year to year, estimating the impact in any future fee changes can be difficult. FGIS recognizes the need to provide predictability to the industry for inspection and weighing fees. The statutory requirement to also maintain an operating reserve between 3 to 6 months of operating expenses ensures that FGIS can adequately cover its costs without imposing an undue burden on its customers.

Currently, FGIS regularly reviews its user-fee financed programs to determine if the fees charged for performing official inspection and weighing services adequately cover the cost of providing those services. Due to the limitations in the current regulations, combined with four years of rate decreases, and noneconomic factors that led to the 2020–2023 period having the highest inflation in more than 40 years,² FGIS is now experiencing a deficit which is forecasted to grow without corrective action.

This interim rule revises fees for official grain inspection and weighing services provided by FGIS to ensure stability of the program. FGIS will continue to seek out cost-saving measures and implement appropriate changes to reduce its costs to provide alternatives to fee increases.

USDA is issuing this interim 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.

The revised fees set forth in this interim rule are necessary to ensure FGIS’s continued operations and avoid significant disruptions to the private grain industry. The industry is familiar with the annual process for evaluating and updating fees and anticipates the changes in this interim rule. Additional costs to FGIS customers related to this interim final rule will allow FGIS to continue providing mandatory and voluntary grain inspection services that facilitate international and domestic trade.

This rulemaking is unlikely to have an annual effect of \$200 million or more or adversely affect the economy. The changes to the FGIS fees in this rulemaking are a response to a projected deficit for FY 2024 of nearly \$9 million. The interim rule would address the deficit with revised fees that are reflective of the costs to provide the services and will help prevent the deficits from widening in the future. This interim rule does not meet the criteria of a significant regulatory action under Executive Order 12866 as updated by Executive Order 14094. Therefore, the OMB has not reviewed this interim rule under those orders.

A 30-day comment period is provided to allow interested parties to submit written comments on this interim rule.

Under the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–12), FGIS has considered the economic impact of this rulemaking on small entities. The purpose of the Regulatory Flexibility Act is to fit regulatory actions to the scale of businesses subject to such actions. This ensures that small businesses will not be unduly or disproportionately burdened. FGIS is issuing this rulemaking to ensure continuity of mandatory services and ensure compliance with the USGSA.

The Small Business Administration (SBA) defines small businesses by their North American Industry Classification System Codes (NAICS). This rulemaking affects customers of FGIS’s official inspection and weighing services in the domestic and export grain markets (NAICS code 115114). Current guidance from the SBA provides a revenue cutoff at \$34 million to differentiate large and small firms in this industry. Fees for the program which apply to this industry are provided on the FGIS website.

Under the USGSA, all grain exported from the United States must be officially inspected and weighed, with few exceptions. FGIS provides mandatory

inspection and weighing services at 29 export facilities in the United States. Five delegated State agencies provide mandatory inspection and weighing services at 20 facilities. All these facilities are owned by multinational corporations, large cooperatives, or public entities that do not meet the requirements for small entities established by the SBA. Further, the provisions of this rulemaking apply equally to all entities.

The USGSA requires the registration of all persons engaged in the business of buying grain for sale in foreign commerce. In addition, those persons who handle, weigh, or transport grain for sale in foreign commerce must also register. The regulations found at 7 CFR 800.30 and 800.31 define a foreign commerce grain business as the business of regularly buying for sale, handling, weighing, or transporting grain totaling 15,000 metric tons or more during the preceding or current calendar year. Currently, there are 174 businesses registered to export grain, most of which are not small businesses.

Most users of the official inspection and weighing services meet the SBA requirements for small entities. Data on user fee receipts from the FGIS for the past 5 years, plus 2024 to date, show a total of 2,123 different accounts over this time, though many firms are represented by multiple accounts. For the purposes of the Regulatory Flexibility Analysis, FGIS will consider accounts as representing establishments, with multiple establishments associated with larger firms.

FGIS identified a total of 31 large firms, as defined by the SBA firm size classification of receipts in excess of \$34 million. FGIS also identified the total number of establishments affiliated with the 31 large firms to be 133. With a total number of establishments of 2,123, this means 1,990, or 94 percent, of the establishments that paid fees to FGIS over the 2019–2024 period are small businesses according to the SBA definition.

Table 5 shows that, while 6 percent of the firms are considered large, in total they have contributed the vast majority of the fees paid to the program. In each of the five previous years, and for the year 2024 to date, the 31 large firms paid between 86 and 90 percent of all FGIS fees, with an average of 89 percent. The remaining 1,990 establishments paid on average 11 percent of total fees.

² For example, the Consumer Price Index (CPI) Calculator (<https://data.bls.gov/cgi-bin/cpicalc.pl>) shows prices up 20 percent between January 2020 and February 2024, and up 31 percent between January 2016 and February 2024.

TABLE 5—FGIS BILLED ACCOUNTS SUMMARY TABLE FOR REGULATORY FLEXIBILITY ANALYSIS BY SMALL BUSINESS ADMINISTRATION SIZE CLASSIFICATION

Fiscal year	All firms	Large firms		Small firms	
	Total fees paid	Fees paid	Share paid (%)	Fees paid	Share paid (%)
2019	\$32,314,848	\$27,694,899	86	\$4,619,949	14
2020	30,746,015	27,386,467	89	3,359,547	11
2021	34,320,110	30,693,195	89	3,626,915	11
2022	31,663,547	28,183,027	89	3,480,520	11
2023	27,734,760	25,069,234	90	2,665,526	10
Oct 2023–Feb 2024	10,702,712	9,679,943	90	1,022,769	10
Grand Total	167,481,991	148,706,765	89	18,775,226	11

The new fee structure will not change the relative burden of these fees on small businesses. These updated fees will benefit all inspection applicants, regardless of size, as fees will more closely reflect the current cost of inspections. Further, there are no additional reporting, record keeping, or other compliance requirements imposed upon small entities as a result of this rulemaking. FGIS has not identified any other Federal rules which may duplicate, overlap, or conflict with this rulemaking.

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988—Civil Justice Reform. It is not intended to have retroactive effect. Section 18 of the USGSA (7 U.S.C. 87g) provides that no State or subdivision thereof may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the USGSA. Otherwise, this interim rule will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this interim rule.

Executive Order 13175

This interim rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal governments, which requires agencies to consider whether their rulemaking actions would have Tribal implications. FGIS has determined this interim 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.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this interim rule does not meet the criteria set forth in 5 U.S.C. 804(2).

E-Government Act

USDA is committed to complying with the provisions of the E-Government Act (44 U.S.C. 3601 *et seq.*) by promoting 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.

Paperwork Reduction Act

This interim rule does not impose any additional reporting or recordkeeping requirements on either small or large FGIS customers. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), FGIS reports and forms are periodically reviewed to reduce information collection requirements and duplication.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Conflicts of interests, Exports, Freedom of information, Grains, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service amends 7 CFR part 800 as follows:

PART 800—GENERAL REGULATIONS

■ 1. The authority citation for part 800 continues to read as follows:

Authority: 7 U.S.C. 71–87K, 1621–1627.

■ 2. Amend § 800.34 by revising the first sentence to read as follows:

§ 800.34 Registration fee.

An applicant shall submit the registration fee prescribed in § 800.74 with the completed application. * * *

■ 3. Amend § 800.36 by revising the last sentence to read as follows:

§ 800.36 Certificates of registration.

* * * The Service shall charge a fee, in accordance with § 800.74, for each additional copy of a certificate of registration requested by a registrant.

§ 800.71 [Stayed]

■ 4. Stay § 800.71 indefinitely.

§ 800.72 [Amended]

■ 5. Stay § 800.72(b) indefinitely.

■ 6. Amend § 800.73 by revising paragraph (d) to read as follows:

§ 800.73 Computation and payment of service fees; general fee information.

* * * * *

(d) *To whom fees are assessed.* Fees for inspection, weighing, and related services performed by service representatives, including additional fees as provided in §§ 800.72(a) and 800.74, shall be assessed to and paid by the applicant for the service.

* * * * *

■ 7. Add § 800.74 above the undesignated center heading “Kinds of Official Services” to read as follows:

§ 800.74 Fees for fiscal year 2024.

The fees for fiscal year 2024 are established in the fee tables posted on the Service’s public website.

§ 800.156 [Amended]

■ 8. Amend § 800.156, in paragraph (d)(5)(ii), by removing “§ 800.71” and adding in its place “§ 800.74”.

■ 9. Amend § 800.197 by revising paragraph (b)(3) to read as follows:

§ 800.197 Approval as a scale testing and certification organization.

* * * * *

(b) * * *

(3) Be accompanied by the fee prescribed in § 800.74; and

* * * * *

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–12400 Filed 6–5–24; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 433

[EERE–2010–BT–STD–0031]

RIN 1904–AB96

Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings; Correction

AGENCY: Federal Energy Management Program, Department of Energy.

ACTION: Final rule; correction.

SUMMARY: On May 1, 2024, the U.S. Department of Energy (“DOE”) published a final rule that adopted energy performance standards for certain new Federal buildings and Federal buildings undergoing major renovations. This document corrects errors in the regulatory text published with the final rule. These errors do not affect the substance of the rulemaking or any conclusions reached in support of the proposed rule.

DATES: Effective July 15, 2024.

FOR FURTHER INFORMATION CONTACT:

Mr. Rick Mears, U.S. Department of Energy, Office of the Under Secretary for Infrastructure, Federal Energy Management Program, FEMP–1, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: cer-information@hq.doe.gov.

Ms. Laura Zuber, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4798. Email: laura.zuber@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 1, 2024, DOE published a final rule (Final Rule) that adopted energy performance standards for certain new Federal buildings and Federal buildings undergoing major renovations. The Final Rule adopted revisions to the energy performance standards at title 10 of the Code of Federal Regulations (“CFR”) parts 433 and 435. 89 FR 35384. Since publication of the Final Rule, DOE has identified errors in the regulatory text adopted by the Final Rule. Specifically, DOE

incorrectly numbered subparagraphs in 10 CFR 433.200(c). DOE is issuing this correction to provide correct subparagraph numbers for 10 CFR 433.200(c) and to revise an internal citation. The corrections are described in the following paragraphs.

II. Need for Correction

As published, the regulatory text in the Final Rule may lead to confusion regarding the application of certain paragraphs in 10 CFR 433.200(c) as two subsections are currently misidentified to fall under 10 CFR 433.200(c)(1)(ii), which applies to designs for new construction or major renovations of all Scope 1 fossil fuel using systems in certain Federal buildings that began during or after Fiscal Year 2030. Because this document would simply clarify the adopted regulatory text without making substantive changes to the energy performance standards adopted in Final Rule, the changes addressed in this document are technical in nature.

III. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the Final Rule remain unchanged for these technical corrections to the regulatory text. These determinations are set forth in the Final Rule. 89 FR 35384, 35411–35415.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), DOE finds that there is good cause to not issue a separate notice to solicit public comment on the technical corrections contained in this document. Issuing a separate notice to solicit public comment would be impracticable, unnecessary, and contrary to the public interest. As explained previously, the corrections in this document do not affect the substance of or any of the conclusions reached in support of the Final Rule. Additionally, given the Final Rule is a product of an extensive administrative record with numerous opportunities for public comment, DOE finds additional comment on the technical corrections is unnecessary. Therefore, providing prior notice and an opportunity for public comment on correcting objective errors that do not change the substance of the proposed energy performance standards serve no useful purpose.

Correction

In the FR Doc. 2024–08196 appearing on page 35384 in the **Federal Register** of Wednesday, May 1, 2024, the following corrections are made:

§ 433.200 [Corrected]

- 1. On page 35418, in the first column between the table and the equation, in § 433.200, paragraph (c)(1)(ii)(C) is redesignated as paragraph (c)(2);
- 2. On page 35418, in the second column between the table and the equation, in § 433.200, the paragraph (c)(1)(ii)(D) heading is redesignated as the paragraph (c)(3) heading;
- 3. On page 35418, in the second column between the table and the equation, in § 433.200, paragraph (c)(1)(ii)(D)(1) is redesignated as paragraph (c)(3)(i);
- 4. On page 35418, in the second column between the table and the equation, in § 433.200, in newly redesignated paragraph (c)(3)(i), the reference “paragraph (c)(1)(A)” is corrected to read as “paragraph (c)(1)(i)”; and
- 5. On page 35418, in the first column following the equation, in § 433.200, paragraph (c)(1)(ii)(D)(2) is redesignated as paragraph (c)(3)(ii).

Signing Authority

This document of the Department of Energy was signed on May 24, 2024, by Mary Sotos, the Director of the Federal Energy Management Program, 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 29, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–12081 Filed 6–5–24; 8:45 am]

BILLING CODE 6450–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 125 and 128

RIN 3245–AI10

Eliminating Self-Certification for Service-Disabled Veteran-Owned Small Businesses

AGENCY: U.S. Small Business Administration.

ACTION: Direct final rule.

SUMMARY: This direct final rule contains amendments to the regulations governing the U.S. Small Business Administration's (SBA) Veteran Small Business Certification (VetCert) Program. The SBA is revising its regulations to implement a provision in the National Defense Authorization Act for Fiscal Year 2024 (NDAA 2024), which eliminates self-certification for service-disabled veteran-owned small businesses that are awarded Federal Government contracts or subcontracts that count towards agency or subcontracting goals. This direct final rule amends SBA's regulations to carry out the changes made by NDAA 2024.

DATES: This rule is effective August 5, 2024 without further action, unless adverse comment is received no later than July 8, 2024. If significant adverse comment is received, SBA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by RIN 3245-AI10 or Docket No. SBA-2024-0003, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov> and follow the instructions for submitting comments.

- *Mail (for paper, disk, or CD-ROM submissions):* Donna Fudge, Office of Government Contracting and Business Development, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted on <https://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <https://www.regulations.gov>, please submit the comments to Donna Fudge and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential.

FOR FURTHER INFORMATION CONTACT: Donna Fudge, U.S. Small Business Administration, Office of Government Contracting and Business Development, 409 Third Street SW, 8th Floor, Washington, DC 20416; (202) 205-6353; Donna.Fudge@sba.gov. This phone number may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Communications Commission's TTY-Based Telecommunications Relay Service teletype service at 711.

SUPPLEMENTARY INFORMATION:

I. Background

In order to be awarded a Service-Disabled Veteran-Owned Small Businesses (SDVOSB) set-aside or sole source contract, firms must be certified by SBA through the Veteran Small Business Certification (VetCert) Program. Currently, firms that do not seek SDVOSB set-aside or sole source contracts but that meet the VetCert Program eligibility requirements may self-certify their SDVOSB status, receive prime contract or subcontract awards that are not SDVOSB set-aside or sole source contracts, and be counted toward an agency's SDVOSB small business goals or a prime contractor's subcontracting goal for SDVOSB awards.

Section 864 of the National Defense Authorization Act for Fiscal Year 2024 (Pub. L. 118-31) (December 22, 2023) amends the SDVOSB requirements so that, effective October 1, 2024, each prime contract award and subcontract award counted for the purpose of meeting the goals for participation by SDVOSBs in procurement contracts for Federal agencies or Federal prime contractors shall be entered into with firms certified by VetCert under section 36 of the Small Business Act (15 U.S.C. 657f). Section 864 also creates a grace period so that firms that file an application for certification with SBA by December 22, 2024, may continue to self-certify for such Federal Government contracts and subcontracts until SBA makes a final decision. SDVOSBs that do not file an application for certification with SBA by December 22, 2024, or are not certified by SBA's VetCert program and do not file an application by the deadline, will not be eligible to self-certify for such Federal Government contracts or subcontracts after December 22, 2024. NDAA 2024 requires SBA to promulgate regulations implementing this change within 180 days of enactment.

With this direct final rule, SBA amends the introductory sentence of 13 CFR 125.3(a) to require SDVOSB certification for subcontracting assistance. This rule also corrects the existing text to remove "certified" from "certified small business concerns owned and controlled by socially and economically disadvantaged individuals." The Small Disadvantaged Businesses designation is self-certification and "certified" was included in error. To implement the statutory language of section 864 of the NDAA 2024, SBA is amending parts 125 and 128 of its regulations to eliminate self-certification in the VetCert program for SDVOSB concerns seeking a Federal

Government contract or subcontract that will count towards an agency's SDVOSB goals or a prime contractor's SDVOSB subcontracting goals.

II. Justification for Direct Final Rule

In general, SBA publishes a rule for public comment before issuing a final rule in accordance with the Administrative Procedure Act, 5 U.S.C. 553. The Administrative Procedure Act provides an exception to this standard rulemaking process, however, where an agency finds good cause to adopt a rule without prior public participation. 5 U.S.C. 553(b)(3). The good cause requirement is satisfied when prior public participation is impracticable, unnecessary, or contrary to the public interest.

SBA is publishing this rule as a direct final rule because public participation is unnecessary. SBA views this as a non-controversial administrative action that is limited to implementing the provisions of NDAA 2024 eliminating self-certification for SDVOSBs. These provisions are mandated by statute, and SBA does not have the authority to alter them in response to comment. Additionally, a 60-day notice and comment period would jeopardize SBA's obligation to meet section 864's deadline to promulgate regulations within 180 days of enactment.

This rule will be effective on the date shown in the **DATES** section unless SBA receives significant adverse comment on or before the deadline for comments. Significant adverse comments are comments that provide strong justifications for why the rule should not be adopted or for changing the rule. SBA does not expect to receive any significant adverse comments because it is adopting mandatory statutory changes. If SBA receives any significant adverse comments, it will publish a document in the **Federal Register** withdrawing this rule before the effective date. If SBA receives no significant adverse comments, the rule will be effective 60 days after publication without further notice.

As such, this rule is being implemented as a direct final rule.

III. Compliance With Executive Orders 12866, 13563, 12988, 13132, and 13175, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601-612)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this direct final rule is not a significant regulatory action for the purposes of Executive Order 12866. This direct final rule

implements specific statutory provisions in section 864 of the NDAA 2024.

Expected Impact

Under the existing system, the burden of SDVOSB compliance for goaling purposes is placed upon the awarding contracting officer. Under this direct final rule, this burden is placed upon SBA. The contracting officer's responsibilities would be reduced to confirming that the applying firm is, in fact, a certified SDVOSB in SBA's certification database. This reduced responsibility to verify eligibility at contract award may result in a minor cost savings to the contracting agencies.

While current participants in the VetCert Program would have no additional costs associated with this direct final rule, SBA anticipates costs associated with self-certified SDVOSBs currently seeking prime contracts or subcontracting with the Federal Government. SBA estimates that as many as 20,408 self-certified SDVOSBs could apply for certification. To obtain this estimate, SBA reviewed firms actively registered as SDVOSBs in SAM but not already certified by VetCert. SBA believes that the number of firms listed in SAM is the most recent and reliable data to estimate participation and total costs for the purposes of this regulatory impact study. While it is not anticipated that every firm self-certified in SAM will apply for certification, SAM self-certification serves as what SBA would consider the maximum number of firms that would likely seek certification. SBA anticipates that only 70% of those firms will apply for certification, or 14,285 firms.

SBA estimates that an applicant's cost burden to apply for eligibility for this program would require 2 total hours at a cost burden of \$250.96 per applicant. Hourly cost to the participant is based on the estimated manager's salary of \$125.48/hour (based on the median hourly wage of \$62.74 for construction managers, according to the BLS 2023 Occupational Outlook Handbook, plus 100% for benefits and overhead). Based on an estimate of 2 hours to complete an application and an hourly cost of \$125.48, the initial total cost burden will be \$3,584,963. Applicants would be required to apply for recertification at the end of the three-year eligibility period. SBA estimates that applicants will incur an additional 1 hour or \$125.48 to complete recertification. Assuming all firms that apply for initial certification also apply for recertification at the end of each three-year eligibility period, the total cost burden would increase by \$1,792,481

every three years. SBA does not expect that all firms will recertify but includes this estimate as an abundance of caution.

This regulation benefits the SDVOSB community by reducing the ambiguity and uncertainty for contracting officers in the process of Federal contract goaling and subcontracting that previously relied on self-certification. As SBA is implementing statutorily mandated requirements, there are no alternatives to this rulemaking.

Executive Order 13563

Executive Order 13563, Improving Regulation and Regulatory Review (January 18, 2011), requires agencies to adopt regulations through a process that involves public participation, and to the extent feasible, base regulations on the open exchange of information and perspectives from affected stakeholders and the public as a whole. SBA has developed this rule in a manner consistent with these requirements, and the public will have the opportunity to provide comments following the publication of this rule.

Executive Order 12988

This direct final rule meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

This direct final rule does not have federalism implications as defined in Executive Order 13132. It will not 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, as specified in the Executive order. As such it does not warrant the preparation of a federalism assessment.

Executive Order 13175

This direct final 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.

Congressional Review Act (5 U.S.C. 801–808)

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996, also known as the Congressional Review Act, 5 U.S.C. 801 *et seq.*, provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. SBA will submit a report containing this rulemaking and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. This rulemaking has been reviewed and determined not to meet the criteria set forth in 5 U.S.C. 804(2).

Paperwork Reduction Act, 44 U.S.C. Ch. 35

To carry out its statutory mandate to certify SDVOSB firms, SBA collects information from SDVOSB applicants or participants through an online application system. This collection of information will require submission or retention of documents that support the applicant's certification and continued eligibility.

As discussed above, this direct final rule will implement the statutory requirement for small business concerns to be certified by SBA in order to be counted toward an agency's or prime contractor's goal for SDVOSB awards. As a result of these changes, the direct final rule eliminates SDVOSB self-certification. SBA anticipates that these changes will impact self-certified firms; however, SBA believes that this impact will be minimal as the information to be collected is already held by applicants during the ordinary course of business, was previously required for self-certification, and would require minimum preparation prior to submission. SBA will seek approval of this updated information collection separately from this rulemaking.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small nonprofit enterprises, and small local governments. Pursuant to the RFA, when an agency issues a rulemaking, the agency must prepare a regulatory flexibility analysis which describes the impact of the rule on small entities. However, the RFA requires such analysis only where notice and comment rulemaking is required. As discussed above, SBA has found good

cause that notice and public comment are impracticable, unnecessary, or contrary to the public interest. Accordingly, SBA is not required to conduct a regulatory flexibility analysis and is publishing this rule as a direct final rule without advance notice and public comment to implement NDAA 2024.

List of Subjects

13 CFR Part 125

Government contracts, Government procurement, Reporting and recordkeeping requirements, Small businesses, Technical assistance.

13 CFR Part 128

Government contracts, Government procurement, Reporting and recordkeeping, requirements, Small businesses, Technical assistance, Veterans.

Accordingly, for the reasons stated in the preamble, SBA amends 13 CFR parts 125 and 128 as follows:

PART 125—GOVERNMENT CONTRACTING PROGRAMS

- 1. The authority citation for part 125 continues to read as follows:

Authority: 15 U.S.C. 632(p), (q), 634(b)(6), 637, 644, 657f, 657g, 657r, and 657s; 38 U.S.C. 501 and 8127.

- 2. Amend § 125.3 by revising the first sentence of the introductory text of paragraph (a) and paragraph (c)(1)(xi) to read as follows:

§ 125.3 What types of subcontracting assistance are available to small businesses?

(a) *General.* The purpose of the subcontracting assistance program is to provide the maximum practicable subcontracting opportunities for small business concerns, including small business concerns owned and controlled by veterans, certified small business concerns owned and controlled by service-disabled veterans, certified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women. * * *

* * * * *

(c) * * *

(1) * * *

(xi) The prime contractor must provide a written statement of the types of records it will maintain to demonstrate procedures which have been adopted to ensure subcontractors at all tiers comply with the

requirements and goals set forth in the subcontracting plan established in accordance with paragraph (c)(1)(x) of this section, including the establishment of source lists of small business concerns, small business concerns owned and controlled by veterans, certified small business concerns owned and controlled by service-disabled veterans, certified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women; the efforts to identify and award subcontracts to such small business concerns; and size or socioeconomic certifications or representations received in connection with each subcontract;

* * * * *

PART 128—VETERAN SMALL BUSINESS CERTIFICATION PROGRAM

- 3. The authority citation for part 128 continues to read as follows:

Authority: 15 U.S.C. 632(q), 634(b)(6), 644, 645, 657f, 657f–1.

- 4. Amend § 128.200 by revising paragraph (c)(2) to read as follows:

§ 128.200 What are the requirements a concern must meet to qualify as a VOSB or SDVOSB?

* * * * *

(c) * * *

(2) A concern must be certified pursuant to § 128.300 to receive a prime contract that is to be counted by a Federal agency for the purposes of meeting participation goals for SDVOSBs or to receive a subcontract from a Federal prime contractor for the purpose of meeting subcontracting goals for SBVOSBs in Federal procurement contracts. Any small business concern that submits a complete certification application to SBA on or before December 22, 2024, shall be eligible to self-certify for a Federal prime or subcontract that counts towards SDVOSB subcontracting goals, respectively, until SBA declines or approves the concern's application. Any small business concern that does not submit a complete SDVOSB certification application to SBA on or before December 22, 2024, will no longer be eligible to self-certify for a Federal prime or subcontract that counts towards SDVOSB goaling

purposes or SDVOSB subcontracting goals, respectively.

Isabella Casillas Guzman,
Administrator.

[FR Doc. 2024–12252 Filed 6–5–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–2040; Airspace
Docket No. 22–AEA–21]

RIN 2120–AA66

Establishment and Amendment of United States Area Navigation (RNAV) Routes; Eastern United States

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published by the FAA in the **Federal Register** on April 25, 2024, that establishes United States Area Navigation (RNAV) Routes T–480, T–482, and T–488, and amends RNAV Routes Q–140, T–206, T–258, T–287, T–295, and T–398. The final rule identified the DOGWD, VA; LOUIE, MD; and RTBRO, NC, route points as Fixes, in error; and some of the proposed airway changes to RNAV Route T–295 have been postponed.

DATES: Effective date 0901 UTC, July 11, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 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.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (89 FR 31605; April 25, 2024), establishing RNAV Routes T–480, T–482, and T–488, and amending RNAV Routes Q–140, T–206, T–258, T–287, T–295, and T–398 in the eastern United States. Subsequent to publication, the FAA determined that the DOGWD, VA; LOUIE, MD; and RTBRO, NC, route points were identified as Fixes, in error. This rule corrects that error by changing all references to these three route points to be listed as a waypoint (WP). This is an editorial change only to match the FAA’s aeronautical database information and does not alter the alignment of the affected RNAV Routes, T–295, T–480, and T–488.

Additionally, the FAA decided to postpone some of the proposed airway changes to RNAV Route T–295. The segments between the Lancaster, PA (LRP), Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the LAAYK, PA, Fix are being retained.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Establishment and Amendment of United States Area Navigation (RNAV) Routes; Eastern United States published in the **Federal Register** on April 25, 2024 (89 FR 31605), FR Doc. 2024–08665, is corrected as follows:

■ 1. In FR Doc. 2024–08665, on page 31605, near the bottom of the second column, in the paragraph beginning “The FAA identified the Bangor, ME . . .”, correct the second sentence and add the third sentence to read “Prior to this action, the Bangor VORTAC was in the description of RNAV Route T–295 and remains on the route between the BRNNS, ME Fix and the LAUDS, ME, WP. Additionally, the FAA decided to postpone some of the proposed airway changes to RNAV Route T–295.”

■ 2. In FR Doc. 2024–08665, on page 31606, near the top of the second column, correct the description for Route T–295, to read “T–295: Prior to this final rule, T–295 extended between the POORK, VA, WP and the Presque

Isle, ME (PQI), VOR/DME. The FAA extended T–295 to the southwest between the DUFFI, NC, Fix and the POORK WP; added the DOGWD, VA, WP and the RIPKN, MD, WP to the route. Additionally, the FAA removed the Chester, MA (CTR), VOR/DME from the route’s legal description as those segments contain turns of less than one degree. As amended, the route is changed to now extend between the DUFFI Fix and the Presque Isle VOR/DME.”

■ 3. In FR Doc. 2024–08665, on page 31606, near the bottom of the second column, correct the description for Route T–488 to read “T–488: T–488 is a new route that extends between the Tar River, NC (TYI), VORTAC and the RTBRO, NC, WP. T–488 overlays a portion of VOR Federal Airway V–189 from the Tar River VORTAC and the Wright Brothers, NC (RBX), VOR/DME.”

■ 4. In FR Doc. 2024–08665, on page 31606 correct the table for T–295 DUFFI, NC to Presque Isle, ME (PQI) to read:

T–295 DUFFI, NC to Presque Isle, ME (PQI) [Amended]		
DUFFI, NC	FIX	(Lat. 36°20′57.87″ N, long. 077°47′29.22″ W)
POORK, VA	WP	(Lat. 36°34′11.34″ N, long. 077°35′21.39″ W)
DOGWD, VA	WP	(Lat. 36°45′05.57″ N, long. 077°28′53.38″ W)
HOUKY, VA	WP	(Lat. 37°19′55.98″ N, long. 077°07′57.63″ W)
TAPPA, VA	FIX	(Lat. 37°58′12.66″ N, long. 076°50′40.62″ W)
COLIN, VA	FIX	(Lat. 38°05′59.23″ N, long. 076°39′50.85″ W)
SHLBK, MD	WP	(Lat. 38°20′16.21″ N, long. 076°26′10.51″ W)
LOUIE, MD	WP	(Lat. 38°36′44.33″ N, long. 076°18′04.37″ W)
GRACO, MD	FIX	(Lat. 38°56′29.81″ N, long. 076°11′59.22″ W)
RIPKN, MD	WP	(Lat. 39°10′05.68″ N, long. 076°20′14.13″ W)
BAABS, MD	WP	(Lat. 39°22′01.36″ N, long. 076°27′31.21″ W)
Lancaster, PA (LRP)	VOR/DME	(Lat. 40°07′11.91″ N, long. 076°17′28.66″ W)
Wilkes Barre, PA (LVZ)	VORTAC	(Lat. 41°16′22.08″ N, long. 075°41′22.08″ W)
LAAYK, PA	FIX	(Lat. 41°28′32.64″ N, long. 075°28′57.31″ W)
SAGES, NY	FIX	(Lat. 42°02′46.33″ N, long. 074°19′10.33″ W)
SASHA, MA	FIX	(Lat. 42°07′58.70″ N, long. 073°08′55.39″ W)
KEYNN, NH	WP	(Lat. 42°47′39.99″ N, long. 072°17′30.35″ W)
Concord, NH (CON)	VOR/DME	(Lat. 43°13′11.23″ N, long. 071°34′31.63″ W)
Kennebunk, ME (ENE)	VOR/DME	(Lat. 43°25′32.42″ N, long. 070°36′48.69″ W)
BRNNS, ME	FIX	(Lat. 43°54′08.64″ N, long. 069°56′42.81″ W)
Bangor, ME (BGR)	VORTAC	(Lat. 44°50′30.46″ N, long. 068°52′26.27″ W)
LAUDS, ME	WP	(Lat. 45°25′10.13″ N, long. 068°12′26.96″ W)
HULTN, ME	WP	(Lat. 46°02′22.29″ N, long. 067°50′02.06″ W)
Presque Isle, ME (PQI)	VOR/DME	(Lat. 46°46′27.07″ N, long. 068°05′40.37″ W)

* * * * *

■ 5. In FR Doc. 2024–08665, on page 31606 correct the table for T–480 Greensboro, NC (GSO) to ZOLMN, NC to read:

T–480 Greensboro, NC (GSO) to ZOLMN, NC [New]		
Greensboro, NC (GSO)	VORTAC	(Lat. 36°02′44.49″ N, long. 079°58′34.94″ W)
MCDON, VA	WP	(Lat. 36°40′29.56″ N, long. 079°00′52.03″ W)
MAZON, VA	FIX	(Lat. 36°45′23.24″ N, long. 077°22′02.91″ W)
COUPN, VA	WP	(Lat. 36°42′50.83″ N, long. 077°00′44.04″ W)
Elizabeth City, NC (ECG)	VOR/DME	(Lat. 36°15′27.26″ N, long. 076°10′32.15″ W)
RTBRO, NC	WP	(Lat. 35°55′13.85″ N, long. 075°41′49.05″ W)
ZOLMN, NC	FIX	(Lat. 35°38′42.35″ N, long. 075°24′27.41″ W)

* * * * *

■ 6. In FR Doc. 2024–08665, on page 31606 correct the table for T–488 Tar River NC (TYI) to RTBRO, NC to read:

T–488 Tar River NC (TYI) to RTBRO, NC [New]		
Tar River, NC (TYI)	VORTAC	(Lat. 35°58′36.21″ N, long. 077°42′13.43″ W)
RTBRO, NC	WP	(Lat. 35°55′13.85″ N, long. 075°41′49.05″ W)

* * * * *

Issued in Washington, DC, on May 29, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–12153 Filed 6–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1457; Airspace
Docket No. 24–AWA–1]

RIN 2120–AA66

Amendment of Class C Airspace Description; Manchester Boston Regional Airport, NH

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Manchester Boston Regional Airport (MHT), NH, Class C airspace area description by making editorial changes to the northern shelf boundary of the Class C airspace from using the Manchester, NH (MHT), Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) to use the Manchester Boston Regional Airport, Airport Reference Point (ARP). Additionally, this action makes minor editorial amendments to the airspace description header to follow current formatting guidelines. These changes are editorial only and do not alter the current boundaries, altitudes, Air Traffic Control (ATC) procedures, or operating requirements for the Manchester Boston Regional Airport Class C airspace.

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

ADDRESSES: A copy of 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:

Brian Vidis, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the 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 modifies the National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

History

The Manchester, NH (MHT), VOR/DME is one of the candidate VORs identified for discontinuance by the FAA's VOR Minimum Operational Network (MON) program and listed in the final policy statement notice, "Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network)," published in the **Federal Register** on July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. The FAA is planning to decommission only the VOR portion of the Manchester VOR/DME in September 2024.

The Manchester Regional Boston Airport, NH, Class C airspace area description uses the Manchester VOR/DME to describe the northern shelf boundary of the Class C airspace. To retain the accuracy of the Manchester Regional Boston Airport Class C airspace area, the FAA is removing reference to the Manchester VOR/DME in the northern shelf description and replace it with bearings and distances from the Manchester Boston Regional Airport, ARP.

Incorporation by Reference

Class C airspace designations are published in paragraph 4000 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 7400.11H 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 making editorial changes to the Manchester Regional Boston Airport, NH, Class C airspace description. This action removes references to the Manchester VOR/DME in northern shelf boundary of the Class C airspace and replaces it with bearings and distances from the Manchester Boston Regional Airport, ARP. The Class C airspace boundaries affected by the Manchester VOR/DME will remain unchanged and unaffected by replacing the Manchester VOR/DME references with bearings and distances from the Manchester Boston Regional Airport, ARP.

Additionally, in the description of the ARP for the Boire Field Airport, NH, the city name is removed from the fourth line in the text header leaving just the airport name and state which align with the current formatting standard.

Since this action merely involves minor editorial amendments in the Manchester, NH, Class C airspace area description and does not change the charted boundaries, altitudes, ATC procedures, or operating requirements for the Class C airspace area, notice and public procedure under 5 U.S.C. § 553(b) are unnecessary and contrary to the public interest.

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. 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 only affects air traffic procedures and air navigation, it is certified that this rule, when

promulgated, does 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 amending the Manchester Regional Boston Airport, NH, Class C airspace description, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration 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, signed August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 4000 Class C Airspace.

* * * * *

ANE NH C Manchester, NH

Manchester Boston Regional Airport, NH (Primary Airport)

(Lat. 42°55′58″ N, long. 71°26′09″ W)

Boire Field Airport, NH

(Lat. 42°46′57″ N, long. 71°30′51″ W)

That airspace extending upward from the surface to and including 4,300 feet MSL within a 5-mile radius of the Manchester Boston Regional Airport; including that airspace extending upward from 2,500 feet MSL to and including 4,300 feet MSL within a 10-mile radius of the airport; including that airspace from 1,500 feet MSL between a 5-mile radius and 10-mile radius south of the airport from Interstate 93 clockwise to the eastern edge of the 5-mile radius of Boire Field Airport; including that airspace from 2,000 feet MSL between a 5-mile radius and 10-mile radius north of the airport from a line formed by a point at the 307° bearing from the airport at 5 miles direct to a point at the 311° bearing from the airport at 10 miles clockwise to Interstate 93.

* * * * *

Issued in Washington, DC, on May 29, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–12151 Filed 6–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 240329–0091]

RIN 0648–BJ62

Lake Ontario National Marine Sanctuary; Final Regulations

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule.

SUMMARY: NOAA is issuing final regulations for the designation of the Lake Ontario National Marine Sanctuary (LONMS) in eastern Lake Ontario to recognize the national significance of the area’s historical, archaeological, and cultural resources and to manage this special place as part of the National Marine Sanctuary System. The area encompasses 1,300 nmi² (1,722 mi²) of eastern Lake Ontario waters and borders Wayne, Cayuga, Oswego, and Jefferson counties. NOAA will co-manage LONMS with New York State.

DATES: *Effective Date:* Pursuant to section 304(b) of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1434(b)), the designation and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress, beginning on the date on which this Federal rulemaking is published, which is June 6, 2024, unless the Governor of the State of New York certifies to the Secretary of Commerce during that same review period that the designation or any of its terms is unacceptable, in which case the designation or any unacceptable term shall not take effect. The public can track days of Congressional session at the following website: <https://www.congress.gov/days-in-session>. NOAA will publish an announcement of the effective date of the final regulations in the **Federal Register**.

NOAA is staying the effective date of § 922.223(a)(3), until July 21, 2026. All other regulatory provisions will become effective on the effective date of this final rule.

ADDRESSES: Copies of the final environmental impact statement (FEIS) and management plan described in this rule and the record of decision (ROD) are available at <https://sanctuaries.noaa.gov/lake-ontario/>.

FOR FURTHER INFORMATION CONTACT:

Ellen Brody, 734–741– 2270, ellen.brody@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq.*) authorizes the Secretary of Commerce (Secretary) to designate and protect as national marine sanctuaries areas of the marine environment that are of special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or esthetic qualities. Day-to-day management of national marine sanctuaries has been delegated by the Secretary to NOAA’s Office of National Marine Sanctuaries (ONMS). The primary objective of the NMSA is to protect the resources of the National Marine Sanctuary System.

NOAA is designating the Lake Ontario National Marine Sanctuary (LONMS) in eastern Lake Ontario to recognize the national significance of the area’s historical, archaeological, and cultural resources and to manage this special place as part of the National Marine Sanctuary System. To designate a national marine sanctuary, NOAA will set a boundary to delineate the borders

of the sanctuary; run the site as a part of the National Marine Sanctuary System under the National Marine Sanctuaries Act; establish site-specific regulations to protect underwater cultural and historical resources; and implement a management plan that provides a comprehensive, long-term plan to manage the sanctuary and interpret the significance of the resources and surrounding area to the public. The sanctuary boundary encompasses 1,300 nmi² (1,722 mi²) of eastern Lake Ontario waters and borders Wayne, Cayuga, Oswego, and Jefferson counties. NOAA will co-manage LONMS with New York State.

Eastern Lake Ontario is one of the most historically significant regions in the Great Lakes and the country. Approximately 1,000 years ago, the distinct cultural groups living along the lake shoreline had unified as the Haudenosaunee Confederacy. Portions of the original homelands of the Onondaga Nation, Cayuga Nation, Seneca Nation, and Oneida Nation lie within the boundaries of the sanctuary. This region has been critical to maritime trade for centuries, and it also represents a diverse array of important events in our Nation's history from military conflicts, maritime innovation, and American expansion to the west. During the colonial period, Lake Ontario was a strategic theater of conflict among European powers and the young American republic. Military actions occurred in the region during the French and Indian War, Revolutionary War, and the War of 1812. Later, this region was critical to the development of the American West and the Nation's industrial core. One of the more tangible and identifiable assets of this history were the vessels that plied Lake Ontario's waters. Carrying goods, people, and the community histories of the Great Lakes region, some of these vessels encountered treacherous conditions and sank. The cold, fresh water of the Great Lakes has preserved a number of these shipwrecks along with their historical and cultural context, making them a cornerstone for the protection, study, and interpretation offered by national marine sanctuaries.

LONMS contains 41 known shipwrecks and one known submerged aircraft, including one shipwreck (*St. Peter*) listed on the National Register of Historic Places and another listed as a New York State Submerged Cultural Preserve and Dive Site (*David Mills*). This area may also include approximately 19 additional potential shipwreck sites (shipwrecks which may exist, but additional research is needed to verify and describe them); three

aircraft; and several other underwater archaeological sites, such as remnants of piers, aids to navigation, historic middens, and historic properties that may be of religious and cultural significance to Indigenous Nations and Tribes. At this time, NOAA is unaware of any foreign sovereign shipwrecks located within the sanctuary boundary.

The exceptional archaeological, historical, and recreational value of these assets spans centuries, as demonstrated by the commercial schooner *Washington* that was built in 1797, and U.S. Coast Guard Cable Boat 56022, which was lost under tow in 1977. The sanctuary will also include early American commercial vessels, submerged battlefields from the Seven Years War and War of 1812 (at Oswego and Sackets Harbor, respectively), and stellar examples of innovative technologies in shipbuilding from the last two centuries.

B. Need for Action

The National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq.*) authorizes the Secretary of Commerce (Secretary) to designate new national marine sanctuaries to meet the purposes and policies of the NMSA, including:

- “to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System” (16 U.S.C. 1431(b)(1));
- “to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities” (16 U.S.C. 1431(b)(2)); and
- “to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities” (16 U.S.C. 1431(b)(6)).

The nationally significant underwater cultural and historical resources within the sanctuary require long-term protection and management to reduce threats that adversely affect their historical, cultural, archaeological, recreational, and educational value. For example, many of the shipwrecks in the sanctuary, which have a high level of structural integrity as a result of the preservative properties of the cold, fresh water of Lake Ontario and the great depth at which several of them lie, are threatened by both natural processes and human activities. These threats include wind, waves, currents, storms, and ice; invasive species such as zebra

and quagga mussels, which currently cover many shipwrecks; anchors and grappling hooks from dive boats; poorly attached mooring lines; artifact removal; artifacts being moved within a shipwreck site; and entanglement from remotely operated vehicle tethers and fishing gear.

Accordingly, NOAA is designating this area as a national marine sanctuary to: (1) manage and protect nationally significant underwater cultural and historical resources through a regulatory and nonregulatory framework; (2) document, further locate, and monitor these resources; (3) provide interpretation of their cultural, historical, and educational value to the public; and (4) promote public stewardship and responsible use of these resources for their recreational value.

Establishing a national marine sanctuary in eastern Lake Ontario will: (a) allow NOAA to complement and supplement existing State and Federal efforts to protect underwater cultural and historical resources and actively manage, study, and interpret them for the public; (b) through outreach and communication, recognize and promote this area's nationally significant historical and cultural properties; (c) provide access to NOAA's extended network of scientific expertise and technological resources, enhance ongoing research, and provide an umbrella for the coordination of these activities; (d) create and build upon existing educational initiatives and provide programming and technology for students, teachers, and the general public across the country; (e) enhance and facilitate public stewardship of underwater cultural and historical resources; and (f) bolster broader lake conservation efforts and stimulate maritime heritage-related tourism in the many communities that have embraced their centuries-long relationship with Lake Ontario, the St. Lawrence River, the Great Lakes region, and the Nation.

C. Designation Process

1. Notice of Intent To Designate a National Marine Sanctuary

On January 17, 2017, leaders of four New York counties (Oswego, Jefferson, Cayuga, and Wayne) and the City of Oswego, with support from the Governor of New York, submitted a nomination to NOAA through the Sanctuary Nomination Process (SNP) (79 FR 33851) asking NOAA to consider designating a national marine sanctuary in eastern Lake Ontario waters to protect, and increase awareness of, a nationally significant collection of

submerged maritime heritage resources; build new partnerships for research and education; and promote tourism and economic development opportunities. NOAA completed its review of the nomination and, on March 21, 2017, added the area to the inventory of nominations eligible for designation. All nominations submitted to NOAA can be found at: <https://nominate.noaa.gov/nominations/>. NOAA's decision to initiate a designation is based on a number of factors, including the need for resource protection, community and stakeholder support, and agency capacity. NOAA chose to move forward with designating LONMS because its designation would advance the goals of the National Marine Sanctuaries Act and increase the diversity of national marine sanctuary sites by including historical and cultural resources not represented elsewhere in the National Marine Sanctuary System. NOAA also considered the excellent condition of the resources located within the nominated area.

On April 17, 2019, NOAA began the sanctuary designation process for LONMS by publishing a notice of intent (84 FR 16004, April 17, 2019) to prepare a draft environmental impact statement (DEIS) and to initiate the public scoping process as required by the National Marine Sanctuaries Act (NMSA) and the National Environmental Policy Act (NEPA). The notice of intent also announced NOAA's intent to fulfill its responsibilities under the National Historic Preservation Act (NHPA).

NOAA established a Sanctuary Advisory Council in 2020 to bring members of the local community together to provide advice to NOAA, to serve as a liaison with the nominating community, and to assist in guiding NOAA through the designation process. The council consists of 15 members in the following seats: citizens-at-large, divers/dive clubs/shipwreck explorers, maritime history, education, tourism, economic development, recreational fishing, and shoreline property owners. In addition, representatives of the four counties, the city of Oswego, the U.S. Coast Guard, the Port of Oswego Authority, New York Sea Grant, and New York State are non-voting members.

2. Draft Environmental Impact Statement and Public Comment

In accordance with NEPA (42 U.S.C. 4321 *et seq.*) and the NMSA (16 U.S.C. 1434), NOAA published a DEIS and draft management plan for the national marine sanctuary designation on July 7, 2021 (86 FR 35757). The DEIS (<https://nmssanctuaries.blob.core.windows.net/>

[sanctuaries-prod/media/docs/20210701-proposed-lake-ontario-national-marine-sanctuary-draft-environmental-impact-statement.pdf](https://www.regulations.gov/document/NOAA-NOS-2021-0050-0077)) described the purpose and need for the proposed action, identified a range of alternatives, evaluated the environmental consequences of the proposed designation of a national marine sanctuary, and provided an assessment of resources and uses in the area. NOAA included three alternatives in the DEIS: (1) a "no action" alternative where the area would not become a national marine sanctuary; (2) an alternative that would include 1,349 nm² (1,786 mi²) in eastern Lake Ontario and the Thousand Islands region of the St. Lawrence River; and (3) an alternative that would include 1,300 nmi² (1,724 mi²) in eastern Lake Ontario without the St. Lawrence River. The DEIS also described proposed regulatory concepts and non-regulatory management actions outlined in the draft management plan to identify the tools employed by NOAA to manage the sanctuary, such as research and monitoring, education and outreach, tourism and economic development, sanctuary resource protection, and sanctuary operations. NOAA did not select a preferred alternative in the DEIS.

During the public comment period on the DEIS and draft management plan, NOAA held four virtual public meetings. NOAA received 87 separate comments either through www.regulations.gov, by mail, or during the virtual public meetings. All comments on the DEIS are available at the [Regulations.gov](https://www.regulations.gov) website.¹ NOAA's response to the public comments is set forth in Section IV of this document and Appendix E of the final environmental impact statement, which was made available to the public on April 19, 2024 (89 FR 28771).

3. The Proposed Rule

On January 19, 2023, NOAA published a notice of proposed rulemaking (NPRM) for the sanctuary designation of approximately 1,302 nmi² (1,724 mi²) of eastern Lake Ontario waters (88 FR 3334). NOAA solicited public comment on the proposed rule from January 19, 2023 to March 20, 2023. NOAA accepted comments in the form of letters and written comments through electronic submissions to <http://regulations.gov>, letters submitted by mail, and both in-person and virtual

¹ Public comments are available for review at <https://www.regulations.gov/docket/NOAA-NOS-2021-0050>. The comment period on the DEIS started on July 7, 2021 and ended on September 10, 2021.

public hearings. NOAA received 96 comments during the public comment period on the NPRM. All public comments on the proposed designation are available at <https://www.regulations.gov/document/NOAA-NOS-2021-0050-0077>. NOAA's response to the public comments is set forth in Section IV of this document and Appendix E of the final environmental impact statement, which was made available to the public on April 19, 2024 (89 FR 28771).

II. Changes From Proposed to Final Regulations

Based on public comments received between January and March 2023, internal deliberations, interagency consultations, meetings with constituent groups, and evaluation of this input with the State of New York, NOAA has made the following changes to the proposed rule and corresponding changes to the FEIS and management plan.

A. Sanctuary Boundary

In response to public comments and discussions with New York State, NOAA modified the sanctuary area from 1,724 square miles to 1,722 square miles. The final boundary includes 41 known shipwrecks and one known submerged aircraft; approximately 19 additional potential shipwreck sites; three aircraft; and several other underwater archaeological sites, such as remnants of piers, aids to navigation, and historic properties that may be of religious and cultural significance to Indigenous Nations and Tribes. Specific changes include: revising the known shipwreck number from 43 to 41 due to removing the wreck of the *Congercoal*, which NOAA has been advised is outside of the sanctuary boundary, and the wreck of the *Jefferson*, which is on private property; revising the potential shipwreck site count from 20 to 19 due to the positive identification of the schooner *Napoleon*; moving the eastern edge of the boundary from the Town of Cape Vincent to Tibbetts Point Lighthouse to ensure that no portion of the St. Lawrence River is included within the sanctuary; amending the boundary coordinates and preamble language to clarify that East Bay, Port Bay, Blind Sodus Bay, North Pond, South Colwell Pond, Goose Pond, Floodwood Pond, and Black Pond are not included within the boundaries of the sanctuary; updating the name from "Great Sodus" to "Sodus Bay" and "Little Sodus" to "Little Sodus Bay" in the list of ports and harbors excluded from the sanctuary; adding language to the description of the Low Water Datum

and the 1985 International Great Lakes Datum to clarify that the boundary will reflect any updates to either datum made in the future.

B. Effective Date of the Prohibition on Grappling Into or Anchoring on Shipwreck Sites

As explained above in the **DATES** section of this document, NOAA postpones the effective date for the prohibition on grappling into or anchoring on shipwreck sites until July 21, 2026. The purpose of this postponement is to provide NOAA with adequate time to develop a shipwreck mooring program plan, seek input from the dive community about the mooring buoy plan, begin installing mooring buoys, and develop best practices for accessing shipwrecks when mooring buoys are not present. All other regulations will become effective as described in the **DATES** section above, including the prohibition on altering, destroying, or otherwise injuring any sanctuary resource (including shipwrecks) under 15 CFR 922.223(a)(1). It also continues to be a violation of State law to damage shipwrecks, including damage from anchoring or grappling.

C. Terminology Change in Section 922.227 “Effect on Affected Federally-Recognized Nations and Tribes”

NOAA amended the term in section 922.227 from “federally-recognized Indian Tribes” to “federally-recognized Nations and Tribes” as a result of consultation with the Onondaga Nation, which uses the term “Nation” to reflect their sovereignty. The United States recognized Onondaga as a nation, and as a treaty partner, in its three treaties with the Six Nations in the late 18th century. NOAA does not intend to change the meaning of section 922.227 with this terminology change. Consistent with NOAA’s definition of “Indian tribe” at 15 CFR 922.11, the term “federally-recognized Nations and Tribes” in section 922.227 is intended to refer to an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130.

D. Sunken Military Craft

NOAA has added new text to Section 922.222 (Co-Management) regarding the Sunken Military Craft Act acknowledging that sunken military craft in LONMS will continue to be administered by the respective Secretary concerned pursuant to the Sunken

Military Craft Act. NOAA will enter into a Memorandum of Agreement with the appropriate agencies regarding collaboration on implementing the Sunken Military Craft Act. See Section V.I. for more information.

E. Technical Edits

In addition to the changes discussed above, NOAA has made technical edits throughout this final rule. The majority of these technical edits are necessary to conform with revisions to 15 CFR part 922 that became effective on April 7, 2023 (88 FR 19824), after the proposed rule for LONMS was published in the **Federal Register**.

These technical edits are not substantive.

NOAA has also made two non-substantive changes to the terms of designation that were included in the proposed rule. First, NOAA has removed a sentence from Article IV, Section 1, because it was duplicative of the statement in Article V that the terms of designation may be modified only by the same procedures by which the original designation was made, consistent with Section 304(a)(4) of the NMSA. Second, NOAA has added “Interfering with an investigation in connection with enforcement of the NMSA” to the list of activities subject to regulation in Article IV of the terms of designation to reflect the full scope of activities that are prohibited or otherwise regulated under 15 CFR 922.223(a).

III. Summary of all Final Regulations

A. Adding New Subpart U

NOAA is amending 15 CFR part 922 by adding a new subpart (subpart U) that contains site-specific regulations for the sanctuary. This subpart will include the boundary, contain definitions of common terms used in the new subpart, provide a framework for co-management of the sanctuary, identify prohibited activities and exceptions, and establish procedures for certification of existing uses, permitting otherwise prohibited activities, and emergency regulation procedures.

B. Sanctuary Name

NOAA has decided to name the sanctuary “Lake Ontario National Marine Sanctuary” as originally proposed. NOAA sought public comment on potential names for the sanctuary at each stage of the designation. This decision was based on public comment, on input from the Lake Ontario Sanctuary Advisory Council, and consultation with New York State, Indigenous Nations and Tribes, and local governments.

C. Sanctuary Boundary

NOAA designates 1,300 nmi² (1,722 mi²) of eastern Lake Ontario waters, which border Wayne, Cayuga, Oswego, and Jefferson counties, as Lake Ontario National Marine Sanctuary. The shoreline sanctuary boundary is set at the Low Water Datum (LWD) as defined by the International Great Lakes Datum (IGLD). The LWD is determined by the U.S. Army Corps of Engineers and is the chart datum to which soundings are referenced for NOAA charts in the Great Lakes. The LWD is also well understood internationally because it is a fixed datum for each lake. New York State uses the LWD as the line that delineates public land ownership. The sanctuary boundary will automatically incorporate any changes to the shoreline as defined by the LWD when the datum is updated in the future.

NOAA sets the northern boundary approximately along the U.S. and Canadian border in both Lake Ontario and the entrance to the St. Lawrence River. The western sanctuary boundary is set approximately along the western border of Wayne County. The eastern boundary is a line near the entrance to the St. Lawrence River from approximately the international border between the United States and Canada near Wolfe Island, ON, to the shoreline near Tibbetts Point Lighthouse to the southwest of the town of Cape Vincent, NY. The remainder of the eastern sanctuary boundary, as well as the southern boundary, follows the shoreline around eastern Lake Ontario.

To ensure compatible use with commercial shipping and other activities, NOAA excludes the ports and harbors of Oswego, Pultneyville, Little Sodus Bay, Sodus Bay, and Port Ontario from the sanctuary. NOAA excludes the Federal navigation channel approaches to these harbors, as well as Federal anchorage areas to avoid unintended effects on port operations critical to the local, regional, and national economies. NOAA also excludes privately owned bottomlands from the sanctuary. NOAA is including Sackets Harbor in the sanctuary because of the possible presence of underwater cultural and historical resources at that location.

The boundary of LONMS cuts across the mouths of rivers, streams, creeks, and ponds as it continues along the coastline of the sanctuary, which excludes those water bodies from the sanctuary. This is the case for East Bay, Port Bay, Blind Sodus Bay, North Pond, South Colwell Pond, Goose Pond, Floodwood Pond, and Black Pond. Therefore, these bays and their channels

to the lake will not be included within the boundaries of the sanctuary.

D. Definitions

NOAA is including a site-specific definition of “sanctuary resource” for LONMS, to include only the historical resources found in this area in accordance with the purpose of this designation. The definition does not include biological and ecological resources of the area. Creating this site-specific definition requires NOAA to modify the national definition of “sanctuary resource” in the national regulations at section 922.11 to add an additional sentence that defines the site-specific definition for the sanctuary at section 922.221. This is similar to the approach taken for other national marine sanctuaries, such as Thunder Bay National Marine Sanctuary, that do not use the full national “sanctuary resource” definition. NOAA defines “sanctuary resource” for the purposes of LONMS to mean all historical resources as defined at 15 CFR 922.11, which includes any pre-contact and historic sites, structures, districts, objects, and shipwreck sites within sanctuary boundaries.

NOAA further defines “shipwreck site” for the purposes of LONMS to mean all archaeological and material remains associated with sunken watercraft or aircraft that are historical resources, including associated components, cargo, contents, artifacts, or debris fields that may be exposed or buried within the lake bed.

NOAA also defines “tethered underwater mobile system” for the purposes of LONMS to mean remotely operated vehicles and other systems with onboard propulsion systems that utilize a tether connected to a station-holding (e.g. by anchor, dynamic positioning, or manual vessel operation) surface support vessel.

E. Co-Management of the Sanctuary

To enhance opportunities and build on existing protections, NOAA and New York State will collaboratively manage the sanctuary. NOAA establishes the framework for co-management in section 922.222 and will develop a Memorandum of Agreement (MOA) with the State to establish further details of co-management. NOAA and the State may develop additional agreements as necessary that would provide details on the execution of sanctuary management, such as activities, programs, and permitting programs, that can also be updated to adapt to changing conditions or threats to the sanctuary resources. Any proposed changes to sanctuary regulations or boundaries will be jointly

coordinated with the State and subject to public review as mandated by the NMSA and other Federal statutes.

Sunken military craft in LONMS will continue to be administered by the respective Secretary concerned pursuant to the Sunken Military Craft Act. NOAA will develop an MOA with the appropriate agencies regarding collaboration on implementing the Sunken Military Craft Act. The ONMS Director will request approval from the respective Secretary concerned for any terms and conditions of ONMS authorizations that may involve sunken military craft in LONMS.

Additionally, NOAA recognizes that designation of a national marine sanctuary will lead to subsequent activities that may be subject to review under section 106 of the National Historic Preservation Act. Therefore, NOAA is pursuing execution of a Programmatic Agreement (PA) pursuant to 36 CFR 800.14(b). The PA would provide a framework for consideration of future undertakings resulting from management of the sanctuary. NOAA is developing this agreement in consultation with the New York State Historic Preservation Officer, the Advisory Council on Historic Preservation, federally-recognized Nations and Tribes, and other consulting parties.

F. Prohibited and Regulated Activities

NOAA will supplement and complement existing management of this area by implementing the following regulations in section 922.223 to protect sanctuary resources.

1. Prohibition on Damaging or Altering Sanctuary Resources

As a complement to existing protections under State laws and Federal laws, the regulations for LONMS prohibit moving, removing, recovering, altering, destroying, possessing or otherwise injuring, or attempting to move, remove, recover, alter, destroy, possess or otherwise injure a sanctuary resource. This prohibition aims to reduce the risk of direct harm to sanctuary resources. The terms “moving” and “altering” include any changes to the position or state of sanctuary resources, as well as covering, uncovering, moving, or taking sanctuary resources, even if the resources are not located on or near a shipwreck. This sanctuary prohibition will supplement section 233 of the New York State Education Law which makes it unlawful for any person to “investigate, excavate, remove, injure, appropriate or destroy any object of archaeological, historical, cultural, social, scientific or

paleontological interest situated on, in or under lands owned by the State of New York without written permission of the commissioner of education.” NY Educ L § 233.4. This State regulation currently applies in U.S. waters of Lake Ontario and will continue to apply to such objects in these waters.

2. Prohibition on Possessing, Selling, Offering for Sale, Purchasing, Importing, Exporting, Exchanging, Delivering, Carrying, Transporting, or Shipping by Any Means Any Sanctuary Resource Within or Outside of the Sanctuary

This prohibition is intended to deter looting of sanctuary resources and to further the policy of *in situ* preservation of these resources. As noted, the listed activities will be prohibited both within and outside of the sanctuary. This prohibition does not apply to artifacts or other historical resources collected before the effective date of sanctuary designation.

3. Prohibition on Grappling Into or Anchoring on Shipwreck Sites

The regulations for LONMS prohibit the use of grappling hooks and anchoring devices into or on shipwreck sites, to protect fragile shipwrecks and aircraft within the sanctuary from damage. To help vessels avoid anchoring on known shipwrecks sites, NOAA intends to publish known shipwreck site coordinates on the LONMS website (<https://sanctuaries.noaa.gov/lake-ontario>). However, in accordance with section 304 of the National Historic Preservation Act, NOAA would withhold from public disclosure information about the location, character, or ownership of a historic property if NOAA, in consultation with the Secretary of the Interior, determined that disclosure may risk harm to the historic property. NOAA will also coordinate with the New York State Historic Preservation Officer in making such a determination. Shipwreck sites for which NOAA does not publish coordinates remain, nevertheless, as sanctuary resources, and this prohibition on grappling into or anchoring on shipwreck sites will still apply. The management plan includes surveying the sanctuary area to identify additional shipwreck sites. As appropriate, and in consideration of resource management conflicts, NOAA intends to update its website as new shipwreck sites are found by the sanctuary or other public or private groups and individuals. As NOAA seeks to promote public access while also ensuring sound resource protection, an initial focus of the sanctuary management plan will be the

installation of mooring systems at select sanctuary shipwreck sites. Moorings provide a secure and convenient anchoring point for users, which eliminates the practice of grappling into a shipwreck to access the site. NOAA also intends to publish guidelines on best practices for anchoring near shipwreck sites to avoid injuring sanctuary resources. For example, NOAA intends to publish instructions for the public on how to use a weighted line and surface float at sites without moorings to mark a wreck for divers to descend and ascend. This weighted line would not be used as an anchoring line, and it would need to be continuously tended and then completely removed before the dive boat leaves the area.

NOAA is delaying the effective date for the prohibition on grappling into or anchoring on shipwreck sites for two years beyond the effective date of the sanctuary designation. The purpose of this delay is to provide NOAA with adequate time to develop a shipwreck mooring program in consultation with the dive community and State and Federal agencies; begin installing moorings at high priority shipwreck sites; and publish site plans and best practices for accessing shipwreck sites with and without moorings. All other regulatory provisions will become effective on the effective date of the sanctuary designation that is implemented by this final rule, including the prohibition on altering, destroying, or otherwise injuring any sanctuary resource (including shipwrecks) under 15 CFR 922.223(a)(1). It continues to be a violation of State law to damage shipwrecks, including damage from anchoring or grappling.

4. Prohibition on Use of Tethered Underwater Mobile Systems at Shipwreck Sites

Tethered underwater mobile systems, such as remotely operated vehicles (ROVs), are widely used in underwater survey and site exploration activities, as they enable access to underwater cultural and historical resources at depths beyond recreational and technical diving limits. As tethered instrument use has continued to increase in the scientific, commercial, and recreational user communities, there is a heightened threat of damage to underwater cultural resources by these systems. Tethered systems present three distinct threats to shipwreck sites: intentional site disturbance, incidental site disturbance, and site pollution. Intentional disturbance includes the intentional recovery of sanctuary resources from a wreck site, which may

range from minor alterations to large-scale recovery. Incidental disturbance occurs when, for example, a tethered system makes contact with the wreck or the instrument tether gets entangled on protruding portions of a wreck, such as the mast. Under these circumstances, disentanglement or attempted disentanglement of snagged instruments can displace or damage the wreck. The impact from such activities can result in severe damage to artifact assemblages and the structural integrity of a site. This risk is particularly concerning in LONMS, where a large number of wrecks have intact masts and high site integrity. Finally, if the instrument cannot be disentangled, cutting the tether line pollutes the site with abandoned equipment.

Therefore, the regulations for LONMS prohibit deploying a tethered underwater mobile system at shipwreck sites. The provision complements New York State's prohibition on damaging cultural resources by proactively deterring damage, disturbance, and pollution of these nationally significant sites from tethered systems. Because New York State does not proactively manage or protect shipwrecks in Lake Ontario, it also does not regulate the use of tethered systems at shipwreck sites, which, as described above, pose a threat to these resources. New York State's existing program focuses on permitting for terrestrial resources, rather than underwater cultural and historical resources. As a result, New York State has limited staff expertise regarding maritime archaeology that could inform whether an application for the permitted use of a tethered system is consistent with the preservation of these underwater cultural and historical resources.

The prohibition on operating tethered systems at shipwreck sites does not apply to any activity conducted in accordance with the scope, purpose, terms, and conditions of a permit issued by NOAA, including special use permits pursuant to section 310 of the NMSA. Users may apply for a permit to operate tethered underwater mobile systems at shipwreck sites within the sanctuary. NOAA will review project proposals against the permit criteria outlined in part 922, subpart D and the permit conditions specific to LONMS to determine whether permitting the proposed operation is consistent and compatible with the purposes of sanctuary designation.

Permits issued by New York State relative to the State prohibition are intended to serve the purposes of the New York State Museum by ensuring the appropriate acquisition of cultural

and historical objects for the State Museum's archiving purposes. Permits issued by NOAA serve a distinct, yet complementary, purpose of ensuring the permitted activity is consistent and compatible with the purposes for which the sanctuary is designated.

Furthermore, because NOAA's prohibition makes it unlawful for any person to deploy a tethered underwater mobile system at a shipwreck site without a NOAA permit, authorized officers can target and investigate the unauthorized use of such systems at shipwreck sites before harm occurs. By contrast, the existing New York prohibition is ambiguous in its application prior to direct injury to cultural resources, and this ambiguity could complicate and potentially compromise similar proactive enforcement measures relying on this provision of New York State law. For more information about NOAA permits please see section 8 below.

NOAA does not intend for this prohibition to apply to autonomous underwater vehicles or towed systems, such as side-scan sonar, magnetometers, survey trawls, or other survey instruments that are pulled behind a vessel via a tow cable. Towed systems are typically operated high above the lakebed to avoid snagging on objects, so they do not present the same level of entanglement threat to shipwrecks as tethered underwater mobile systems. However, should an autonomous underwater vehicle, towed system, or any similar operation alter, destroy, cause the loss of, or otherwise injure any sanctuary resource managed within LONMS, any and all responsible persons are still subject to civil liability under NMSA and its implementing regulations.

5. Prohibition on Interfering With Investigations

The regulations for LONMS prohibit interfering with sanctuary enforcement activities. This regulation will assist in NOAA's enforcement of the sanctuary regulations and strengthen sanctuary management.

6. Exemption for Emergencies and Law Enforcement

The prohibitions for the sanctuary do not apply to any activity necessary to respond to emergencies that threaten lives, property, or the environment, or activities that are necessary for law enforcement purposes.

G. Emergency Regulations

The regulations for LONMS include the authority for NOAA to issue emergency regulations in the sanctuary.

Emergency regulations are used in limited cases and under specific conditions when there is an imminent risk to sanctuary resources and where a temporary prohibition would prevent the destruction or loss of those resources. An emergency regulation will not take effect without the approval of the Governor of New York or her/his designee or designated agency. NOAA may only issue emergency regulations that address an imminent risk for a fixed amount of time with a maximum of 6 months that can be extended one time for no more than 6 months. NOAA must go through a full rulemaking process to consider making an emergency regulation a permanent regulation, which would include a public comment period.

This final rule adds LONMS to the list of sanctuaries that have site-specific regulations related to emergency regulations at 922.7 and also includes detailed site-specific regulations regarding emergency regulations at section 922.224.

H. Treaty Rights

The exercise of treaty rights, reserved rights, or similar rights for federally-recognized Nations and Tribes, including the Haudenosaunee Confederacy, and their citizens is not modified, altered, or in any way affected by these regulations. The Director shall consult with the governing body of each Nation or Tribe protected by the 1794 Treaty of Canandaigua regarding any matter which might affect the ability of their citizens to participate in activities protected by this treaty in the sanctuary. Please see section III.E “Executive Order 13175” of this document for information about how NOAA has engaged with Nations and Tribes through the sanctuary designation process.

I. General Permits, Certifications, Authorizations, and Special Use Permits

1. General Permits

The regulations for LONMS include the authority for NOAA to issue permits to allow certain activities that would otherwise violate the prohibitions listed and described above.² Similar to other national marine sanctuaries, NOAA may issue general permits for the purposes of education, research, or management. In order for an activity to be considered for

a general permit, it must also further the goals of the national marine sanctuary and meet regulatory permit review criteria. The Director may subject a general permit to specific terms and conditions as they deem appropriate. For example, a research institution may request to conduct limited archaeological testing at a shipwreck site that involves taking a sample for the purpose of dating the site. This activity would violate the prohibition on damaging or altering a sanctuary resource and would therefore require the issuance of a general permit to allow the activity for the purposes of education, research, or management. NOAA would evaluate the request and consider the inclusion of permit terms and conditions to ensure the activities are conducted by qualified professionals and to proper archaeological standards, as well as to further ensure that the activity is meeting the appropriate purpose of education, research, or management of the resource.

To address the above additions to the NOAA general permit authority for LONMS, NOAA amends the regulatory text in the program-wide regulations in part 922, subpart D, to add references to subpart U, as appropriate.

2. Certifications

Pre-existing activities conducted pursuant to a valid lease, permit, license, or right of subsistence use or of access might be occurring within the LONMS area on the date of sanctuary designation that would otherwise be prohibited by sanctuary regulations. NOAA adds section 922.226, which describes the process by which it may certify a valid lease, permit, license, or right of subsistence use or of access within the sanctuary boundaries. In compliance with the NMSA, the regulations at section 922.226 state that certification is the process by which permitted activities existing prior to the designation of the sanctuary that violate sanctuary prohibitions may be allowed to continue. NOAA may, however, further regulate the exercise of those permitted activities consistent with the goals of the sanctuary by applying additional terms and conditions to the certification. Requests for certifying permitted existing uses must be received by NOAA within 90 days of the effective date of the designation.

3. Authorizations

The regulations for LONMS include the authority for NOAA to consider allowing an activity otherwise prohibited by section 922.223 within the sanctuary if such activity is specifically authorized by any valid

Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of sanctuary designation. NOAA also has the authority to add terms and conditions to authorizations to ensure that activities conducted within the sanctuary are carried out in a manner that is consistent with the purposes for which the sanctuary was designated. As such, NOAA amends the regulatory text at section 922.36 to add reference to subpart U.

4. Special Use Permits

NOAA has the authority under the NMSA to issue special use permits (SUPs) at national marine sanctuaries, as established by section 310 of the NMSA. SUPs can be used to authorize specific activities in a sanctuary if such authorization is necessary to establish conditions of access to, and use of, any sanctuary resource or to promote public use and understanding of a sanctuary resource. The NMSA requires SUPs to contain four specific conditions (16 U.S.C. 1441(c)): (1) activities must be compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources; (2) activities carried out under the permit must be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; (3) permittees are required to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims; and (4) SUPs shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary. As is the case with general permits, NOAA can place additional conditions on SUPs specific to the activity being permitted. The activities that qualify for a SUP are set forth in the **Federal Register** (78 FR 25957 (May 3, 2013); 82 FR 42298 (Sept. 7, 2017)). Categories of SUPs may be changed or added to through public notice and comment.

NOAA is creating a new SUP category for “the operation of tethered underwater mobile systems at shipwreck sites in Lake Ontario National Marine Sanctuary” to apply when the proposed activity does not qualify for a general permit or authorization, as described above, and the proposed activity otherwise satisfies the requirements in the applicable sanctuary regulations and section 310 of the NMSA.³ NOAA determined that

² A NOAA permit does not relieve a permittee of responsibility to comply with all other Federal, State and local laws and regulations, and the permit is not valid until all other necessary permits, authorizations, and approvals are obtained. A permittee must, at all times, comply with the terms and conditions of the permit. As co-managers, NOAA will coordinate the issuance of permits with New York State.

³ A NOAA permit does not relieve a permittee of responsibility to comply with all other Federal,

after appropriate environmental review and application of terms and conditions, operating tethered underwater mobile systems at shipwreck sites can occur without injuring sanctuary resources. Upon receiving an SUP application, NOAA will coordinate with the New York State Historic Preservation Officer to consider terms and conditions that prevent harm to sanctuary resources. Such terms and conditions will generally address potential impacts such as tether management and entanglement mitigation, as well as avoidance of site pollution. While the NMSA allows NOAA to assess and collect fees for the conduct of any activity under an SUP, it also allows NOAA to waive or reduce fees for activities that do not derive profit from the access or use of sanctuary resources. NOAA will waive the associated fee for issuing an SUP for operating tethered underwater mobile systems at shipwreck sites within LONMS when non-commercial operators do not derive profits from their use of the sanctuary or when the operators further the sanctuary's objectives (e.g., educating the public about the sanctuary or contributing to the sanctuary's research goals).

J. Other Conforming Amendments

NOAA is amending the general regulations in part 922, subpart A and part 922 subpart D so that the regulations are accurate and up-to-date. The modified sections to conform to adding a new sanctuary are:

- Section 922.1 Purposes and applicability of the regulations
- Section 922.4 Boundaries
- Section 922.6 Prohibited or otherwise regulated activities
- Section 922.7 Emergency regulations
- Section 922.11 Definitions
- Section 922.30 National Marine Sanctuary general permits
- Section 922.36 National Marine Sanctuary authorizations

K. Terms of Designation

Section 304(a)(4) of the National Marine Sanctuaries Act (NMSA) requires that the terms of designation include the geographic area included within the sanctuary; the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or aesthetic value;

and the types of activities that will be subject to regulation by the Secretary of Commerce to protect these characteristics. Section 304(a)(4) also specifies that the terms of designation may be modified only by the same procedures by which the original designation was made.

With this rulemaking, NOAA establishes the terms of designation that describe the geographic area, resources, and activities as described in details above. NOAA will add the terms of designation language for LONMS as appendix B to the regulations at 15 CFR part 922, subpart U.

IV. Response to Comments

NOAA consolidated public comments from the DEIS and NPRM and collectively responds to those comments here and in Appendix E of the FEIS. For the purposes of managing responses to public comments, NOAA grouped similar comments by theme. These themes align with the content of the proposed rule and environmental impact statement that identified the purposes and needs for a national marine sanctuary, and the draft management plan that identified the proposed non-regulatory programs and sanctuary operations. They are summarized below, followed by NOAA's response.

Support and Opposition of the National Marine Sanctuary

1. *Comment:* Commenters cited several reasons for supporting sanctuary designation, including: long-term protection for nationally significant shipwrecks; increased accessibility to these shipwrecks; additional recreational opportunities; potential for national recognition of the area to support local tourism and economies; Federal resources to support research on shipwrecks; establishing a mooring program; and potential educational opportunities for students to study cultural and biological resources in the lake. Local, State, and governments and organizations also expressed strong support of the sanctuary, offering opportunities to partner for education, research, outreach, and other activities. New York State agencies expressed commitment to be key partners in co-management and implementation of the national marine sanctuary.

Response: NOAA agrees that these are some of the main benefits of designating LONMS. NOAA has considered these comments in writing the FEIS, management plan, and final rule. The management plan identifies actions to support these goals.

2. *Comment:* NOAA received comments that opposed designating a sanctuary, citing reasons including: enough State and Federal protections for sensitive historic underwater resources already exist; concern that there is not enough public interest in local shipwrecks; most of the wrecks have already been found by private explorers and, thus, NOAA research is not needed; and the level of economic development would not be high enough to justify the creation of a national marine sanctuary.

Response: NOAA determined that this action responds to the need to provide additional protection and management of nationally significant underwater cultural and historical resources in eastern Lake Ontario. NOAA determined the current jurisdictional regime does not provide comprehensive and effective management for the full range of activities that impact the underwater cultural and historical resources in the region. Chapter 2 of the FEIS describes the purpose and need for this sanctuary. The LONMS Management Plan describes a wide variety of activities that will be implemented if this is designated a national marine sanctuary.

3. *Comment:* Some commenters expressed conditional support for a sanctuary as long as legal fishing, hunting, and fur trapping activities are not limited by the sanctuary.

Response: NOAA's goal of establishing a national marine sanctuary in eastern Lake Ontario is to comprehensively manage the underwater cultural resources in the area. NOAA's regulations will not limit legal fishing, hunting, or fur trapping within the boundaries of the sanctuary, as long as those activities do not damage or disturb sanctuary resources.

4. *Comment:* NOAA received a few comments questioning why the sanctuary should be established if there are only a few diveable shipwrecks in the proposed boundaries.

Response: As demonstrated across the National Marine Sanctuary System, the public will benefit both from activities occurring within the LONMS and activities occurring on land. People will be able to enjoy the sanctuary through diving, kayaking, boating, and snorkeling, as well as through museums, interpretive displays, websites, formal and informal educational programs, enhanced tourism opportunities, multidisciplinary research opportunities, and other unique sanctuary-related partnerships and activities. The LONMS Management Plan outlines priorities in these areas for the first five years of the sanctuary's

State and local laws and regulations, and the permit is not valid until all other necessary permits, authorizations, and approvals are obtained. A permittee must, at all times, comply with the terms and conditions of the permit. As co-managers, NOAA will coordinate the issuance of permits with New York State.

operation with the goal of providing benefits to a broad range of public uses and users.

5. *Comment:* NOAA received a few comments stating that Federal funding of a national marine sanctuary would be a waste of Federal funds.

Response: NOAA has determined this action responds to the need and opportunity to provide additional protection and management of nationally significant underwater cultural and historical resources in eastern Lake Ontario. NOAA has received consistent support for this sanctuary designation from the local communities and New York State. NOAA prepared a draft management plan with significant input from the Lake Ontario Sanctuary Advisory Council, who are local community members. NOAA describes the benefits of this sanctuary in Chapter 2 of the FEIS and will spend Federal funds prudently to accomplish the goals of the sanctuary.

6. *Comment:* NOAA received a comment questioning whether NOAA has the ability to enforce sanctuary regulations in such a large area.

Response: Law enforcement authorities within NOAA and the State of New York will coordinate to ensure that sanctuary regulations are enforced. NOAA and New York State intend to examine their existing joint enforcement agreement to consider opportunities for State personnel to assist in the enforcement of national marine sanctuary regulations. NOAA also intends to coordinate with the U.S. Coast Guard to ensure compliance with the NMSA and sanctuary regulations.

7. *Comment:* One commenter expressed concern about advertising the area to scuba divers when several of the wrecks in the sanctuary lie outside of recreational dive limits (over 130 feet of water). Commenters were also concerned about safety issues arising from increased diving activity in the St. Lawrence River if it was included in the sanctuary, due to the proximity of several of the wrecks to shipping channels.

Response: NOAA notes that it is safest for divers to only dive within the scope of an individual's personal training, experience, and comfort level. While it is true that a number of shipwrecks within the boundaries lie in over 130 feet of water and are only accessible to technical divers, there are also several sites that lie in shallower waters and are more easily accessible to recreational divers. The LONMS Management Plan includes actions that support these goals. NOAA will prioritize placing mooring buoys at these popular dive

sites in the sanctuary to provide safer access to the wrecks, as well as to reduce ongoing impacts to those sites from visitor traffic (Strategy RP-1 in the LONMS Management Plan). NOAA does not plan on installing mooring buoys at all shipwreck sites, nor encouraging diving at all sites. When evaluating sites for mooring buoys, NOAA will consider the impact to the shipwreck, the safety conditions of accessing the site, the depth of the site, and the cost of installing and maintaining the buoy. NOAA will also publish shipwreck site plans to aid divers in planning their dives. NOAA has a strong track record of working with local dive shops to educate business owners and their clients about safe diving practices for both human safety and protection of dive sites. NOAA will also work with local emergency responders to ensure they are prepared for responding to dive emergencies. Finally, the LONMS boundaries will not include the St. Lawrence River.

8. *Comment:* NOAA received a comment expressing concern that improving access to shipwrecks for scuba divers would increase the degradation of the resources that NOAA is trying to protect.

Response: It is the responsibility of and highest priority for NOAA to protect the integrity of sanctuary resources. NOAA will utilize a range of management actions to ensure that sanctuary resources are not degraded as a result of a sanctuary designation. These actions include implementing regulations tailored to protect sanctuary resources from disturbance; installing a network of mooring buoys that provide safe ascent lines for divers and eliminates the practice of anchoring or grappling into shipwrecks to access the site; publishing and distributing site plans and best practices for wreck diving; and increasing the enforcement presence in the area. In order to assess changes to the resource's stability over time, NOAA will develop and implement a monitoring program for underwater cultural resources in the sanctuary. NOAA can also protect sensitive sites and newly discovered sites by withholding the coordinates of shipwrecks that it believes are sensitive or need evaluation and documentation.

NOAA believes that increasing public access and tourism to shipwreck sites is an important way to foster awareness, appreciation, and, ultimately, the protection of these special places. While NOAA expects tourism, including dive tourism, to increase in Lake Ontario after sanctuary designation, we do not anticipate a major increase in diving due to the great depth of many of the

wrecks and the somewhat low level of diving activity in the Great Lakes in general. As discussed above, implementing the sanctuary regulations, mooring program, permitting system, and increasing enforcement in the sanctuary will minimize any direct impacts to the shipwrecks. Similarly, the final management plan includes education and outreach efforts that will promote responsible diving practices and increase public appreciation and stewardship of these sanctuary resources. Overall, NOAA determined that any adverse impacts on underwater cultural resources from designating the sanctuary would be negligible (refer to Sections 5.3.1 and 5.4.1 of the FEIS for more information).

Sanctuary Boundary

9. *Comment:* NOAA received several comments on the two boundary alternatives in the draft environmental impact statement and on the proposed boundary in the NPRM. With regard to the size of the boundary, NOAA received several comments supporting inclusion of the Thousand Islands Region of the St. Lawrence River in the sanctuary's boundary. NOAA also received several comments that were opposed to the inclusion of this area of the St. Lawrence River. In raising concerns about the St. Lawrence River, some commenters noted that sanctuary designation could potentially lead to an increased number of divers and other recreational users in the St. Lawrence Seaway shipping channel, which they believed could present safety and navigational challenges. Commenters noted that the St. Lawrence River is managed jointly with Canada, has high shipping traffic in narrow shipping channels, has unpredictable weather, and has several islands and other obstacles in the river that present navigational challenges. Commenters were also concerned that if NOAA were to install surface mooring buoys in navigation channels this would create a navigation hazard for vessels.

Response: After evaluating public comments, NOAA did not include the St. Lawrence River segment within the sanctuary boundary. After considering public comments, NOAA has made a minor change to the eastward end of the sanctuary boundary by moving the boundary from Market Street in Cape Vincent to Tibbetts Point Lighthouse to ensure the sanctuary will not be in the St. Lawrence River. As the St. Lawrence River is critical to the maritime history of the area, NOAA will still include the story of the area in its interpretive materials and work with partners in this area. In addition, NOAA added *Strategy*

RP-6: Evaluate opportunities to consider future sanctuary expansion to include the Thousand Islands region of the St. Lawrence River to the management plan, as there was considerable support for this area being included in the boundary.

10. Comment: NOAA received several comments asking NOAA to clarify which ports, harbors, and marinas are excluded from the sanctuary.

Response: NOAA is excluding the ports and harbors of Oswego, Pultneyville, Little Sodus Bay, Sodus Bay, and Port Ontario from the sanctuary boundary to ensure compatible use with commercial shipping and other activities, such as maintenance dredging. NOAA will also exclude privately owned bottomlands from the sanctuary. NOAA is including Sackets Harbor in the sanctuary because of the possible presence of underwater cultural and historical resources at that location.

In addition, the boundary of LONMS cuts across the mouths of rivers, streams, creeks, and ponds as it continues along the coastline of the sanctuary, which excludes those water bodies from the sanctuary. This is the case for East Bay, Port Bay, Blind Sodus Bay, North Pond, South Colwell Pond, Goose Pond, Floodwood Pond, and Black Pond. Therefore, these bays and their channels to the lake will not be included within the boundaries of the sanctuary. Please refer to Section III C. for more information.

11. Comment: NOAA received two comments seeking clarification of which water level datum will be used for the shoreline and how the shoreline boundary will be affected by fluctuating water levels.

Response: For the Lake Ontario shoreline, NOAA will set the shoreline sanctuary boundary at the Low Water Datum (LWD). The LWD is determined by the U.S. Army Corps of Engineers and is the chart datum to which soundings are referenced for NOAA charts in the Great Lakes. The LWD is also well understood internationally because it is a fixed datum for each lake relative to the International Great Lakes Datum. The sanctuary shoreline boundary will therefore automatically reflect any changes to either the Low Water Datum or the International Great Lakes Datum. As the LWD is set at a fixed elevation, the sanctuary boundary line is not affected by water levels in the lake.

12. Comment: NOAA received a few comments that certain areas important to commercial shipping, including current and future Federal anchorage

areas, Recommended Courses,⁴ and current and future dredged material disposal areas, should be excluded from the sanctuary. NOAA received one question about how sanctuary designation would affect Port Bay, New York's status as a safe harbor.

Response: NOAA will exclude the Federal navigation channel approaches and Federal anchorage area from the sanctuary to avoid unintended effects on port operations critical to the local, regional, and national economies. While NOAA initially excluded open lake dredged material disposal areas in the DEIS, after further internal analysis and consultations with the U.S. Army Corps of Engineers and New York State, NOAA is not excluding open lake dredged material disposal areas from the sanctuary boundary. Excluding these areas would create unwanted "holes" in the sanctuary boundary, which can create confusion for the public about the exact location of sanctuary boundaries. In addition, there is one active open lake dredged material disposal area in the sanctuary boundary, off the Port of Oswego, which has been in use since the late 1980s. The New York State Historic Preservation Officer verified that there are no known underwater cultural resources in that area. Therefore, dredged material disposal could continue in that area without violating NOAA's prohibitions, and sanctuary designation will not affect management of that area. NOAA will also have the authority to certify existing leases, permits, licenses, or rights of subsistence use or access in existence on the date of designation of the sanctuary. Therefore, existing dredged material disposal activities may be certified upon sanctuary designation if properly requested by the holder of the lease, permit, license, or right of subsistence use or access in question, if such activities would otherwise be in violation of sanctuary regulations. NOAA cannot exclude future dredged material disposal areas from the physical boundaries of the sanctuary, as they do not exist at this time.

NOAA has decided not to exclude Recommended Courses from the sanctuary, because they are voluntary courses and neither normal nor emergency transit activities occurring in these routes are expected to violate sanctuary prohibitions. NOAA will consider Recommended Courses when determining where to place mooring buoys and to ensure that any diving activity would be conducted at a safe

distance from these courses. NOAA will exclude the existing Federal anchorage area from the sanctuary boundary (Tibbetts Point Anchorage Area). NOAA is not responsible for establishing new Federal anchorage areas and has not excluded a Federal anchorage area off of the Port of Oswego as suggested, as none exist at this time. Port Bay's status as a Safe Harbor would not be affected by the sanctuary designation.

Definitions and Scope of Regulations

13. Comment: NOAA received one comment supporting NOAA's proposal to require users to obtain a special use permit from NOAA to operate tethered underwater mobile systems at shipwreck sites. One commenter stated that operating tethered underwater mobile systems do not pose a threat to shipwreck sites in Lake Ontario.

Response: NOAA is moving forward with requiring operators to obtain a permit to operate tethered underwater mobile systems at shipwreck sites. A new special use permit category for "the operation of tethered underwater mobile systems at shipwreck sites within Lake Ontario National Marine Sanctuary" could apply when the proposed activity does not qualify for a general permit or authorization under the LONMS regulations, and the proposed activity otherwise satisfies the requirements in the applicable sanctuary regulations and section 310 of the NMSA. NOAA disagrees that remotely operated vehicle tethers do not pose a threat to shipwrecks. NOAA has included additional language in Section III E.4. to explain why tethered vehicles pose several threats to shipwreck sites, including intentional site disturbance, incidental site disturbance, and site pollution. The impact from such activities can result in damage to artifact assemblages and the structural integrity of a site. This risk is particularly concerning in the sanctuary area, as a large number of shipwrecks have intact masts and high site integrity.

14. Comment: NOAA received a few comments suggesting that the proposed NOAA regulations are duplicative of New York State's regulations that protect underwater cultural and historical resources.

Response: NOAA's prohibition on damage to underwater cultural and historical resources will complement and supplement the State's prohibition by adding an additional layer of Federal protection for those resources. Section 233(4) of New York's Education Law focuses on the New York State Museum and its collections procedures, and it authorizes the issuance of permits to excavate and gather cultural and

⁴ <https://lccaships.com/wp-content/uploads/2022/02/LCA-CMC-Recommended-Courses-Rev.-to-December-2021.pdf>.

historical objects upon the authorization of the New York State commissioner of education. This State law is aimed at ensuring the appropriate acquisition of cultural and historical objects for the State Museum's archiving purposes, while NOAA's regulation is intended to preserve *in situ* historic and culturally significant areas within the marine environment. In addition, the New York Education Law does not include equivalent programs to NOAA's for underwater archaeological research, education, interpretation, and enforcement, and NOAA's other regulations are designed to specifically address identified threats to underwater cultural and historical resources within LONMS. National marine sanctuary designation allows NOAA to utilize its Federal assets and enforcement capabilities to actively manage, protect, and interpret underwater cultural and historical resources in Lake Ontario. Refer to FEIS Appendix C: Analysis of Relevant Federal and State Statutes for more information on how the regulations complement and supplement State and Federal regulations and fill legal gaps.

15. Comment: NOAA received one comment that stated that the definition of "sanctuary resource" in the proposed rule was too broad and suggested that NOAA should use the programmatic definition of sanctuary resource under 15 CFR 922.11. The commenter said that by including the word "object" in the definition, that anything could be included, even on the shore. Another comment on the DEIS stated that it was unclear what NOAA was using for the definition of "shipwreck."

Response: In the DEIS, NOAA proposed regulatory concepts, including suggested definitions. In the NPRM, NOAA used those concepts and created proposed regulatory definitions in the LONMS regulations for "sanctuary resource" and "shipwreck site" to include only the historical resources found in this area in accordance with the purpose of this designation. This definition of sanctuary resource does not include biological and ecological resources. For the purposes of LONMS, "sanctuary resource" means all historical resources as defined at 15 CFR 922.11, which includes any pre-contact and historic sites, structures, districts, objects, and shipwreck sites within the sanctuary's boundaries. NOAA's definition refers back to the programmatic definition of "historical resource" in 15 CFR 922.11, which does include the word "object", but only objects that possess historical, cultural, archaeological or paleontological significance are included in this

definition. The NPRM also proposed defining "shipwreck site" to mean all archaeological and material remains associated with sunken watercraft or aircraft that are historical resources, including associated components, cargo, contents, artifacts, or debris fields that may be exposed or buried within the lake bed. NOAA believes its definition is clear, and did not receive additional comments on the definition of "shipwreck site" after the NPRM was published. Therefore, NOAA is moving forward with this definition in this final rule. These definitions only apply to resources within the LONMS sanctuary boundaries, which start below the low water datum on the shoreline.

16. Comment: NOAA received several comments that the prohibition on anchoring could be problematic for commercial vessels and that NOAA should publish both the known and potential locations of shipwreck sites. A related comment noted that if the no-anchoring prohibition extends to undiscovered shipwrecks, shippers might not be able to avoid anchoring on a shipwreck if they do not know where it is. Therefore, all locations, known or approximated, should be published by NOAA in a format accessible and useful to all mariners.

Response: Anchoring within the sanctuary is not prohibited in LONMS. However, grappling into or anchoring on a shipwreck site is prohibited. NOAA has narrowly worded this regulation to protect historic shipwrecks and aircraft from anchor damage, while still allowing anchoring inside of the sanctuary and outside of these discrete areas. The prohibition does not apply to any activity necessary to respond to an emergency threatening life or the environment. In addition, existing State regulations already prohibit damaging historic shipwreck sites within the area. To help vessels avoid anchoring on known shipwreck sites, NOAA intends to publish known shipwreck site coordinates on the LONMS website (<https://sanctuaries.noaa.gov/lake-ontario>).

15. Comment: NOAA received some comments that expressed concern that as written, the prohibition on grappling into or anchoring on shipwreck sites would prohibitively limit diver access to shipwreck sites without providing an alternative means of access. Comments suggested amending the proposed prohibition on grappling into or anchoring on shipwreck sites to say that grappling into or anchoring on shipwreck sites is prohibited at sites where mooring buoys have been installed.

Response: As NOAA seeks to promote public access while also ensuring sound resource protection, an initial focus of the sanctuary management plan will be the installation of mooring systems at sanctuary shipwreck sites. Moorings provide a secure and convenient anchoring point for users, which eliminates the practice of grappling into or anchoring on shipwrecks to access the site. NOAA also intends to publish guidelines on best practices for anchoring near shipwreck sites both with and without moorings to avoid injuring sanctuary resources. For example, NOAA intends to publish instructions for the public on how to use a weighted line and surface float at sites without moorings to mark a wreck for divers to descend and ascend. This weighted line would not be used as an anchoring line, and it would need to be continuously tended and then completely removed before the dive boat leaves the area.

NOAA is delaying implementation of the prohibition of grappling into or anchoring on shipwreck sites by two years rather than amending the prohibition as suggested by the commenters. This delayed implementation is intended to provide NOAA with adequate time to develop a shipwreck mooring program in consultation with the dive community and State and Federal agencies; begin installing moorings at high priority shipwreck sites; and publish site plans and best practices for accessing shipwreck sites with and without moorings. After this two-year period, NOAA will continue to build out a mooring buoy program as funds become available. During this two-year period, all other statutory and regulatory provisions will be in effect from the effective date of designation, including the prohibition on altering, destroying, or otherwise injuring any sanctuary resource (including shipwrecks) under 15 CFR 922.223(a)(1). It also continues to be a violation of State law to damage shipwrecks, including damage from anchoring or grappling.

16. Comment: NOAA received a few comments requesting that sanctuary regulations protect natural and biological resources in the Great Lakes ecosystem. Commenters suggested regulations to prevent wastewater discharges, discharge of mercury and other toxic materials, risks from aging infrastructure, spread of invasive species, and other risks to wildlife and habitat.

Response: This is beyond the scope of the purpose and need for this action, which is focused on the protection, management, and interpretation of

underwater cultural and historical resources.

17. *Comment:* NOAA received several comments asking for clarification on how the sanctuary would affect dredging in the area.

Response: The sanctuary prohibitions seek to ensure that any activity carried out within sanctuary boundaries does not negatively impact underwater cultural resources. Dredging, pier construction and maintenance, and other construction activities are not expressly prohibited activities under the regulations. However, should the performance of any of these activities violate, for example, the sanctuary prohibition on “moving, removing, recovering, altering, destroying, possessing, or otherwise injuring” a sanctuary resource, it would be prohibited under those circumstances. Therefore, if dredging activities would not otherwise violate a sanctuary prohibition, they may occur within the sanctuary without a permit from NOAA.

Dredging activities in eastern Lake Ontario are regulated by New York State and the U.S. Army Corps of Engineers. Consideration of impacts to cultural resources should already be incorporated into the permit review processes for both the State and the U.S. Army Corps of Engineers because they both have legal requirements to minimize damage to cultural resources. NOAA would only be involved in those permitting processes if it is determined that underwater cultural and historical resources within the sanctuary may be impacted. NOAA, through its co-management arrangement with the State and through the consultation requirement for Federal agencies under the NMSA Section 304(d), will coordinate its involvement, including potential permitting, authorization, and consultation under Section 106 of the National Historic Preservation Act, when underwater cultural and historical resources may be impacted (see Section III I.3. for more information about authorizations).

NOAA recognizes that inlet dredging may extend into the sanctuary boundary. However, as indicated above, this dredging would only be prohibited by the sanctuary regulations and require a permit from NOAA if it is determined that underwater cultural and historical resources within the sanctuary may be impacted.

18. *Comment:* NOAA received comments asking whether the sanctuary would create any additional restrictions or regulatory requirements related to pier structure maintenance, pier construction, and shoreline construction.

Response: The shoreline boundary line for the sanctuary is set at the low water datum along the lakeshore. Any activities conducted above this line will be outside of the sanctuary and not subject to NOAA’s jurisdiction. The LONMS regulations are narrowly focused on protecting underwater cultural and historical resources. Pier construction and other construction activities are not expressly prohibited activities under the regulations. However, should the performance of any of these activities violate, for example, the sanctuary prohibition on “moving, removing, recovering, altering, destroying, possessing, or otherwise injuring” a sanctuary resource, it would be prohibited under those circumstances. Therefore, if constructing a dock or pier would not otherwise violate a sanctuary prohibition, it may occur within the sanctuary. These types of activities are regulated by State and other Federal entities, and therefore, consideration of the impact to cultural resources should already be incorporated into the applicable permit review processes.

19. *Comment:* NOAA received a comment from Region 2 of the U.S. Environmental Protection Agency (EPA) that NOAA should address projected climate change effects in the region, greenhouse gasses, and land-based infrastructure impacts in the FEIS.

Response: NOAA considers climate management an agency priority, and therefore has incorporated a discussion of climate change impacts in the Great Lakes and potential negligible greenhouse gas emissions from its management activities into the FEIS (see FEIS Sections 4.4.1.2, 5.3.3, 5.4.3). NOAA has not identified any specific construction projects associated with sanctuary designation at this time, and therefore has not evaluated the environmental impacts for facility construction or operation as part of the action. Based on a facilities assessment, NOAA may choose to rent space in existing facilities rather than constructing new facilities. NOAA will evaluate the environmental impacts and consider environmentally responsible practices suggested in EPA’s recommendations for infrastructure projects on a project-by-project basis.

20. *Comment:* NOAA received several comments about how the sanctuary would impact Great Lakes wind development in Lake Ontario.

Response: NOAA is not aware of any current Great Lakes wind energy projects in the area. All proposed energy generation and transmission projects are subject to rigorous Federal and State review to minimize or avoid impacts to

historic resources, including shipwrecks. NOAA will work with the relevant authorities, including New York State, to ensure that any proposed wind turbines and supporting infrastructure would be properly sited to avoid negative impacts to underwater cultural resources within the sanctuary.

Management Plan, Sanctuary Name, Operations

21. *Comment:* NOAA received a number of suggestions during the public comment period regarding naming the national marine sanctuary in Lake Ontario, including: Lake Ontario National Marine Sanctuary, Eastern Lake Ontario National Marine Sanctuary, Shining Waters National Marine Sanctuary, Great Lake Ontario National Marine Sanctuary, Great Lake Ontario—Thousand Islands National Marine Sanctuary, Gateway to the West National Marine Sanctuary, Gateway National Marine Sanctuary, and Carr National Marine Sanctuary.

Response: NOAA has decided to keep the name of the sanctuary as Lake Ontario National Marine Sanctuary. This decision was based on public comment, input from the Lake Ontario Sanctuary Advisory Council, and consultation with New York State, Indigenous Nations and Tribes, and local governments.

22. *Comment:* NOAA received several comments encouraging NOAA to invest in visitor centers and other facilities for people to learn about the sanctuary, the history of the area, and Lake Ontario. Commenters identified Huron, NY; Wayne County, NY; the eastern shore; Henderson, NY; Sackets Harbor; Sodus Point, NY as places to consider for interpretive facilities.

Response: NOAA agrees that facilities adjacent to the sanctuary are essential to its efforts to introduce the public to the sanctuary and to educate visitors about the significance of the area. Per the management plan Strategy SO–2, NOAA will conduct an infrastructure needs assessment to develop a ‘NOAA presence’ in the sanctuary communities. The assessment will evaluate how NOAA and its partners can support the sanctuary’s mission to provide a range of experiences to the public and then work with local communities, New York State, the Lake Ontario National Marine Sanctuary Advisory Council, and other appropriate partners to implement these plans.

23. *Comment:* NOAA received comments on the draft management plan that supported certain activities and suggested specific other ideas for education, research, and interpretation activities for the sanctuary.

Response: NOAA made revisions to the final management plan to add several new activities and clarify the intent of some of the existing activities. NOAA expanded some of the education activities to include working with partners on digital immersive experiences and other outreach opportunities; including partners to help determine the level of and type of visitor uses; and using side scan multi-beam sonar to map sanctuary resources. NOAA also added several new activities to address climate change, including integrating emissions reductions into sanctuary operations, considering how resource protection and management may need to evolve, and expanding education and outreach to include what climate change impacts in the Great Lakes and possible impacts to sanctuary resources. NOAA also added a new introduction to provide more background information about the sanctuary, the purpose of the management plan, and roles for NOAA, New York State, and the Lake Ontario National Marine Sanctuary Advisory Council.

Engagement With Indigenous Communities

24. *Comment:* NOAA received a few comments on the importance of acknowledging the Haudenosaunee Confederacy's ancestral homelands along Lake Ontario and involving the Haudenosaunee Confederacy Nations and Tribes in the interpretation of the proposed sanctuary.

Response: From the initiation of the designation process, NOAA has reached out to the seven federally recognized Indigenous Nations and Tribes in New York State that have connections to Lake Ontario. NOAA has engaged with the Onondaga Nation in government-to-government consultation throughout the designation process and has had meetings with the Seneca Nation. After designation, NOAA intends to continue to work in collaboration with the Indigenous Nations and Tribes to incorporate Indigenous history into sanctuary educational and outreach materials (including interpretive exhibits) and to collaborate on research regarding potential historic Indigenous resources in the area. Please refer to Section V.E. for more information on government-to-government consultation.

Comments on Known Shipwrecks and Identified Threats to Sanctuary Resources

25. *Comment:* NOAA received comments regarding the accuracy of information on the list of shipwrecks

and suggestions that NOAA add dates for historical events.

Response: NOAA researchers corroborated the edits suggested in these comments and NOAA has made corrections to the list of known shipwrecks in the FEIS. NOAA intends to continue to refine and update the shipwreck inventory over time as more information becomes available.

26. *Comment:* NOAA received comments on its list of identified threats in the DEIS and the proposed rulemaking, including suggestions of additional threats (e.g., fishing equipment, such as downriggers), and skepticism about NOAA's ability to address impacts to the shipwrecks from natural threats identified in the DEIS and NPRM.

Response: NOAA included entanglement of "fishing equipment" as a threat to underwater cultural and historical resources in both the DEIS and NPRM. NOAA has added downriggers as a specific example of fishing equipment in the FEIS and final rulemaking in response to commenters who noted damage to shipwrecks from this type of fishing equipment. NOAA also added two actions to the management plan (Activities RP 3.1 and 3.2) to assess the amount and type of marine debris, including fishing gear, found on sanctuary resources and to remove debris from the sanctuary.

NOAA included natural processes in the list of identified threats to explain that the long-term integrity of underwater cultural resources are affected by numerous factors. NOAA does not claim to be able to prevent some of these natural processes from occurring. Rather, acknowledging these processes provides context for the state of underwater cultural and historical resources, and NOAA will document and monitor the progress of these processes to inform research and management decisions. For example, while the establishment of a sanctuary cannot prevent climate change, it allows NOAA to monitor and document the effects of climate change on the deterioration rates of wooden shipwrecks in fresh water, which is important information for the scientific and archaeological community. The final management plan includes actions that support this goal.

V. Classification

A. National Marine Sanctuaries Act

NOAA has determined that the designation of LONMS will not have a negative impact on the national marine sanctuary system and that sufficient resources exist to effectively implement

sanctuary management plans and to update site characterizations. The finding for NMSA section 304(f) is published on the ONMS website for the Lake Ontario designation at <https://sanctuaries.noaa.gov/lake-ontario>.

B. National Environmental Policy Act

In accordance with Section 304(a)(2) of the NMSA (16 U.S.C. 1434(a)(2)), and the provisions of NEPA (42 U.S.C. 4321–4370), NOAA has prepared a FEIS to evaluate the environmental effects of this action and alternatives. As this environmental review began before September 14, 2020, which was the effective date of the amendments to the Council on Environmental Quality (CEQ) regulations implementing NEPA (85 FR 43372 (Jul. 16, 2020)), the FEIS was prepared using the 1978 CEQ NEPA regulations. The Notice of Availability of the LONMS FEIS was made available to the public on April 19, 2024 (89 FR 28771). NOAA has also prepared a Record of Decision (ROD). Copies of the FEIS and ROD are available at the address and website listed in the **ADDRESSES** section of this final rule.

C. Executive Orders 12866: Regulatory Impact, 13563 Improving Regulation and Regulatory Review, and 14094: Modernizing Regulatory Review

OMB has determined this rule is significant under Executive Order 12866, and as supplemented by E.O. 14094 NOAA prepared an analysis of the potential costs and benefits associated with this action. This analysis, "Supporting Economic Information for the Final Rulemaking Regarding Lake Ontario National Marine Sanctuary," is available in the docket.

D. Executive Order 13132: Federalism Assessment

NOAA has concluded that this regulatory action does not have federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132 because NOAA supplements and complements State and local laws under the NMSA rather than supersedes or conflicts with them.

E. E.O. 13175 Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13175 of November 6, 2000, Federal departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with officials of federally-recognized Nations and Tribes on the development of Federal policies that have implications for Indigenous peoples and are responsible for

strengthening the government-to-government relationship between the United States and Indian Nations and Tribes. NOAA has concluded that this regulatory action does have Tribal implications under Executive Order 13175.

NOAA invited the following federally-recognized Nations and Tribes to engage in government-to-government consultation on the sanctuary designation: Cayuga Nation, Oneida Nation, Onondaga Nation, Seneca Nation of Indians, Saint Regis Mohawk Tribe, Tonawanda Seneca Nation, and Tuscarora Nation. NOAA sent initial letters inviting the seven Nations and Tribes to participate in government-to-government consultation prior to publication of the Notice of Intent (December 14, 2018). NOAA later sent notice of the DEIS publication (July 8, 2021) and the NPRM (January 19, 2023) to the same Nations and Tribes.

The Onondaga Nation elected to engage in government-to-consultation with NOAA, and the initial government-to-government consultation meeting with the Onondaga Nation was held on July 30, 2020. The Seneca Nation of Indians chose to informally engage with NOAA throughout the designation process instead of participating in formal government-to-government consultation. NOAA has also invited the seven federally-recognized Nations and Tribes to participate in the development of a Programmatic Agreement to fulfill NOAA's obligations under section 106 of the National Historic Preservation Act. In accordance with NOAA's policy on government-to-government consultation, the agency concluded the consultation with the Onondaga Nation on the designation process.

Upon designation, NOAA will offer consultation to federally recognized Nations and Tribes on sanctuary actions that may have Tribal implications as described in E.O. 13175, including those actions that might affect the ability of Nation or Tribal citizens to participate in activities protected by the 1794 Treaty of Canandaigua.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended and codified at 5 U.S.C. 601 *et seq.*, requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Pursuant to section 605(b), the Chief Counsel for Regulation, Department of

Commerce, submitted a memorandum to the Chief Counsel for Advocacy, Small Business Administration, certifying that the proposed rule would not have a significant impact on a substantial number of small entities. The rationale for that certification was set forth in the preamble of the proposed rule (88 FR 3334, January 19, 2023), and NOAA's analysis stands.

Although NOAA has made minor changes to the regulations from the proposed rule to the final rule, none of the changes alter the initial determination that this rule will not have a significant impact on a substantial number of small entities. NOAA also did not receive any comments on the certification or conclusions. Therefore, the determination that this rule will not have a significant economic impact on a substantial number of small entities remains unchanged. As a result, a final regulatory flexibility analysis was not required and none was prepared.

G. Paperwork Reduction Act

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.

NOAA has a valid Office of Management and Budget (OMB) control number (0648-0141) for the collection of public information related to the processing of permits across the National Marine Sanctuary System. Designating a national marine sanctuary in Lake Ontario will likely result in a minimal increase in the number of requests for general permits, special use permits, certifications, and authorizations because this action proposes to add those approval types for this sanctuary. A large increase in the number of permit requests would require a change to the reporting burden certified for OMB control number 0648-0141. While not expected, if such permit requests do increase, a revision to this control number for the processing of permits would be requested.

In the most recent Information Collection Request revision and approval for national marine sanctuary permits (dated November 30, 2021), NOAA reported approximately 424 national marine sanctuary permitting actions each year, including applications for all types of permits,

requests for permit amendments, and the conduct of administrative appeals. Of this amount, LONMS is expected to add 4 to 5 permit requests per year. The public reporting burden for national marine sanctuaries general permits is estimated to average three responses with an average of 1.5 hours per response, to include application submission, a cruise or flight log (or some other form of activity report), and a final summary report after the activity is complete. Therefore, the total annual burden hours is expected to increase by approximately 18 to 22.5 hours.

NOAA determined that these regulations do not necessitate a modification to its information collection approval by the Office of Management and Budget under the Paperwork Reduction Act. NOAA solicited comments on this determination in the proposed rule, and no public comments were received.

H. National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA, 54 U.S.C. 306108) requires Federal agencies to consider the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. "Historic property" means any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and material remains that are related to and located within such properties, including properties of traditional religious and cultural importance to an Indigenous Nation or Tribe or Native Hawaiian organization. The regulations implementing section 106 of the NHPA (36 CFR 800) guide Federal agencies in meeting this responsibility through a process to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties, all of which occur in consultation with interested parties.

NOAA has determined that although designation of LONMS and the promulgation of sanctuary-specific regulations meet the definition of an undertaking as defined at 800.16(y), these activities are not of the type that have the potential to cause effects on historic properties. Therefore, NOAA has no further obligations under section 106, per 800.3(a)(1). However, NOAA recognizes that designation of a national marine sanctuary will lead to subsequent activities that may

constitute undertakings subject to section 106 review under the NHPA and, therefore, NOAA is pursuing execution of a Programmatic Agreement (PA) pursuant to 36 CFR 800.14(b). The PA will provide a framework and process for consideration of future undertakings resulting from management of the sanctuary, associated field operations, and other activities. NOAA will develop this agreement in consultation with the New York State Historic Preservation Officer (SHPO), and the ACHP, with the Onondaga Nation participating as a consulting party.

I. Sunken Military Craft Act

The Sunken Military Craft Act of 2004 (SMCA; Pub. L. 108–375, Title XIV, sections 1401 to 1408; 10 U.S.C. 113 note) preserves and protects from unauthorized disturbance all sunken military craft that are owned by the United States government, as well as foreign sunken military craft that lie within United States waters, as defined in the SMCA. These craft, and their associated contents, represent a collection of non-renewable and significant historical resources that may also serve as maritime graves, carry unexploded ordnance, or contain oil and other hazardous materials.

Sunken military craft are administered by the respective Secretary concerned pursuant to the SMCA. The Secretary concerned is solely responsible for authorizing disturbance of sunken military craft under the SMCA, specifically for archaeological, historical, or educational purposes, and will consult with NOAA when considering permitting such activities. The Secretary concerned is also responsible for determinations of sunken military craft status and ownership, publicly disclosing the location of sunken military craft, and for determining eligibility and nominating sunken military craft as historic properties to the National Register of Historic Places. Any agreements with foreign sovereigns regarding sunken military craft in U.S. waters are negotiated by the Secretary of Defense, the Secretary of State, and the Secretary of the Navy, according to authorities vested in each by the SMCA. The Secretary concerned, or his or her designee, and NOAA will ensure coordination and foster collaboration on any research, monitoring, and educational activities pertaining to sunken military craft located within the sanctuary system.

Two known sunken military craft are located within LONMS (U.S. Coast Guard Cable Boat 56022 and a U.S.

Army Air Force C–45 Expeditor) and the sanctuary may include additional sunken military craft that have yet to be discovered.

J. Coastal Zone Management Act (CZMA)

Section 307(c) of the Coastal Zone Management Act (CZMA; 16 U.S.C. 1451 *et seq.*) requires Federal activities affecting the land or water uses or natural resources of a State's coastal zone to be consistent with that State's approved coastal management program to the maximum extent practicable. 16 U.S.C. 1456(c). In January 2023, NOAA initiated Federal consistency review with the New York State's Coastal Management Program. The New York Coastal Management Program provided comments to NOAA on the proposed rule. The New York Coastal Management Program issued a letter of concurrence with NOAA's consistency determination on April 7, 2023.

K. Executive Order 12898: Environmental Justice and Executive Order 14096: Revitalizing Our Nation's Commitment on Environmental Justice for All

Executive Order 12898 directs that the programs of Federal agencies identify and avoid disproportionately high and adverse effects on human health and the environment of minority or low-income populations. The designation of national marine sanctuaries by NOAA helps to ensure the enhancement of environmental quality for all populations in the United States. Designating the sanctuary will not result in disproportionate negative impacts on any minority or low-income population. In addition, many of the impacts from designating the sanctuary will result in long-term or permanent beneficial impacts by protecting underwater cultural and historical resources, which may have a positive impact on communities by providing employment and educational opportunities, and potentially result in improved ecosystem services.

Executive Order 14096 builds on and supplements the foundational efforts of Executive Order 12898. This new Executive Order directs federal agencies to better protect overburdened communities from pollution and environmental harms; strengthen engagement with communities and mobilize federal agencies to confront existing and legacy barriers and injustices; promote the latest science, data, and research, including on cumulative impacts; increase accountability and transparency in federal environmental justice policy;

and honor and build on the foundation of ongoing environmental justice work. The designation of the sanctuary, with a focus on community well-being and improving access to resources, will address the goals of Executive Order 14096.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Cultural resources, Historic preservation, Marine protected areas, Marine resources, National marine sanctuaries, Recreation and recreation areas, Reporting and recordkeeping requirements, Shipwrecks.

Nicole R. LeBoeuf,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, National Oceanic and Atmospheric Administration.

For the reasons set forth above, NOAA is amending 15 CFR part 922 as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

- 1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

- 2. Amend § 922.1 by revising paragraph (a)(2) to read as follows:

§ 922.1 Purposes and applicability of the regulations

(a) * * *

(2) To implement the designations of the national marine sanctuaries, for which site specific regulations appear in subparts F through U of this part, by regulating activities affecting them, consistent with their respective terms of designation, in order to protect, restore, preserve, manage, and thereby ensure the health, integrity and continued availability of the conservation, recreational, ecological, historical, scientific, educational, cultural, archaeological and aesthetic resources and qualities of these areas.

* * * * *

- 3. Revise § 922.4 to read as follows:

§ 922.4 Boundaries

The boundaries for each of the sixteen National Marine Sanctuaries covered by this part are described in subparts F through U, respectively.

- 4. Revise § 922.6 to read as follows:

§ 922.6 Prohibited or otherwise regulated activities

Subparts F through U set forth site-specific regulations applicable to the activities specified therein.

■ 5. In § 922.7, add paragraph (b)(7) to read as follows:

§ 922.7 Emergency regulations.

* * * * *

(b) * * *

(7) Lake Ontario National Marine Sanctuary, § 922.224.

■ 6. Amend § 922.11 by revising the definition of “sanctuary resource” to read as follows:

§ 922.11 Definitions.

* * * * *

Sanctuary resource means any living or non-living resource of a national marine sanctuary, or the parts or products thereof, that contributes to the conservation, recreational, ecological, historical, educational, cultural, archaeological, scientific, or aesthetic value of the national marine sanctuary, including, but not limited to, waters of the sanctuary, the seabed or submerged lands of the sanctuary, other submerged features and the surrounding seabed, carbonate rock, corals and other bottom formations, coralline algae and other marine plants and algae, marine invertebrates, brine-seep biota, phytoplankton, zooplankton, fish, birds, sea turtles and other marine reptiles, marine mammals, and maritime heritage, cultural, archaeological, and historical resources. For Thunder Bay National Marine Sanctuary and Underwater Preserve, Sanctuary resource is defined at § 922.191. For Hawaiian Islands Humpback Whale, Sanctuary resource is defined at § 922.182. For Mallows Bay-Potomac River National Marine Sanctuary, Sanctuary resource is defined at § 922.201(a). For Wisconsin Shipwreck Coast National Marine Sanctuary, sanctuary resource is defined at § 922.211. For Lake Ontario National Marine Sanctuary, sanctuary resource is defined at § 922.221.

* * * * *

■ 7. Amend § 922.30 by revising paragraph (a)(2) to read as follows:

§ 922.30 National Marine Sanctuary general permits.

(a) * * *

(2) The permit procedures and criteria for all national marine sanctuaries in which the proposed activity is to take place in accordance with relevant site-specific regulations appearing in subparts F through U of this part.

* * * * *

■ 8. Amend 922.36 by revising paragraphs (a) and (b)(1)(ii) to read as follows:

§ 922.36 National Marine Sanctuary authorizations.

(a) *Authority to issue authorizations.* The Director may authorize a person to conduct an activity otherwise prohibited by subparts L through P, subpart R, or subpart U of this part, if such activity is specifically allowed by any valid Federal, State, or local lease, permit, license, approval, or other authorization (hereafter called “agency approval”) issued after the effective date of sanctuary designation or expansion, provided the applicant complies with the provisions of this section. Such an authorization by ONMS is hereafter referred to as an “ONMS authorization.”

(b) * * *

(1) * * *

(ii) Notification must be sent to the Director, Office of National Marine Sanctuaries, to the attention of the relevant Sanctuary Superintendent(s) at the address specified in subparts L through P, subpart R, or subpart U, as appropriate.

* * * * *

■ 9. Add subpart U to read as follows:

Subpart U—Lake Ontario National Marine Sanctuary

Sec.

922.220 Boundary.

922.221 Definitions.

922.222 Co-management.

922.223 Prohibited or otherwise regulated activities.

922.224 Emergency regulations.

922.225 Permit procedures and review criteria.

922.226 Certification of preexisting leases, licenses, permits, approvals, other authorizations, or rights to conduct a prohibited activity.

922.227 Effect on affected federally-recognized Indian Tribes.

Appendix A to Subpart U of Part 922—Lake Ontario National Marine Sanctuary Boundary Description and Coordinates of the Excluded Areas

Appendix B to Subpart U of Part 922—Lake Ontario National Marine Sanctuary Terms of Designation

Subpart U—Lake Ontario National Marine Sanctuary

§ 922.220 Boundary.

Lake Ontario National Marine Sanctuary consists of an area of approximately 1,300 square nautical miles (1,722 square miles) of Lake Ontario waters within New York State and the submerged lands thereunder; over, around, and under the submerged underwater cultural and historical resources in Lake Ontario. The precise boundary coordinates are listed in Appendix A to this subpart. The western boundary of the sanctuary begins at approximately the border

between Wayne County and Monroe County where the shoreline (defined here and throughout the remainder of this boundary description as the low water datum) intersects the line segment formed between Point 1 and Point 2. From this intersection the sanctuary boundary continues north into Lake Ontario to Point 2 and then to each successive point in numerical order to Point 7. From Point 7 the sanctuary boundary continues east to each successive point in numerical order to Point 10. From Point 10 the boundary continues roughly to the northeast to Point 11 and then to Point 12 just southeast of Wolfe Island, ON, Canada and the end of 5th Line Road. From Point 12 the boundary continues roughly southeast towards Point 13 until it intersects the shoreline at the low water datum at Tibbetts Point near the Tibbetts Point Lighthouse southwest of Cape Vincent, New York. From this intersection the boundary follows the shoreline roughly to the southeast around Tibbetts Point and then continues roughly to the southeast around Wilson Point and Dablon Point until it intersects the line segment formed between Point 14 and Point 15 at the Rt. 6 bridge at the upper end of Mud Bay. From this intersection the boundary continues towards Point 15 until it intersects the shoreline at approximately the mouth of Kents Creek. From this intersection the boundary follows the shoreline to the southwest around Baird Point continuing roughly southeast cutting across the mouths of creeks and streams around Point Peninsula and along western and then northern Chaumont Bay until it intersects the line segment formed between Point 16 and Point 17. From this intersection the boundary continues across the Chaumont River towards Point 17 until it intersects the shoreline near the eastern side of the West Main Street bridge. From this intersection the boundary follows the shoreline around eastern Chaumont Bay, Point Salubrious, and Guffin Bay cutting across the mouths of rivers, streams, and creeks and then around Pillar Point and Everleigh Point and up the western side of Black River Bay until it intersects the line segment formed between Point 18 and Point 19 at approximately the mouth of Black River. From this intersection the boundary continues across the Black River towards Point 19 until it intersects the shoreline. From this intersection the boundary follows the shoreline roughly southwest along the eastern side of Black River Bay and then southwest along the eastern side of Henderson Bay

continuing around Stony Point and then roughly south cutting across the mouths of rivers, streams, creeks, and ponds until it intersects the line segment formed between Point 20 and Point 21 at the mouth of the Salmon River near Port Ontario. From this intersection the boundary continues to Point 21 and each successive point in numerical order to Point 24. From Point 24 the boundary continues towards Point 25 until it intersects the shoreline. From this intersection the boundary follows the shoreline south and then west around Mexico Bay cutting across the mouths of rivers, streams, creeks, and ponds until it intersects the line segment formed between Point 26 and Point 27 just east of Oswego Harbor. From this intersection the boundary continues towards Point 27 until it intersects the shoreline at the eastern breakwater of Oswego Harbor. From this intersection the boundary follows the lakeward shoreline northwest along the breakwater until it intersects the line segment formed between Point 28 and Point 29. From this intersection the boundary continues across the mouth of Oswego Harbor to Point 29 and each successive point in numerical order to Point 34. From Point 34 the boundary continues towards Point 35 until it intersects the shoreline at the end of the western breakwater of Oswego Harbor. From this intersection the boundary follows the lakeward shoreline roughly to the southwest cutting across the mouths of rivers, streams, creeks, and ponds until it intersects the line segment formed between Point 36 and Point 37 on the eastern side of the mouth of The Pond. From this intersection the boundary continues across the mouth of The Pond towards Point 37 until it intersects the shoreline on the western side. From this intersection the boundary follows the shoreline west and then north to the intersection of the line segment formed between Point 38 and Point 39 at the northern end of the eastern breakwater of Little Sodus Bay. From this intersection the boundary continues across the mouth of Little Sodus Bay to Point 39 and each successive point in numerical order to Point 42. From Point 42 the boundary continues towards Point 43 until it intersects the shoreline at the northern end of the western breakwater of Little Sodus Bay. From this intersection the boundary follows the lakeward shoreline roughly west until it intersects the line segment formed between Point 44 and Point 45 on the eastern side of the mouth of Blind Sodus Bay. From this intersection the boundary continues to the

intersection of the shoreline and the line segment formed between Point 46 and Point 47 on the western side of the mouth of Blind Sodus Bay. From this intersection the boundary follows the shoreline roughly southwest cutting across the mouths of rivers, streams, creeks, and ponds until it intersects the line segment formed between Point 48 and the intersection of the shoreline and the line segment formed between Point 49 and Point 50 on the eastern side of the mouth of Port Bay. From this intersection on the eastern side of the mouth of Port Bay the boundary continues to the intersection of the shoreline and the line segment formed between Point 49 and 50 on the western side of the mouth of Port Bay. From this intersection the boundary follows the shoreline roughly west until it intersects the line segment formed between Point 51 and the intersection of the shoreline and the line segment formed between Point 52 and Point 53 on the eastern side of the mouth of East Bay. From this intersection on the eastern side of the mouth of East Bay the boundary continues to the intersection of the shoreline and the line segment formed between Point 52 and Point 53 on the western side of the mouth of East Bay. From this intersection the boundary follows the shoreline roughly west until it intersects the line segment formed between Point 54 and Point 55 at the northern end of the eastern breakwater of Sodus Bay. From this intersection the boundary continues across the mouth of Sodus Bay to Point 55 and each successive point in numerical order to Point 61. From Point 61 the boundary continues towards Point 62 until it intersects the shoreline at the northern end of the western breakwater of Sodus Bay. From this intersection the boundary follows the shoreline roughly west cutting across the mouths of rivers, streams, creeks, and ponds until it intersects the line segment formed between Point 63 and Point 64 south of the mouth of Salmon Creek near Pultneyville, NY. From this intersection the boundary continues to Point 64 and each successive point in numerical order to Point 69. From Point 69 the boundary continues towards Point 70 until it intersects the shoreline north of the mouth of Salmon Creek. From this intersection the boundary follows the shoreline roughly west until it intersects the line segment formed between Point 71 and Point 72 at the eastern side of the R.E. Ginna Nuclear Power Plant water outfall. From this intersection the boundary continues towards Point 72 until it intersects the shoreline on the western side of the R.E. Ginna Nuclear

Power Plant water outfall. From this intersection the boundary follows the shoreline west cutting across the mouths of rivers, streams, creeks, and ponds until it intersects the line segment formed between Point 73 and Point 74 where it ends. The inner landward sanctuary boundary is defined by and follows the shoreline as defined by the low water datum where not already specified in the boundary description above. The Tibbetts Point Anchorage Area is excluded from the sanctuary area described above, and its boundary begins at Point TPAA1 and continues to each successive point in numerical order until ending at Point TPAA7.

§ 922.221 Definitions.

The following terms are defined for purposes of this subpart U:

Sanctuary resource means all historical resources as defined at 15 CFR 922.11, which includes any pre-contact and historic sites, structures, districts, objects, and shipwreck sites within sanctuary boundaries.

Shipwreck site means all archaeological and material remains associated with sunken watercraft or aircraft that are historical resources, including associated components, cargo, contents, artifacts, or debris fields that may be exposed or buried within the lake bed.

Tethered underwater mobile system means remotely operated vehicles and other systems with onboard propulsion systems that utilize a tether connected to a station-holding (e.g. by anchor, dynamic positioning, or manual vessel operation) surface support vessel.

§ 922.222 Co-management.

(a) NOAA has primary responsibility for the management of the Sanctuary pursuant to the Act. However, as the Sanctuary is in State waters, NOAA will co-manage Lake Ontario National Marine Sanctuary in collaboration with New York State. The Director may enter into a Memorandum of Agreement regarding this collaboration that may address, but not be limited to, such aspects as areas of mutual concern, including sanctuary resource protection, programs, permitting, activities, development, and threats to sanctuary resources.

(b) Furthermore, sunken military craft are administered by the respective Secretary concerned pursuant to the Sunken Military Craft Act. The Director will enter into a Memorandum of Agreement regarding collaboration with other federal agencies charged with implementing the Sunken Military Craft Act that may address aspects of

managing and protecting sunken military craft. The Director will request approval from the Secretary concerned for any terms and conditions of ONMS authorizations that may involve sunken military craft.

§ 922.223 Prohibited or otherwise regulated activities.

(a) Except as specified in paragraph (b) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted:

(1) Moving, removing, recovering, altering, destroying, possessing or otherwise injuring, or attempting to move, remove, recover, alter, destroy, possess or otherwise injure a sanctuary resource.

(2) Possessing, selling, offering for sale, purchasing, importing, exporting, exchanging, delivering, carrying, transporting, or shipping by any means any sanctuary resource within or outside of the sanctuary.

(3) Grappling into or anchoring on shipwreck sites.

(4) Deploying a tethered underwater mobile system at shipwreck sites.

(5) Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the Act or any regulation or any permit issued under the Act.

(b) The prohibitions in paragraphs (a)(1) through (5) of this section do not apply to any activity necessary to respond to an emergency threatening life, property, or the environment; or to activities necessary for valid law enforcement purposes.

§ 922.224 Emergency regulations.

(a) Where necessary to prevent or minimize the destruction of, loss of, or injury to a sanctuary resource, or to minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. An emergency regulation shall not take effect without the approval of the Governor of New York or her/his designee or designated agency.

(b) Emergency regulations remain in effect until a date fixed in the rule or six months after the effective date, whichever is earlier. The rule may be extended once for not more than six months.

§ 922.225 Permit procedures and review criteria.

(a) A person may conduct an activity otherwise prohibited by § 922.223(a)(1) through (4) if conducted under and in

accordance with the scope, purpose, terms and conditions of a permit issued under this section and subpart D of this part.

(b) Applications for such permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Lake Ontario National Marine Sanctuary, 1305 East-West Highway, Silver Spring, MD 20910.

§ 922.226 Certification of preexisting leases, licenses, permits, approvals, other authorizations, or right to conduct a prohibited activity.

(a) A person may conduct an activity prohibited by § 922.223(a)(1) through (4) within the sanctuary if such activity is specifically authorized by a valid Federal, State, or local lease, permit, license, or right of subsistence use or of access that is in existence on the effective date of sanctuary designation, provided that the holder of the lease, permit, license, or right of subsistence use or of access complies with § 922.10 and provided that:

(1) The holder of such authorization or right notifies the Director, in writing, within 90 days of the effective date of the sanctuary designation of the existence and location of such authorization or right and requests certification of such authorization or right; and

(2) The holder complies with any terms and conditions on the exercise of such authorization or right imposed as a condition of certification, by the Director, to achieve the purposes for which the sanctuary was designated.

(b) Requests for certifications shall be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Sanctuary Superintendent, Lake Ontario National Marine Sanctuary, 1305 East-West Hwy., 10th Floor, Silver Spring, MD 20910 or sent by electronic means as defined in the instructions for the ONMS permit application. A copy of the lease, permit, license, or right of subsistence use or of access must accompany the request.

(c) A certification requester with an authorization or right described in paragraph (a) of this section authorizing an activity prohibited by § 922.223(a)(1) through (4) may continue to conduct the activity without being in violation of applicable provisions of § 922.223(a)(1) through (4), pending the Director's review of and decision regarding his or her certification request.

(d) The Director may request additional information from the certification requester as the Director deems reasonably necessary to condition appropriately the exercise of

the certified authorization or right to achieve the purposes for which the sanctuary was designated. The Director must receive the information requested within 45 days of the date of the Director's request for information. Failure to provide the requested information within this time frame may be grounds for denial by the Director of the certification request.

(e) In considering whether to issue a certification, the Director may seek and consider the views of any other person or entity, within or outside the Federal government, and may hold a public hearing as deemed appropriate by the Director.

(f) Upon completion of review of the authorization or right and information received with respect thereto, the Director shall communicate, in writing, any decision on a certification request or any action taken with respect to any certification made under this section, in writing, to both the holder of the certified lease, permit, license, approval, other authorization, or right, and the issuing agency, and shall set forth the reason(s) for the decision or action taken.

(g) The Director may amend, suspend, or revoke any certification issued under this section whenever continued operation would otherwise be inconsistent with any terms or conditions of the certification. Any such action shall be forwarded in writing to both the certification holder and the agency that issued the underlying lease, permit, license, or right of subsistence use or of access, and shall set forth reason(s) for the action taken.

(h) The Director may amend any certification issued under this section whenever additional information becomes available that he or she determines justifies such an amendment.

(i) The certification holder may appeal any action conditioning, amending, suspending, or revoking any certification in accordance with the procedures set forth at § 922.37.

(j) Any time limit prescribed in or established under this section may be extended by the Director for good cause.

(k) It is unlawful for any person to violate any terms and conditions in a certification issued under this section.

§ 922.227 Effect on affected federally recognized Nations and Tribes.

The exercise of treaty rights for federally recognized Nations and Tribes and their citizens is not modified, altered, or in any way affected by the regulations promulgated in this subpart. The Director shall consult with the governing body of each federally-

recognized Nation and Tribe protected by the 1794 Treaty of Canandaigua regarding any matter which might affect the ability of the Nation and Tribe's citizens to participate in activities protected by that treaty in the Sanctuary.

Appendix A to Subpart U of Part 922— Lake Ontario National Marine Sanctuary Boundary Description and Coordinates of the Excluded Areas

[Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983]

Point ID	Longitude	Latitude
1 *	-77.37605	43.27611
2	-77.37595	43.28695
3	-77.37586	43.29671
4	-77.37621	43.34516
5	-77.37720	43.37579
6	-77.38799	43.63154
7	-77.38811	43.63443
8	-77.27009	43.63406
9	-77.03338	43.63283
10	-76.79668	43.63112
11	-76.43893	44.09406
12	-76.39866	44.11289
13 *	-76.37053	44.10060
14 *	-76.31232	44.08230
15 *	-76.31207	44.08198
16 *	-76.14042	44.07041
17 *	-76.13852	44.06959
18 *	-76.06446	43.99626
19 *	-76.06179	43.99401
20 *	-76.20404	43.57746
21	-76.20447	43.57758
22	-76.20714	43.58113
23	-76.20748	43.58099
24	-76.20503	43.57775
25 *	-76.20529	43.57783
26 *	-76.50692	43.46890
27 *	-76.50783	43.46975
28 *	-76.51393	43.47389
29	-76.51426	43.47384
30	-76.51761	43.47726
31	-76.52558	43.47878
32	-76.52597	43.47667
33	-76.51946	43.47543
34	-76.51629	43.47349
35 *	-76.51675	43.47341
36 *	-76.69906	43.34447
37 *	-76.69941	43.34458
38 *	-76.70792	43.35032
39	-76.70816	43.35033
40	-76.70883	43.35635
41	-76.70939	43.35632
42	-76.70873	43.35032
43 *	-76.70895	43.35029
44 *	-76.72070	43.34361
45 *	-76.72068	43.34402
46 *	-76.72158	43.34399
47 *	-76.72161	43.34363
48 *	-76.83715	43.30499
49 *	-76.83720	43.30583
50 *	-76.83817	43.30492
51 *	-76.89154	43.29490
52 *	-76.89170	43.29537
53 *	-76.89215	43.29513
54 *	-76.97229	43.27682
55	-76.97277	43.27698
56	-76.97276	43.27705
57	-76.97254	43.27759

Point ID	Longitude	Latitude
58	-76.97227	43.28239
59	-76.97340	43.28243
60	-76.97367	43.27763
61	-76.97356	43.27724
62 *	-76.97398	43.27738
63 *	-77.18445	43.28297
64	-77.18445	43.28306
65	-77.18304	43.28320
66	-77.18278	43.28414
67	-77.18315	43.28419
68	-77.18334	43.28349
69	-77.18444	43.28324
70 *	-77.18444	43.28338
71 *	-77.30817	43.27903
72 *	-77.30843	43.27902
73 *	-77.37605	43.27611
74	-77.37595	43.28695
TPAA1	-76.39049	44.08896
TPAA2	-76.37805	44.08940
TPAA3	-76.38611	44.07613
TPAA4	-76.39271	44.06881
TPAA5	-76.41217	44.07577
TPAA6	-76.39897	44.09566
TPAA7	-76.39049	44.08896

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the sanctuary boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline at the low water datum.

Appendix B to Subpart U of Part 922— Lake Ontario National Marine Sanctuary Terms of Designation

Under the authority of the National Marine Sanctuaries Act, as amended (the "Act" or "NMSA"), 16 U.S.C. 1431 *et seq.*, 1,300 nmi² (1,722 mi²) of Lake Ontario off the coast of New York's coastal counties of Wayne, Cayuga, Oswego, and Jefferson are hereby designated as a National Marine Sanctuary for the purpose of providing long-term protection and management of the cultural and historical resources and the recreational, research, educational, and aesthetic qualities of the area.

Article I: Effect of Designation

The NMSA authorizes the issuance of such regulations as are necessary and reasonable to implement the designation, including managing and protecting the cultural and historical resources and the recreational, research, and educational qualities of Lake Ontario National Marine Sanctuary (the "Sanctuary"). Section 1 of Article IV of this Designation Document lists those activities that may have to be regulated on the effective date of designation, or at some later date, in order to protect Sanctuary resources and qualities. Listing an activity does not necessarily mean that it will be regulated. However, if an activity is not listed it may not be regulated, except on an emergency basis, unless Section 1 of Article IV is amended by the same procedures by which the original Sanctuary designation was made.

Article II: Description of the Area

Lake Ontario National Marine Sanctuary covers approximately 1,300 nmi² (1,722 mi²) in eastern Lake Ontario. The boundary coordinates are defined by regulation (15 CFR 922.220).

Article III: Special Characteristics of the Area

Over 1,000 years ago, the Mohawk, Oneida, Onondaga, Cayuga and Seneca Nations were united into the Haudenosaunee Confederacy, under the Gayanashagowa, the Great Law of Peace. The Tuscarora later joined the Haudenosaunee Confederacy. Portions of the original homelands of the Onondaga Nation, Cayuga Nation, Seneca Nation, and Oneida Nation lie within the boundaries of the sanctuary. This area was their homeland and they developed a deep understanding of, and had a strong connection to, the land and to the water.

Eastern Lake Ontario represents a diverse array of important events in our Nation's history, including military conflicts, maritime innovation, and American expansion to the west. This area has been a critical nexus of maritime trade and transportation for centuries, beginning with canoes and boats of early Indigenous peoples. During the colonial period, Lake Ontario was a strategic theater of conflict among European powers and the young American republic. Military actions occurred in the region during the French and Indian War, Revolutionary War, and the War of 1812. Later, this region was critical to the development of the American West and the Nation's industrial core.

Well-preserved by cold, fresh water, the shipwrecks and other underwater cultural and historical resources in the sanctuary possess exceptional historical, archaeological and recreational value. Vessels that historically plied Lake Ontario's waters often met with treacherous conditions, which resulted in numerous wrecking events. The area contains a total of 41 known shipwrecks and one aircraft, including one shipwreck (*St. Peter*) that is listed on the National Register of Historic Places and one wreck (*David Mills*) that is a New York State Submerged Cultural Preserve and Dive Site. This area may also include approximately 19 potential shipwreck sites (shipwrecks that may exist, but additional research is needed to locate and describe these shipwrecks), three aircraft, and several other underwater archaeological sites. Represented in the collection are commercial and military vessels from colonial wars and the War of 1812, as well as submerged battlefields at Oswego and Sackets Harbor. Other shipwrecks represent the earliest maritime commerce on the Great Lakes, including the nearly intact sloop *Washington* built in 1797.

Article IV: Scope of Regulations

Section 1. Activities Subject to Regulation

The following activities are subject to regulation under the NMSA. Such regulation may include prohibitions to ensure the protection and management of the conservation, recreational, historical, scientific, educational, cultural, archaeological, or aesthetic resources and qualities of the area. Listing an activity in the Terms of Designation does not mean that such activity is being or will be regulated. Listing an activity here means that Secretary of Commerce can regulate the activity, after complying with all applicable regulatory

laws, without going through the designation procedures required by paragraphs (a) and (b) of section 304 of the NMSA, 16 U.S.C. 1434(a) and (b).

Activities Subject to Regulation:

- Injuring or disturbing sanctuary resources;
- Possessing, transporting, or engaging in commerce of any sanctuary resource;
- Grappling into or anchoring on shipwreck sites;
- Deploying tethered underwater mobile systems at shipwreck sites;
- Interfering with an investigation in connection with enforcement of the NMSA.

Section 2. Emergencies

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality; or minimize the imminent risk of such destruction, loss, or injury, any activity and all activities, including those not listed in Section 1, are subject to immediate temporary regulation, including prohibition. An emergency regulation shall not take effect without the approval of the Governor of New York or her/his designee or designated agency.

Article V: Alteration of this Designation

The terms of designation, as defined under Section 304(a)(4) of the Act, may be modified only by the same procedures by which the original designation is made, including public hearings, consultations with interested Federal, Tribal, State, regional, and local authorities and agencies, review by the appropriate Congressional committees, and approval by the Secretary of Commerce, or his or her designee.

§ 922.223 [Amended]

- 10. Stay § 922.223(a)(3) until July 21, 2026.

[FR Doc. 2024–11982 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–NK–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4001, 4010, 4022, 4041, 4041A, 4043, 4044, 4050, 4262, and 4281

RIN 1212–AA55

Valuation Assumptions and Methods

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule updates the interest, mortality, and expense assumptions used to determine the present value of benefits for a single-employer pension plan under subpart B of the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans, to determine components of mass withdrawal liability for a multiemployer pension plan, and for other purposes.

DATES:

Effective date: This rule is effective July 8, 2024.

Applicability date: These amendments apply to calculations where the valuation date is on or after July 31, 2024.

Incorporation by reference: The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of July 8, 2024.

FOR FURTHER INFORMATION CONTACT:

Gregory M. Katz (katz.gregory@pbgc.gov), Deputy Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101; 202–229–3829. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose and Authority

This final rule updates the actuarial assumptions used to determine the present value of a single-employer plan's benefits when it terminates in a distress or involuntary termination, to determine the present value of multiemployer plan benefits in certain withdrawal liability calculations, and for other purposes. Except for conforming changes and some technical and editorial changes, the final rule is substantially the same as the proposed rule.

Legal authority for this action comes from section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes the Pension Benefit Guaranty Corporation (PBGC) to issue regulations to carry out the purposes of title IV of ERISA, and section 4044 of ERISA (Allocation of Assets). It also comes from section 4001 of ERISA (Definitions); section 4010 of ERISA (Authority to Require Certain Information); section 4022 of ERISA (Single-Employer Plan Benefits Guaranteed); section 4041 of ERISA (Termination of Single-Employer Plans); section 4041A of ERISA (Termination of Multiemployer Plans); section 4043 of ERISA (Reportable Events); section 4050 of ERISA (Missing Participants); section 4062 of ERISA (Liability for Termination of Single-Employer Plans Under a Distress Termination or a Termination by Corporation); section 4219 of ERISA (Notice, Collection, Etc., of Withdrawal Liability); section 4262 of ERISA (Special Financial Assistance by the Corporation); and section 4281 of

ERISA (Benefits Under Certain Terminated Plans).

Major Provisions

This final rule modifies the interest, mortality, and expense assumptions for valuing benefits under subpart B to PBGC's regulation on Allocation of Assets in Single-Employer Plans ("benefits valuation regulation") (29 CFR part 4044) to:

- Modernize the interest assumption structure by adopting a yield curve approach;
- Enable the use of market interest rates as of the date of liability measurement (*i.e.*, the valuation date) as the basis for the interest assumption;
- Increase transparency by using a procedure based on publicly available yield curves as of the valuation date;
- Adopt a more recent mortality table along with a generational mortality improvement projection; and
- Simplify the expense assumption.

Because the assumptions for valuing benefits are incorporated by reference in other regulations, the changes to these assumptions affect PBGC's regulations on Annual Financial and Actuarial Information Reporting (29 CFR part 4010); Missing Participants (29 CFR part 4050); Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219); Special Financial Assistance by PBGC (29 CFR part 4262); Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281); and other regulations.

Background

The Pension Benefit Guaranty Corporation (PBGC) administers two insurance programs for private-sector defined benefit pension plans under title IV of the Employee Retirement Income Security Act of 1974 (ERISA): a single-employer plan termination insurance program and a multiemployer plan insolvency insurance program. In addition, PBGC administers a special financial assistance program for eligible financially distressed multiemployer plans.

Under the single-employer plan termination insurance program, covered plans that are underfunded may terminate either in a distress termination under section 4041(c) of ERISA or in an involuntary termination (one initiated by PBGC) under section 4042 of ERISA. When such a plan terminates, PBGC typically is appointed statutory trustee of the plan and becomes responsible for paying benefits in accordance with the provisions of title IV of ERISA.

Under the multiemployer insurance program, PBGC provides financial

assistance under section 4261 of ERISA to plans that are insolvent and unable to pay benefits at the guaranteed level. This financial assistance is primarily in the form of financial assistance loans, paid to the plans periodically so that they can pay basic benefits when due. Additionally, under the special financial assistance program under section 4262 of ERISA, PBGC provides funding to eligible financially troubled multiemployer plans upon approval of an application. This final rule applies to the single-employer program, the multiemployer program, and the special financial assistance program.

PBGC has identified these amendments as part of its ongoing review of its regulations to ensure that PBGC provides clear and helpful guidance and modernizes outdated methodologies.

Purpose of the Assumptions Described in the Benefits Valuation Regulation

Under the single-employer insurance program, if a pension plan terminates without enough assets to provide for all benefits either in a distress termination under section 4041(c) of ERISA or in a plan termination initiated by PBGC under section 4042 of ERISA, PBGC typically is appointed statutory trustee of the plan and becomes responsible for paying benefits in accordance with the provisions of title IV of ERISA. When this happens, PBGC must determine (1) the extent to which participants' benefits are funded under the benefits valuation rules, (2) whether a terminated plan has sufficient assets to pay guaranteed benefits, and (3) how much a plan sponsor and its controlled group owe PBGC because of the termination under section 4062 of ERISA. The assumptions described in the benefits valuation regulation are used to value a plan's benefit liabilities for these purposes.

In setting the assumptions under the benefits valuation regulation, PBGC's long-standing policy is to set assumptions that produce valuations similar to the premium that a private-sector insurance company would charge for a group annuity contract covering the same plan benefits.¹ This policy ensures that for a plan entering PBGC trusteeship, the plan's benefit liabilities

are measured consistently with annuity market pricing.

These assumptions are also used in other situations where it is appropriate for liabilities to be in line with private-sector group annuity prices. For example, PBGC's regulations on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) and Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) provide that these assumptions are used to value liabilities for purposes of determining withdrawn employers' reallocation liability² in the event of a mass withdrawal from a multiemployer plan. Multiemployer plans that receive special financial assistance under the regulation on Special Financial Assistance by PBGC (29 CFR part 4262) must, as a condition of receiving special financial assistance, use the interest assumption to determine withdrawal liability for a prescribed period. Additionally, plan sponsors are required to use these assumptions for certain purposes (e.g., reporting benefit liabilities in filings required under PBGC's regulation on Annual Financial and Actuarial Information Reporting (29 CFR part 4010) or determining certain amounts to transfer to PBGC's Missing Participants Program on behalf of a missing participant of a terminating defined benefit plan under PBGC's regulation on Missing Participants (29 CFR part 4050)) and may use them for other purposes (e.g., to ensure that plan spinoffs comply with section 414 (l) of the Internal Revenue Code (the Code)).³

Proposed Rule

On August 18, 2023, PBGC published a proposed rule⁴ to update the benefit valuation regulation's interest, mortality, and expense assumptions. PBGC provided a 60-day comment period and received five comment letters. Commenters were generally supportive of PBGC's efforts to make its assumptions more modern and transparent, and made specific suggestions. A discussion of the provisions of the final rule, the comment letters, and PBGC's responses follows. Except for conforming changes and some technical and editorial

changes, the final rule is substantially the same as the proposed rule.

Interest Assumption

Current Assumption

The benefits valuation regulation contains an interest assumption for determining the present value of future payments (4044 interest assumption). Since November 1993, the 4044 interest assumption has been expressed in a two-component structure known as "select and ultimate" in which one interest factor is assumed to be in effect for the first 20 or 25 years from the valuation date, and the other interest factor is assumed to be in effect thereafter.

To align valuations with the group annuity market, the American Council of Life Insurers conducts periodic surveys⁵ of private-sector single-premium nonparticipating group annuity prices for PBGC. These surveys ask insurers for sample market pricing information (exclusive of loads for administrative expenses). The select and ultimate rates are determined such that in combination with the mortality assumption provided under the benefits valuation regulation, the resulting liabilities are in line with group annuity prices from the survey.⁶

PBGC publishes the interest assumption in appendix B to part 4044 each quarter, for use in the subsequent quarter. Therefore, the interest rates used have not been rates observed on the valuation date.

Reasons for Change

This final rule improves upon current methodology in several ways. Actuarial practice, with the help of technology, has moved toward a bond yield curve approach where future benefits are discounted to the valuation date using yields for which the time to maturity equates to the length of the discounting period. By associating an interest rate with each specific benefit payment time horizon, using a yield curve for discounting better represents the present value of future benefits. As a result, the select and ultimate structure of PBGC's interest assumption under the benefits valuation regulation has become increasingly obsolete. A yield curve approach also better reflects the term structure of the fixed income investments that underlie the price of group annuities.

¹ Because plan terms, plan demographics, and annuity providers' methods vary, no single set of assumptions could exactly match the value private-sector annuity providers would assign to benefits for all terminating plans. Instead, the assumptions are intended to produce reasonable valuation results on average for the range of plans terminating in distress or involuntary terminations, rather than for any particular plan or plan type. See 70 FR 72205, 72205 (Dec. 2, 2005).

² When a multiemployer plan terminates in a mass withdrawal, section 4219 of ERISA requires that unfunded vested benefits be fully allocated among withdrawing employers. The liability assessed in this process is called reallocation liability.

³ The assumptions are deemed reasonable for use in determining the value of "benefits on a termination basis" after a merger or spinoff under Internal Revenue Service regulations at 26 CFR 1.414(l)-1.

⁴ 88 FR 56563 (Aug. 18, 2023).

⁵ Survey approved under OMB Control Number 1212-0030 (expires July 31, 2024).

⁶ See 41 FR 48484, 48485 (Nov. 3, 1976). "PBGC's interest assumptions have been designed so that, when coupled with the mortality assumptions found in the regulation, the benefit values obtained . . . are in line with the industry annuity prices."

In addition, the rule improves the methodology by eliminating the lag between when data used to set PBGC's interest assumption are observed and the interest rate environment on the valuation date. Eliminating the lag is desirable because the interest rate environment on the valuation date also impacts the value of the assets that pension funds invest in, including fixed income investments, equity, and real estate.

Lastly, the final rule increases transparency with respect to the process for setting the 4044 interest assumption. The public availability of month-end bond yield data now makes it possible to adopt a methodology that would increase transparency and, in almost all situations, eliminate the lag entirely.⁷

For these reasons, PBGC is structuring the 4044 interest assumption as a yield curve, more closely replicating the actual yields on the investments backing group annuities, and better reflecting today's actuarial practice. In addition, this final rule incorporates publicly available bond yield data into the methodology used to determine the 4044 interest assumption to increase transparency and bases the interest assumption on bond yields as of the valuation date, or as close as practical for valuations that are not as of a month-end.

Updated 4044 Interest Assumption

The 4044 interest assumption in the final rule is the same as in the proposed rule. Commenters generally supported the transparency of the proposed method for determining the interest assumption and how it better reduces lag from the date data is observed to the valuation date. Some commenters made suggestions which are discussed in this section. The new interest assumption is based on a blend of two publicly available yield curves (the "blended market yield curve") and is adjusted to the extent necessary so that the resulting liabilities align with group annuity prices. As with the proposed rule, the final rule's interest assumption consists of interest rates at maturity points from 0.5 to 30.0 years in half-year increments. The interest rate for the maturity point at year 30.0 is used to discount benefits expected to be paid more than 30 years after the valuation date. One commenter suggested that PBGC use a "uniform" interest rate rather than a yield curve. PBGC did not adopt this suggestion, because, as discussed in more detail earlier in the preamble, actuarial

practice has moved toward a yield curve approach that better represents the present value of future benefits.

The process used to determine the interest assumption follows. First, the blended market yield curve is determined in three steps:

- Step 1—Obtain rates for maturities 0.5 through 30.0 on Treasury securities from the Department of the Treasury (Treasury Department) Nominal Coupon Issues Spot Rates, End of Month yield curve (TNC Yield Curve).⁸
- Step 2—Obtain rates on corporate bonds for maturities 0.5 through 30.0 from the Treasury Department's High Quality Market Corporate Bond Yield Curve Spot Rates, End of Month yield curve (HQM Bond Yield Curve).⁹
- Step 3—Combine the rates obtained in steps 1 and 2 weighting each corporate bond rate at two-thirds and each Treasury rate at one-third.¹⁰

Rather than weighting corporate bonds at two-thirds and Treasury rates at one-third for all maturities, one commenter suggested using a "gliding" weight that varies over different maturities. The goal would be to reflect the fact that insurers typically have different pricing assumptions for immediate and deferred annuities (because of the higher risk associated with deferred annuities than immediate annuities). PBGC did not adopt this suggestion because a gliding weight would introduce substantial unnecessary complexity to the calculation of the blended market yield curve, and the effect described by the commenter is accounted for in the adjustment spreads discussed later in this section.

The yield curves used to develop the blended market yield curve are based on yields as of the end of each month. In PBGC's experience, most calculations that use 4044 assumptions use valuation dates as of the last day of a month, and for such calculations, the applicable blended market yield curve will be determined using the published TNC and HQM curves as of the valuation date. To accommodate other valuation dates, the final rule includes a "lookback" rule for valuation dates that are not as of the end of the month.

⁸ Available at <https://home.treasury.gov/data/treasury-coupon-issues-and-corporate-bond-yield-curves/treasury-coupon-issues>.

⁹ Available at <https://home.treasury.gov/data/treasury-coupon-issues-and-corporate-bond-yield-curve/corporate-bond-yield-curve>.

¹⁰ The rule primarily uses yields on investment-grade corporate bonds when setting its assumptions because such yields are the most important driver of group annuity prices. A white paper describing, among other things, additional details about this weighting is available on PBGC's website, www.pbgc.gov.

Under the lookback rule, if the valuation date is not on the last day of a month, the applicable blended market yield curve as of the last day of the prior month will be used. For example, if the valuation date is February 15, 2023, the applicable blended market yield curve is the blended market yield curve as of January 31, 2023.

PBGC considered other possible rules for determining the blended market yield curve for valuation dates that are not the last day of the month, so that its interest assumption might better reflect the bond market on the actual valuation date (e.g., a blend of the current and prior month's blended market yield curves, a requirement to use the blended market yield curve for the end of the month closest to the valuation date). However, because most plan terminations occur on the last day of a month, PBGC concluded that the benefits did not outweigh the additional complexity. PBGC requested comments on the application of the proposed interest assumption to valuation dates other than the last day of the month. One commenter responded that the proposed methodology is a significant improvement over current methodology.

As noted earlier in this preamble, once the blended market yield curve is determined, it will be adjusted so that the resulting present values align with group annuity prices. The term "4044 yield curve" is used to describe the blended market yield curve after reflecting such adjustments. The adjustments, or "spreads," will be in the format of a curve (i.e., a list of spreads through year 30, each of which applies to a specific point in the blended market yield curve). PBGC will determine and publish the spreads quarterly based on survey data on pricing of private-sector group annuities. More specifically, for each survey date, PBGC will first determine a yield curve that best fits data from those surveys, given an assumed mortality table. Next, PBGC will calculate the differences between this curve and the blended market yield curve as of the survey date. To smooth random variation and seasonality effects before publishing, PBGC will average those differences with the differences calculated from prior survey dates to determine the spreads that are used to adjust the applicable blended market yield curve. PBGC will publish the spreads (by amending its regulation) that are used for adjusting the blended market curve shortly before each quarter begins.

PBGC received a comment suggesting that PBGC adjust its spreads to compensate for a recently proposed

⁷ In the uncommon situation of a mid-month valuation date, the lag is reduced significantly, but not completely eliminated.

change¹¹ to the way the Treasury Department determines its bond yields to avoid a discontinuity in PBGC's rates if the Treasury proposal is finalized. Because the Treasury Department has since finalized¹² its proposal, there will be no discontinuity in PBGC's rates. For that reason, there is no need to modify PBGC's methodology to accommodate the changes.

Another commenter made suggestions for increasing the transparency of the process for determining spreads such as adding detail to the white paper and PBGC's website. PBGC is pleased to provide the white paper along with this final regulation to substantially enhance

the transparency of how PBGC determines the benefit valuation regulation's interest assumption. PBGC will continue to strive to enhance the transparency of this process.

The spreads for any quarter are used to adjust the month-end blended market yield curves in that quarter. For example, the first quarter spreads are used to adjust the blended market yield curves as of January 31, February 28,¹³ and March 31. Because of the lookback rule, the first quarter spreads also apply to valuation dates occurring April 1 through April 29 because for such dates, the applicable blended market yield curve is the curve as of March 31.

Similarly, the fourth quarter spreads are used to adjust the blended market yield curves as of October 31, November 30, and December 31. Because of the lookback rule, the fourth quarter spreads also apply to valuation dates occurring January 1 through January 30, which use the blended market yield curve rate determined as of December 31 from the prior year.

The following example illustrates how the 4044 yield curve would have been developed for a valuation date on December 31, 2023, had the rule been in effect at that time and assuming the fourth quarter spreads for 2023 were as shown in column D below:

Maturity	(A) Dec. 31, 2023, nominal TNC Treasury yield curve (%)	(B) Dec. 31, 2023, HQM bond yield curve (%)	(C) Blended market yield curve (%) $\frac{1}{2} (A) + \frac{2}{3} (B)$	(D) Fourth quarter 2023 spreads (%)	(E) Applicable 4044 yield curve* (%) (C) + (D)
0.5	5.17	5.29	5.25	0.36	5.61
1.0	4.78	5.12	5.01	0.36	5.37
1.5	4.46	4.97	4.80	0.36	5.16
2.0	4.21	4.84	4.63	0.36	4.99
28.5	4.04	5.10	4.75	0.36	5.11
29.0	4.04	5.10	4.75	0.36	5.11
29.5	4.04	5.10	4.75	0.37	5.12
30.0	4.04	5.10	4.75	0.37	** 5.12

* Because of the lookback rule, valuation dates from January 1, 2024, through January 30, 2024, would also use the December 31, 2023, blended market yield curve which means they would also use the fourth quarter spreads. Thus, the 4044 yield curve in column (E) would also be used for those valuation dates.

** The 5.12% rate would be used for benefits expected to be paid 30 or more years after the valuation date.

Because the yield curves used to develop the blended market yield curve are not published until a week or two after the end of the month, in most situations (e.g., month-end valuation dates), the 4044 yield curve will not be available in advance of the valuation date. Given the typical situations where practitioners use 4044 interest assumptions (e.g., Annual Financial and Actuarial Information Reporting (4010 reporting)), PBGC does not anticipate that this will create a timing problem, and no commenter expressed timing concerns.

This final rule amends the benefits valuation regulation to prescribe the use of the 4044 yield curve and the process to determine it. It also amends part 4044 to replace the select and ultimate interest factor table with a table showing spread adjustments for blended market yield curves. For each quarter, the table will show 60 spread adjustments. Because the spread adjustments for the third quarter of 2024 (the quarter for which this rule is first applicable) will not be determinable until shortly before

the third quarter, those spreads are not provided in this final rule. PBGC will issue the third quarter 2024 spread adjustments when they are available.

Given this methodology, practitioners will be able to determine the 4044 yield curve as of the end of any month as soon as the Treasury Department publishes the two yield curves underlying the development of the blended market yield curve. (The applicable spreads will be specified in the regulation before the blended market yield curves are available.) In addition, to reduce administrative burden on practitioners, PBGC will post the 4044 yield curve on its website at www.pbgc.gov each month shortly after its underlying data become available. In addition to posting the 4044 yield curve, one commenter suggested that PBGC should post a single interest rate "index" to provide a readily comparable measure of annuity market pricing and to assist multiemployer plans that receive SFA in determining withdrawal liability payment schedules. PBGC did not adopt this suggestion because cash

flows vary from plan to plan, and no single index rate would be representative of all plans. PBGC agrees with the commenter that actuaries for plans that receive SFA will be able to determine withdrawal liability payment schedules using the 4044 yield curve and notes that actuaries will be able to set up a spreadsheet to do the calculation without much difficulty. To illustrate how the calculation may be done, before the effective date of the final rule, PBGC will post an example on its website at www.pbgc.gov.

Mortality Assumption

Current Assumptions

The mortality assumptions prescribed by the benefits valuation regulation relate to the probabilities that a participant (or beneficiary) will survive to each expected benefit payment date. The regulation currently prescribes six sets of mortality tables: tables for male and female individuals not receiving a disability benefit (healthy lives); tables for male and female participants who

¹¹ 88 FR 41047 (June 23, 2023).

¹² 89 FR 2127 (Jan. 12, 2024).

¹³ February 29 in a leap year.

are disabled under a plan provision that does not require eligibility for Social Security disability benefits (non-Social Security disabled); and tables for male and female participants who are disabled under a plan provision requiring eligibility for Social Security disability benefits (Social Security disabled).

For healthy lives, the mortality tables are based on the GAM-94 Basic Table with mortality improvements projected forward to the year of valuation plus 10 years using the mortality improvement Scale AA, a static mortality improvement projection. A static mortality projection “project[s] the [base mortality] table for a specified number of years and use[s] the resulting table without further projection.”¹⁴ For Social Security disabled participants, the regulation uses the Mortality Tables for Disabilities Occurring in Plan Years Beginning After December 31, 1994, from IRS Rev. Rul. 96-7 (1996-1 C.B. 59). For non-Social Security disabled participants, the benefits valuation regulation uses the healthy lives mortality rates for an individual 3 years older (*i.e.*, the table is set forward by 3 years). In addition, to prevent the rates at older ages from exceeding the rates for Social Security disabled participants, the mortality rates for non-Social Security disabled participants are capped at the corresponding rates for Social Security disabled participants. These assumptions are described in appendix A to part 4044.

Reasons for Change

PBGC seeks to ensure that the assumptions described in the benefits valuation regulation, in the aggregate, produce annuity valuations similar to those produced by private-sector insurers. To do so, PBGC attempts to keep its “assumptions in line with those of private-sector insurers, and to modify its mortality assumptions whenever it is necessary to do so to achieve consistency with the private insurer assumptions.”¹⁵ PBGC determined that it could better achieve consistency with insurers’ mortality assumptions by updating the mortality assumptions under the benefits valuation regulation.

PBGC’s review of insurance industry practice indicates that insurers use fully generational mortality tables rather than the simpler static mortality tables used in the current regulation. Generational mortality tables are a series of mortality tables, one for each year of birth, each of which fully reflects projected trends

in mortality rates. In addition to achieving better consistency with insurers’ assumptions, over the past decade, generational mortality tables have become widely accepted as best practice in the actuarial community. With such projections, actuaries can “theoretically more accurately replicate the anticipated pattern of improvement in mortality rates.”¹⁶

PBGC’s review also indicates that insurers typically use more recent base mortality tables than the GAM-94 Basic Table. Similarly, it has also become clear that the industry recognizes and distinguishes between mortality for annuitants (*i.e.*, individuals receiving benefits) and non-annuitants (*i.e.*, terminated vested and active participants).

IRS and Treasury Rulemaking

The Internal Revenue Service (IRS) and the Treasury Department reached the same conclusions regarding trends in mortality assumptions. On April 28, 2022, they issued a proposed rule (IRS proposal)¹⁷ to amend their mortality assumptions regulations under section 430(h)(3) of the Code. PBGC derived its preamble discussion and operative regulatory provisions for its healthy lives mortality assumptions from the IRS proposal. On October 20, 2023, IRS and Treasury finalized their regulation.¹⁸

Updated Healthy Lives Mortality Assumption—Base Mortality Tables

This final rule adopts the proposed healthy lives base mortality tables. The tables are derived from the tables set forth in the Pri-2012 Private Retirement Plans Mortality Tables Report published by the Retirement Plan Experience Committee (RPEC) of the Society of Actuaries (SOA) in 2019 (Pri-2012 Report).¹⁹ PBGC agrees with IRS and the Treasury Department that the Pri-2012 Report is the best available study of the actual mortality experience of pension plan participants (other than disabled individuals).²⁰

The tables in the Pri-2012 Report are gender-distinct and provide separate non-annuitant and annuitant mortality rates.²¹ Consistent with PBGC’s

proposed rule, this final rule does not provide separate tables for annuitants who are retirees and annuitants who are contingent beneficiaries. Rather, it provides annuitant mortality tables that combine the mortality experience of retirees and contingent beneficiaries. The annuitant mortality tables are used to determine the present value of benefits for an annuitant. For a non-annuitant, the non-annuitant mortality tables are used for the periods before the participant is projected to commence receiving benefits, and the annuitant mortality tables are used for later periods. For a beneficiary of a participant, the annuitant mortality tables apply for the period beginning with each assumed commencement of benefits for the participant. If the participant has died (or to the extent the participant is assumed to die before commencing benefits), the annuitant mortality tables apply for the beneficiary for the period beginning with each assumed commencement of benefits for the beneficiary.

These base tables generally have the same mortality rates as the employee and non-disabled annuitant mortality rates that were released by RPEC in connection with the Pri-2012 Report. However, the base tables provided in this rule also include rates for certain situations that were not included in the base tables in the Pri-2012 Report (*i.e.* non-annuitant mortality rates for ages below age 18 and above age 80 and annuitant mortality rates for ages below age 50). The preamble to the IRS proposal describes the methodology that was used to develop those additional rates.²²

Several commenters made suggestions for the regulation’s base mortality table. One commenter recommended multi-factor mortality tables because, according to the commenter, they better match insurer practice and they more precisely predict mortality by using multiple data fields to capture the diversity of pension plan mortality by analyzing the characteristics of the individuals in those pension plans. Multi-factor mortality is an evolving area, which PBGC intends to study and monitor as PBGC continues to review ways to improve the regulation’s prescribed assumptions in the future. Another commenter suggested prescribing use of the Society of Actuaries’ RP-2014 Mortality Table instead of Pri-2012. This final rule does not adopt RP-2014 because, as

rates also apply to former employees prior to benefit commencement, for purposes of this final rule, the term “non-annuitant” is used.

²² See 87 FR 25161, 25163.

¹⁶ See Pension Comm, American Academy of Actuaries, Selecting and Documenting Mortality Assumptions for Pensions (2015), https://actuary.org/files/Mortality_PN_060515_0.pdf.

¹⁷ 87 FR 25161 (April 28, 2022).

¹⁸ 88 FR 72357 (Oct. 20, 2023).

¹⁹ This report is available at <https://www.soa.org/49c106/globalassets/assets/files/resources/experience-studies/2019/pri-2012-mortality-tables-report.pdf>.

²⁰ 87 FR 25161, 25163.

²¹ The Pri-2012 Report refers to non-annuitant rates as “employee” rates. However, because those

¹⁴ 70 FR 72205 at 72206 (Dec. 2, 2005).

¹⁵ See 70 FR 72205, 72206 (Dec. 2, 2005) (quoting 58 FR 5128, 5129 (Jan. 19, 1993)).

discussed earlier in this preamble, PBGC believes (and one commenter agreed) that Pri-2012 is the best available study of the actual mortality experience of pension plan participants. Pri-2012 is also based on more recent mortality experience than RP-2014 (which is based on an experience study for the years 2004–2008).

PBGC received a few comments about the feasibility of using the 4044 interest assumption with a different mortality assumption for calculations other than those for which the use of both assumptions is required. For example, one commenter noted that because of the way the 4044 yield curve will be determined (*i.e.*, using a current and representative mortality assumption to determine the spreads), PBGC's discount rate spot yield curve will stand on its own as a reasonable assumption for multiple purposes and suggested that for certain purposes, such as multiemployer withdrawal liability, the use of a "blue collar" mortality table "may better reflect the underlying demographics of the pension plan being valued."

While it is true that, when used together, the 4044 interest and mortality assumptions are designed to result in liabilities that are similar to what a private-sector insurance company would charge for a group annuity contract, PBGC agrees that it may be reasonable to use the interest assumption with a different mortality assumption for situations where the use of both assumptions is not required (assuming the mortality assumption reflects plan demographics).

With respect to the comment on withdrawal liability, in general, PBGC does not mandate use of the 4044 mortality assumption to determine withdrawal liability. However, as discussed earlier in this preamble, both the prescribed interest and mortality assumptions must be used to determine reallocation liability in the event of a mass withdrawal. In consideration of the comment, PBGC intends to review the assumptions and methods required for such calculations for possible inclusion in a future rulemaking project.

Updated Healthy Lives Mortality Assumption—Mortality Improvements

The base tables described above have a base year of 2012 (the central year of the experience study used to develop the mortality tables in the Pri-2012 Report). Like the proposed rule, the base tables are used to develop the mortality tables for future years using Scale MP-2021 Rates (the mortality improvement scale in the Mortality Improvement

Scale MP-2021 Report,²³ which was published by the RPEC in October 2021). That mortality improvement scale was developed using the same underlying methodology used to develop RPEC's earlier mortality improvement scales but reflects historical population data through 2019 and the change to the RPEC-selected assumptions for the long-term rate of mortality improvement that was first incorporated in the Mortality Improvement Scale MP-2020 Report.

Although IRS and Treasury also proposed using Scale MP-2021 for future years, their final rule provides for a slightly different improvement projection. Because PBGC seeks to match insurance company assumptions and has no indication that changes similar to those finalized by IRS and Treasury would more closely match insurance company assumptions, PBGC is finalizing its mortality improvement scale as proposed. PBGC will continue to monitor and consider new mortality trend data, including updated mortality improvement scales issued by RPEC, and intends to amend its regulation to account for new data when appropriate. The updated healthy lives mortality assumptions closely align with the mortality assumptions used by private-sector insurers. The software needed to use generational mortality tables is widely used and is often used for other business needs such as financial accounting. Using modern actuarial software, the new assumptions should be no more difficult to apply.

Updated Disabled Lives Mortality Assumption

As with the proposed rule, this final rule provides that the healthy lives mortality assumptions (base table and improvement projections) be used for disabled individuals that are not eligible for Social Security disability benefits. For individuals that are eligible for Social Security disability benefits, as with the proposed rule, the final rule updates the mortality assumptions to reflect more recent mortality experience by using tables published in the Social Security Disability Insurance Program Disabled Worker Experience Actuarial Study 125, a study providing "extensive information on recent actual [Social Security Disability Insurance] disabled worker experience."²⁴ The mortality

rates for Social Security disabled participants comprise two tables: Table 12 for Social Security disabled participants age 75 and younger, and Table 7C for Social Security disabled participants age 76 and older. As with the current mortality assumptions for individuals that are eligible for Social Security disability benefits, the updated assumptions do not include a mortality improvement scale.

For the reasons discussed earlier, this final rule amends PBGC's benefits valuation regulation to replace mortality tables for healthy lives with mortality tables from the Pri-2012 Report. It also replaces tables relating to mortality improvement for healthy lives with references to generational mortality improvement projections from the Mortality Improvement Scale MP-2021 and prescribes their use. It further amends PBGC's benefits valuation regulation to replace tables relating to mortality for Social Security disabled participants with tables derived from Social Security Actuarial Study 125. Finally, it amends the regulation so that the provisions specifying assumptions for non-Social Security disabled lives refer to the healthy lives mortality assumptions.

Expense Assumption

Current Assumptions

Certain administrative expenses are incurred by insurers in connection with the payment of benefits. These expenses are for such things as establishing plan files, reviewing plan provisions to determine benefit entitlements, setting up and updating records, processing pension applications, and remitting benefit payments. Insurers use assumptions about these expenses to price annuities. To account for this component of private-sector annuity pricing, the benefits valuation regulation specifies expense assumptions.²⁵

Currently, these expense assumptions are based in part on the total present value of plan benefits. They are intended to recognize that the computation of benefit valuations entails certain expenses that are roughly proportional to the number of participants in a plan, and that private insurers' expenses, expressed as a percentage of liabilities, are somewhat lower for larger plans. For the expenses proportional to the number of plan participants, the benefits valuation regulation assumes a cost of \$200 per participant. In addition, a percentage of

²³ Report available at <https://www.soa.org/4a9de4/globalassets/assets/files/resources/experience-studies/2021/2021-mp-scale-report.pdf>.

²⁴ Nettie J. Barrick-Funk, Soc. Sec. Admin., Social Security Disability Insurance Program Disabled Worker Experience Actuarial Study 125, at ix (2020), https://www.ssa.gov/OACT/NOTES/pdf_studies/study125.pdf.

²⁵ Expense assumptions are sometimes described as loading assumptions or expense loading assumptions.

liabilities is added to the assumed expense amount for all plans in a way that accounts for the efficiency advantage of larger plans. That percentage is 5 percent of liabilities up to \$200,000, plus a smaller, variable percentage of liabilities above \$200,000.

Reasons for Change and Updated Expense Assumptions

As discussed above, PBGC attempts to set its assumptions to match the private-sector annuity market. PBGC has determined that simple per-participant loads are the most common structure for explicitly charging for administrative expenses and that insurers' expense assumptions account for a very small portion of the total cost of a group annuity. PBGC's current multi-tiered expense assumptions are too complicated given expense assumptions' small share of annuity pricing and the simple structure insurers typically use. Thus, as with the proposed rule, this final rule simplifies the expense assumptions. This rule sets the expense load assumption at \$400 per participant for the first 100 participants and \$250 for each participant over 100. PBGC concluded these amounts were reasonable based on a review of per-participant charges included in group annuity contracts for terminating plans provided to PBGC as part of the standard termination process. These amounts will be updated for inflation using the Consumer Price Index (CPI-U) each year. The rule amends PBGC's benefits valuation regulation to prescribe these updated expense assumptions.

PBGC received two comments on the proposed expense assumptions. One commenter suggested breaking down the expense assumptions between deferred and immediate annuities because expenses on deferred annuities are higher than on immediate annuities. Though PBGC agrees that deferred and immediate annuities have different expense levels, because expenses are such a small component of valuations, capturing this difference is not worth complicating the assumption. Another commenter said PBGC should prescribe a lower expense assumption, yielding expenses between 1.5 percent and 1.8 percent. The prescribed expense assumption is a dollar amount per participant and will generally result in assumed expenses below 1.5 percent of liability.

Conforming Changes to the Missing Participants Regulation

Interest Assumption

PBGC's Missing Participants regulation (29 CFR part 4050) provides that the interest assumption used to determine certain amounts to be transferred on behalf of a missing participant from a terminating defined benefit plan²⁶ to PBGC's Missing Participants Program is the interest assumption under PBGC's benefits valuation regulation applicable to valuations occurring in January of the calendar year in which the benefit determination date occurs.²⁷ Under the current benefits valuation regulation, the same interest assumption is used for any valuation date in January. However, under this final rule, two different interest assumptions apply to valuation dates in January (*i.e.*, the 4044 yield curve as of December 31 applies for valuation dates occurring January 1 through January 30 and the 4044 yield curve as of January 31 applies for a January 31 valuation date). If the Missing Participants regulation were left unchanged, it would be unclear which 4044 yield curve should be used for benefit determination dates occurring in a particular calendar year. Thus, like the proposed rule, this final rule amends the Missing Participants regulation to prescribe the use of the 4044 yield curve applicable to valuations occurring on December 31 of the year preceding the calendar year in which the benefit determination date occurs. However, there is no 4044 yield curve applicable to valuations occurring on December 31, 2023. Consequently, for benefit determination dates to which this rule applies in 2024, a transition rule prescribes the use of the 4044 yield curve applicable to valuations occurring on July 31, 2024.

Mortality Assumption

PBGC's Missing Participants regulation prescribes use of a unisex version of the benefit valuation regulation's mortality assumption for healthy lives (*i.e.*, a 50/50 blend of the male and female mortality tables) to determine certain amounts to be transferred on behalf of a missing participant from a terminating defined benefit plan to PBGC's Missing

Participants Program. Doing the required calculation based on the current mortality assumption is relatively straightforward.

However, because this final rule provides that future mortality improvements will be reflected using generational mortality, if the Missing Participants regulation were left unchanged, practitioners would need to create, and use, a unisex version of a generational mortality table, which would be somewhat cumbersome and complicated. To alleviate the complication, as with the proposed rule, PBGC is amending the Missing Participants regulation to provide that a unisex, static version of the mortality table be used for this purpose. More specifically, PBGC is amending the portion of the definition of "PBGC missing participants assumptions" related to mortality to use a 50/50 blend of static male and female mortality combined tables reflecting non-annuitant and annuitant mortality rates. The proposed rule stated that these male and female tables would be identical to the static mortality tables proposed by IRS and Treasury as an alternative for plans with 500 or fewer participants. Though this final rule does not change the methodology for determining the missing participants static mortality tables, the tables will not be identical to the IRS and Treasury small plan tables because of changes to improvement projection that IRS and Treasury finalized. This final rule includes the static mortality table for 2024 valuations to which this rule applies. PBGC intends to amend the regulation annually to provide static mortality tables reflecting mortality improvements.

Other Housekeeping Changes

As previously discussed, the interest, mortality, and expense assumptions are specified in appendixes to part 4044. To better align with Office of the Federal Register guidance, this final rule specifies the updated assumptions within the codified text of part 4044 instead. The expected retirement age assumptions, which are also used in present value of benefit calculations under part 4044 (but not modified by this rule), are moved to codified text as well. This final rule retains the current interest assumptions in appendix B for reference, but the other three appendixes are removed. The final rule updates cross-references to the appendixes throughout PBGC's regulations so that they refer to the codified text. Compared to the proposed rule, the final rule updates additional cross references in PBGC's regulations

²⁶ The terminating defined benefit plans covered by PBGC's Missing Participants Program are single-employer and multiemployer pension plans covered by title IV of ERISA, and small professional service employer plans not covered by title IV of ERISA. See 29 CFR 4050.101, 4050.301, and 4050.401.

²⁷ See definition of "PBGC missing participants assumptions" in 29 CFR 4050.102, 4050.302, and 4050.402.

to reflect the new location of the expected retirement age assumptions.

Applicability and Transition

One commenter suggested providing a transition period for the regulated community to adapt to the new format of the assumptions and that PBGC continue publishing select and ultimate interest rates for a period of time for third-party use. The amendments apply to calculations where the valuation date is on or after July 31, 2024, giving adequate time to those that need it. However, PBGC will not continue to publish select and ultimate rates. As described earlier in the preamble, the select and ultimate methodology is outmoded.

Incorporation by Reference

Section 4044.53(c)(1)(iii) of the final regulation provides that the mortality improvement rates used to construct the generational mortality tables to be used are the Scale MP–2021 Rates which are described in the Mortality Improvement Scale MP–2021 Report. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. These regulations require that agencies must discuss in the preamble to a rule or proposed rule the way in which materials that the agency incorporates by reference are reasonably available to interested persons, and how interested parties can obtain the materials. 1 CFR 51.5(b).

The Scale MP–2021 Rates and the Mortality Improvement Scale MP–2021 Report are described in this preamble under the heading “Updated healthy lives mortality assumption—mortality improvements” in the “Mortality Assumption” section of this preamble. The Mortality Improvement Scale MP–2021 Report was issued by the Retirement Plans Experience Committee of the Society of Actuaries in October of 2021 and is available to the public for free viewing online on the Society of Actuaries’ website at <https://www.soa.org/resources/experience-studies/2021/mortality-improvement-scale-mp-2021>. The Scale MP–2021 Rates consist of tables of mortality improvement rates by age, sex, and year that are used to project future mortality improvements on the base mortality table.

Executive Orders 12866 and 13563

The Office of Management and Budget (OMB) has determined that this rule is not a “significant regulatory action” under Executive Order 12866. Accordingly, OMB has not reviewed the final rule under Executive Order 12866.

Executive Order 12866 directs 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).

Although this is not a significant regulatory action under Executive Order 12866, PBGC has examined the economic implications of this final rule and has concluded that the rule’s changes will have a minimal impact on liabilities determined under PBGC’s regulations.

The updates to the assumptions under the benefits valuation regulation will, on average, produce benefit liabilities that are very close to the valuations produced by the current assumptions. The results for any particular benefit valuation, however, could be different as a result of adopting an interest rate methodology based on market rates (*i.e.*, eliminating the lag between when data used to set the interest assumption are observed and the interest rate environment on the valuation date).

The impact on liabilities resulting from eliminating the above-noted lag will not be biased in favor of higher or lower benefit liabilities. Also, the impact should be fairly small (*i.e.*, within a few percentage points) unless market rates on the valuation date are significantly different from what PBGC would have used to determine the 4044 interest assumption absent this change (*i.e.*, had the lag not been eliminated).

PBGC’s analysis indicates that, ignoring the impact of the interest rate timing difference described in the prior paragraph, the impact will also be relatively small in situations where the updated 4044 interest assumption is used, but not the updated 4044 mortality assumption. For example, this might be the case with respect to certain withdrawal liability calculations. For plans using the 4044 interest assumption but not the 4044 mortality assumption to determine withdrawal liability, the updated assumptions will generally result in lower benefit liabilities, but liability measurements should be within a few percentage points of liability measurements using the current methodology. Thus, the change will result in only a minor change in withdrawal liability.

The changes to generational mortality tables and to a yield-curve based interest assumption impose a small and not significant administrative burden on plans and practitioners that do calculations using the assumptions.

Section 6 of Executive Order 13563 requires agencies to rethink existing regulations by periodically reviewing their regulatory programs for rules that “may be outmoded, ineffective, insufficient, or excessively burdensome.” These rules should be modified, streamlined, expanded, or repealed as appropriate. PBGC is updating certain outmoded assumptions in its benefits valuation regulation consistent with the principles for review under E.O. 13563.

Regulatory Flexibility Act

The Regulatory Flexibility Act²⁸ imposes certain requirements respecting rules that are subject to the notice-and-comment requirements of section 553(b) of the Administrative Procedure Act, or any other law,²⁹ and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency certifies that a final rule is not likely to have a significant economic impact on a substantial number of small entities, section 604 of the Regulatory Flexibility Act requires that the agency present a final regulatory flexibility analysis at the time of the publication of the final rule describing the impact of the rule on small entities and seek public comment on such impact. Small entities include small businesses, organizations, and governmental jurisdictions.³⁰

For purposes of the Regulatory Flexibility Act requirements with respect to this final rule, PBGC considers a small entity to be a plan with fewer than 100 participants.³¹ This is substantially the same criterion PBGC uses in other regulations³² and is consistent with certain requirements in title I of ERISA³³ and the Code,³⁴ as well as the definition of a small entity that PBGC and the Department of Labor

²⁸ 5 U.S.C. 601 *et seq.*

²⁹ The applicable definition of “rule” is found in section 601 of the Regulatory Flexibility Act. *See* 5 U.S.C. 601(2).

³⁰ The applicable definitions of “small business,” “small organization,” and “small governmental jurisdiction” are found in section 601 of the Regulatory Flexibility Act. *See* 5 U.S.C. 601.

³¹ PBGC consulted with the Small Business Administration’s Office of Advocacy before making this determination. Memorandum received from the U.S. Small Business Administration, Office of Advocacy on March 9, 2021.

³² *See, e.g.*, special rules for small plans under part 4007 (Payment of Premiums).

³³ *See, e.g.*, section 104(a)(2) of ERISA, which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants.

³⁴ *See, e.g.*, section 430(g)(2)(B) of the Code, which permits plans with 100 or fewer participants to use valuation dates other than the first day of the plan year.

(DOL) have used for purposes of the Regulatory Flexibility Act.³⁵

Further, while some large employers operate small plans along with larger ones, in general, most small plans are maintained by small employers. Thus, PBGC believes that assessing the impact of the final rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration³⁶ under the Small Business Act. PBGC therefore requested comments on the appropriateness of the size standard used in evaluating the impact of the amendments in the final rule on small entities. PBGC received no comments on this point.

Based on its definition of small entity, PBGC certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the amendments in this final rule will not have a significant economic impact on a substantial number of small entities. As explained earlier in this preamble, the assumptions will continue to produce valuations that align with group annuity prices. Because of this, PBGC does not expect the assumptions to have a significant economic impact on a substantial number of entities of any size. Similarly, because technology improvements allow even small plans (and their service providers) to apply the more complicated interest and mortality assumptions of this rule without additional administrative burden, this final rule will not increase administrative costs on these entities. Accordingly, as provided in Section 605 of the Regulatory Flexibility Act, sections 603 and 604 do not apply.

List of Subjects

29 CFR Part 4001

Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 4010

Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4041

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4041A

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4043

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Incorporation by reference, Pension insurance, Pensions.

29 CFR Part 4050

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4262

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4281

Employee benefit plans, Pension insurance, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, PBGC amends 29 CFR parts 4001, 4010, 4022, 4041, 4041A, 4043, 4044, 4050, 4262, and 4281 as follows:

PART 4001—TERMINOLOGY

■ 1. The authority citation for part 4001 continues to read as follows:

Authority: 29 U.S.C. 1301, 1302(b)(3).

§ 4001.2 [Amended]

■ 2. Amend § 4001.2 in the definition of *Expected retirement age (XRA)* by removing “§§ 4044.55 through 4044.57” and adding in its place “§§ 4044.55 through 4044.58”.

PART 4010—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 3. The authority citation for part 4010 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1310.

■ 4. Amend § 4010.8 in table 1 to paragraph (d)(2)(ii) under “Assumptions” by revising the entry for “Interest” and under “Decrement” by

revising the entry for “Retirement” to read as follows:

§ 4010.8 Plan actuarial information.

*	*	*	*	*
(d)	*	*	*	*
(2)	*	*	*	*
(ii)	*	*	*	*

TABLE 1 TO PARAGRAPH (d)(2)(ii)

Assumptions:		*	*	*
Interest		§ 4044.54.		
Decrement		*	*	*
• Retirement		§§ 4044.55 through 4044.58.		
		*	*	*
		*	*	*

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 5. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 6. Amend § 4022.63 in paragraphs (b) introductory text by:

- a. Removing the words “the PBGC” and adding in their place the word “PBGC” wherever they appear; and
- b. Revising paragraph (b)(1).

The revision reads as follows:

§ 4022.63 Estimated asset-funded benefit.

*	*	*	*	*
(b)	*	*	*	*

(1) An actuarial valuation of the plan has been performed for a plan year beginning not more than eighteen months before the proposed termination date. If the interest rate used to value plan liabilities in this valuation exceeded the applicable valuation interest rates and factors under § 4044.54 of this chapter in effect on the proposed termination date, the value of benefits in pay status and the value of vested benefits not in pay status on the valuation date must be converted to PBGC's valuation rates and factors.

PART 4041—TERMINATION OF SINGLE-EMPLOYER PLANS

■ 7. The authority citation for part 4041 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341, 1344, 1350.

§ 4041.49 [Amended]

■ 8. Amend § 4041.49 in paragraph (b)(1)(ii) by removing “§§ 4044.41

³⁵ See, e.g., PBGC's proposed rule on Reportable Events and Certain Other Notification Requirements, 78 FR 20039, 20057 (April 3, 2013) and DOL's final rule on Procedures Governing the Filing and Processing of Prohibited Transaction Exemption Applications, 89 FR 4662, 4690 (Jan. 24, 2024).

³⁶ See, 13 CFR 121.201.

through 4044.57” and adding in its place “§§ 4044.41 through 4044.58”.

PART 4041A—TERMINATION OF MULTIPLE EMPLOYER PLANS

■ 9. The authority citation for part 4041A continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341a, 1431, 1441.

§ 4041A.43 [Amended]

■ 10. Amend § 4041A.43 in paragraph (b)(1) by removing “§§ 4044.41 through 4044.57” and adding in its place “§§ 4044.41 through 4044.58”.

PART 4043—REPORTABLE EVENTS AND CERTAIN OTHER NOTIFICATION REQUIREMENTS

■ 11. The authority citation for part 4043 continues to read as follows:

Authority: 29 U.S.C. 1083(k), 1302(b)(3), 1343.

§ 4043.65 [Amended]

■ 12. Amend § 4043.65 in paragraphs (b)(3) and (4) by removing “§§ 4044.51 through 4044.57” and adding in its place “§§ 4044.51 through 4044.58” wherever it occurs.

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 13. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

§ 4044.1 [Amended]

■ 14. Amend § 4044.1 in the second sentence of paragraph (b)(1) by removing “Sections 4044.51 through 4044.57” and adding in its place “Sections 4044.51 through 4044.58” and by removing “(§§ 4044.55 through 4044.57)” and adding in its place “(§§ 4044.55 through 4044.58)”.

§ 4044.2 [Amended]

■ 15. Amend § 4044.2 in paragraph (d) introductory text by removing “§§ 4044.55 through 4044.57” and adding in its place “§§ 4044.55 through 4044.58”.

§ 4044.41 [Amended]

■ 16. Amend § 4044.41 in paragraphs (a)(1) and (2) by removing “§§ 4044.51 through 4044.57” and adding in its place “§§ 4044.51 through 4044.58”.

§ 4044.51 [Amended]

■ 17. Amend § 4044.51 in paragraph (b)(2)(i) by removing “§§ 4044.55 through 4044.57” and adding in its place “§§ 4044.55 through 4044.58”.

■ 18. Amend § 4044.52 by revising paragraphs (a) and (d) to read as follows:

§ 4044.52 Valuation of benefits.

* * * * *

(a) Using the mortality assumptions prescribed by § 4044.53 and the interest assumptions prescribed by § 4044.54;

* * * * *

(d) Adding an expense loading charge determined in accordance with this paragraph (d) to the total value of benefits.

(1) *Expense loading charge.* The expense loading charge equals the applicable inflation multiplier determined in accordance with paragraph (d)(2) of this section multiplied by the sum of—

(i) Four hundred dollars (\$400) multiplied by the lesser of the applicable participant count and 100, and

(ii) Two hundred-fifty dollars (\$250) multiplied by the excess, if any, of the applicable participant count over 100.

(2) *Applicable inflation multiplier.* Except as provided in the next sentence, the applicable inflation multiplier equals the value of the CPI-U for September of the year preceding the year containing the valuation date divided by 296.808 (the value of the CPI-U for September of 2022), but not less than 1. However, for a valuation date on any day in January except the 31st, the applicable inflation multiplier is determined as if the valuation date were December 31 of the year preceding the year containing the valuation date. The term “CPI-U” means the Consumer Price Index for All Urban Consumers, not seasonally adjusted as published by the Bureau of Labor Statistics of the Department of Labor.

(3) *Rounding.* Any expense loading charge determined in accordance with this paragraph (d) which is not a multiple of \$1.00 is rounded to the nearest dollar.

■ 19. Amend § 4044.53 by revising paragraphs (c), (d), and (e) and adding paragraph (h) to read as follows:

§ 4044.53 Mortality assumptions.

* * * * *

(c) *Healthy lives—(1) In general.* If the individual is not disabled under paragraph (f) of this section, the plan administrator must value the benefit using generational mortality tables described in this paragraph (c).

(i) *Construction of generational mortality tables.* The generational mortality tables in this paragraph (c) are constructed from the base mortality tables described in paragraph (c)(1)(ii) of this section and the mortality

improvement rates described in paragraph (c)(1)(iii) of this section.

(ii) *Base mortality tables.* The base mortality tables are set forth in paragraph (c)(5) of this section. The base year for those tables is 2012.

(iii) *Mortality improvement rates.* The mortality improvement rates are the Scale MP–2021 Rates described in the Mortality Improvement Scale MP–2021 Report.

(iv) *Incorporation by reference.* The Mortality Improvement Scale MP–2021 Report, October 2021 is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This incorporation by reference (IBR) material is available for inspection at PBGC and at the National Archives and Records Administration (NARA). Contact PBGC at: Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation; 445 12th Street SW, Washington, DC 20024; 202–326–4040. 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. The material may be obtained from the Society of Actuaries at: Society of Actuaries, 475 N. Martingale Rd., Suite 600, Schaumburg, IL 60173; (847) 706–3500; <https://www.soa.org/resources/experience-studies/2021/mortality-improvement-scale-mp-2021>.

(2) *Application of mortality improvement rates—(i) In general.* Under the generational mortality tables described in this paragraph (c), the probability of an individual's death at a particular age in the future is determined as the individual's base mortality rate that applies at that age (that is, the applicable mortality rate from the tables set forth in paragraph (c)(5) of this section for that age, gender, and status as an annuitant or a non-annuitant) multiplied by the cumulative mortality improvement factor for the individual's gender and for that age for the period from 2012 through the calendar year in which the individual is projected to reach the particular age. Paragraph (c)(3) of this section provides an example that illustrates how the base mortality tables in paragraph (c)(5) of this section and the Scale MP–2021 mortality improvement rates are combined to determine projected mortality rates.

(ii) *Cumulative mortality improvement factor.* The cumulative mortality improvement factor for an age and gender for a period is the product of the annual mortality improvement factors for that age and gender for each year within that period.

(iii) *Annual mortality improvement factor.* The annual mortality improvement factor for an age and gender for a year is 1 minus the mortality improvement rate that applies for that age and gender for that year. If that annual mortality improvement rate is greater than 1 (corresponding to a negative mortality improvement rate), then the projected mortality rate for that age and gender for that year is greater

than the projected mortality rate for the same age and gender for the preceding year.

(3) *Example of calculation using scale MP–2021 rates—(i) Calculation of mortality rate.* The mortality rate that is applied to male annuitants who are age 67 in 2024 is equal to the product of the mortality rate for 2012 that applied to male annuitants who were age 67 in 2012 (0.01288) and the cumulative

mortality improvement factor for age 67 males from 2012 to 2024. The cumulative mortality improvement factor for age 67 males for the period from 2012 to 2024 is 0.9867, and the mortality rate for 2024 for male annuitants who are age 67 in that year would be 0.01271, as shown in the following table.

TABLE 1 TO PARAGRAPH (c)(3)(i)—EXAMPLE MORTALITY RATE CALCULATION

Calendar year	Scale MP–2021 mortality improvement rate	Annual mortality improvement factor (1–mortality improvement rate)	Cumulative mortality improvement factor	Mortality rate
2012	n/a	n/a	n/a	0.01288
2013	0.0052	0.9948	0.9948	.....
2014	0.0027	0.9973	0.9921	.....
2015	0.0009	0.9991	0.9912	.....
2016	(0.0003)	1.0003	0.9915	.....
2017	(0.0010)	1.0010	0.9925	.....
2018	(0.0016)	1.0016	0.9941	.....
2019	(0.0016)	1.0016	0.9957	.....
2020	(0.0010)	1.0010	0.9967	.....
2021	0.0000	1.0000	0.9967	.....
2022	0.0015	0.9985	0.9952	.....
2023	0.0033	0.9967	0.9919	.....
2024	0.0052	0.9948	0.9867	0.01271

(ii) *Probability of survival for an individual.* After the projected mortality rates are derived for each age for each year, the rates are used to calculate the present value of a benefit stream that depends on the probability of survival year-by-year. For example, using the Scale MP–2021 rates, for purposes of calculating the present value of future payments in a benefit stream payable for a male annuitant who is age 67 in 2024, the probability of survival for the annuitant is based on the mortality rate for a male annuitant who is age 67 in 2024 (0.01271), and the projected mortality rate for a male annuitant who will be age 68 in 2025 (0.01369), age 69 in 2026 (0.01478), and so on.

(4) *Use of the tables—(i) Separate tables for annuitants and non-annuitants.* Separate mortality tables are provided for use for annuitants and non-annuitants. The non-annuitant mortality tables are applied to determine the probability of survival for a non-annuitant for the period before the non-annuitant is projected to commence receiving benefits. The annuitant

mortality tables are applied to determine the present value of benefits for each annuitant. In addition, the annuitant mortality tables are applied for each non-annuitant with respect to each assumed commencement of benefits for the period beginning with that assumed commencement. For purposes of this section, an annuitant means a plan participant who has commenced receiving benefits, and a non-annuitant means a plan participant who has not yet commenced receiving benefits (for example, an active employee or a terminated vested participant). A participant whose benefit has partially commenced is treated as an annuitant for the portion of the benefit that has commenced and treated as a non-annuitant for the balance of the benefit. In addition, for a beneficiary of a participant, the annuitant mortality tables apply for the period beginning with each assumed commencement of benefits for the participant. If the participant has died (or to the extent the participant is assumed to die before commencing

benefits), the annuitant mortality tables apply with respect to the beneficiary for the period beginning with each assumed commencement of benefits for the beneficiary.

(ii) *Examples of calculation using separate non-annuitant and annuitant tables.* For a 45-year-old active participant who is projected to commence receiving an annuity at age 55, benefit liabilities are determined using the non-annuitant mortality tables for the period before the participant attains age 55 and using the annuitant mortality tables for the period ages 55 and above. Similarly, for a 45-year-old terminated vested participant who is projected to commence an annuity at age 65, benefit liabilities are determined using the non-annuitant mortality tables for the period before the participant attains age 65 and using the annuitant mortality tables for ages 65 and above.

(5) *Base mortality tables.* The following are the base mortality tables. The base year for these tables is 2012.

TABLE 2 TO PARAGRAPH (c)(5)—HEALTHY LIVES BASE MORTALITY TABLE

Age	Males		Females	
	Non-annuitant	Annuitant	Non-annuitant	Annuitant
0	0.00650	0.00650	0.00544	0.00544

TABLE 2 TO PARAGRAPH (c)(5)—HEALTHY LIVES BASE MORTALITY TABLE—Continued

Age	Males		Females	
	Non-annuitant	Annuitant	Non-annuitant	Annuitant
1	0.00045	0.00045	0.00038	0.00038
2	0.00030	0.00030	0.00023	0.00023
3	0.00022	0.00022	0.00018	0.00018
4	0.00019	0.00019	0.00013	0.00013
5	0.00016	0.00016	0.00012	0.00012
6	0.00014	0.00014	0.00011	0.00011
7	0.00013	0.00013	0.00010	0.00010
8	0.00011	0.00011	0.00009	0.00009
9	0.00009	0.00009	0.00009	0.00009
10	0.00008	0.00008	0.00009	0.00009
11	0.00009	0.00009	0.00009	0.00009
12	0.00013	0.00013	0.00010	0.00010
13	0.00017	0.00017	0.00012	0.00012
14	0.00022	0.00022	0.00013	0.00013
15	0.00028	0.00028	0.00013	0.00013
16	0.00034	0.00034	0.00014	0.00014
17	0.00040	0.00040	0.00015	0.00015
18	0.00046	0.00046	0.00015	0.00015
19	0.00053	0.00053	0.00015	0.00015
20	0.00056	0.00056	0.00015	0.00015
21	0.00056	0.00056	0.00015	0.00015
22	0.00056	0.00056	0.00016	0.00016
23	0.00055	0.00055	0.00018	0.00018
24	0.00055	0.00055	0.00019	0.00019
25	0.00054	0.00054	0.00019	0.00019
26	0.00054	0.00054	0.00019	0.00019
27	0.00054	0.00054	0.00020	0.00020
28	0.00054	0.00054	0.00020	0.00020
29	0.00054	0.00054	0.00020	0.00020
30	0.00055	0.00055	0.00021	0.00021
31	0.00055	0.00055	0.00022	0.00022
32	0.00056	0.00056	0.00023	0.00023
33	0.00058	0.00058	0.00025	0.00025
34	0.00059	0.00059	0.00026	0.00026
35	0.00061	0.00061	0.00028	0.00028
36	0.00063	0.00063	0.00031	0.00031
37	0.00065	0.00065	0.00034	0.00034
38	0.00068	0.00068	0.00036	0.00036
39	0.00071	0.00071	0.00040	0.00040
40	0.00074	0.00074	0.00043	0.00043
41	0.00077	0.00082	0.00047	0.00049
42	0.00081	0.00099	0.00051	0.00061
43	0.00086	0.00124	0.00055	0.00078
44	0.00091	0.00158	0.00060	0.00101
45	0.00097	0.00200	0.00065	0.00130
46	0.00105	0.00251	0.00071	0.00165
47	0.00113	0.00310	0.00077	0.00206
48	0.00123	0.00378	0.00083	0.00252
49	0.00134	0.00454	0.00090	0.00304
50	0.00147	0.00539	0.00098	0.00362
51	0.00161	0.00544	0.00107	0.00426
52	0.00177	0.00565	0.00116	0.00495
53	0.00194	0.00588	0.00126	0.00500
54	0.00213	0.00616	0.00137	0.00512
55	0.00234	0.00647	0.00148	0.00517
56	0.00257	0.00686	0.00161	0.00522
57	0.00281	0.00728	0.00175	0.00528
58	0.00308	0.00770	0.00190	0.00561
59	0.00338	0.00811	0.00206	0.00601
60	0.00369	0.00848	0.00224	0.00643
61	0.00403	0.00882	0.00243	0.00690
62	0.00441	0.00918	0.00264	0.00743
63	0.00481	0.00960	0.00287	0.00796
64	0.00525	0.01014	0.00312	0.00859
65	0.00573	0.01087	0.00339	0.00928
66	0.00636	0.01178	0.00380	0.01003
67	0.00706	0.01288	0.00427	0.01089
68	0.00784	0.01418	0.00480	0.01192
69	0.00870	0.01564	0.00540	0.01309
70	0.00967	0.01729	0.00606	0.01444

TABLE 2 TO PARAGRAPH (c)(5)—HEALTHY LIVES BASE MORTALITY TABLE—Continued

Age	Males		Females	
	Non-annuitant	Annuitant	Non-annuitant	Annuitant
71	0.01073	0.01914	0.00681	0.01597
72	0.01192	0.02121	0.00765	0.01770
73	0.01323	0.02354	0.00860	0.01967
74	0.01469	0.02613	0.00966	0.02192
75	0.01632	0.02905	0.01085	0.02445
76	0.01812	0.03233	0.01219	0.02727
77	0.02012	0.03604	0.01370	0.03042
78	0.02234	0.04026	0.01539	0.03391
79	0.02480	0.04504	0.01729	0.03775
80	0.02754	0.05046	0.01943	0.04198
81	0.02989	0.05657	0.02134	0.04663
82	0.03460	0.06343	0.02516	0.05178
83	0.04166	0.07114	0.03089	0.05754
84	0.05108	0.07977	0.03853	0.06401
85	0.06285	0.08946	0.04808	0.07132
86	0.07698	0.10032	0.05955	0.07954
87	0.09346	0.11248	0.07293	0.08879
88	0.11229	0.12600	0.08822	0.09936
89	0.13348	0.14088	0.10542	0.11124
90	0.15703	0.15703	0.12453	0.12453
91	0.17401	0.17401	0.13818	0.13818
92	0.19151	0.19151	0.15250	0.15250
93	0.20936	0.20936	0.16737	0.16737
94	0.22742	0.22742	0.18274	0.18274
95	0.24569	0.24569	0.19863	0.19863
96	0.26415	0.26415	0.21509	0.21509
97	0.28281	0.28281	0.23214	0.23214
98	0.30169	0.30169	0.24983	0.24983
99	0.32077	0.32077	0.26814	0.26814
100	0.33996	0.33996	0.28698	0.28698
101	0.35910	0.35910	0.30619	0.30619
102	0.37794	0.37794	0.32549	0.32549
103	0.39633	0.39633	0.34472	0.34472
104	0.41415	0.41415	0.36375	0.36375
105	0.43131	0.43131	0.38243	0.38243
106	0.44771	0.44771	0.40065	0.40065
107	0.46329	0.46329	0.41828	0.41828
108	0.47800	0.47800	0.43522	0.43522
109	0.49181	0.49181	0.45139	0.45139
110	0.50000	0.50000	0.46673	0.46673
111	0.50000	0.50000	0.48120	0.48120
112	0.50000	0.50000	0.49477	0.49477
113	0.50000	0.50000	0.50000	0.50000
114	0.50000	0.50000	0.50000	0.50000
115	0.50000	0.50000	0.50000	0.50000
116	0.50000	0.50000	0.50000	0.50000
117	0.50000	0.50000	0.50000	0.50000
118	0.50000	0.50000	0.50000	0.50000
119	0.50000	0.50000	0.50000	0.50000
120	1.00000	1.00000	1.00000	1.00000

(d) *Social Security disabled lives.* If the individual is Social Security disabled under paragraph (f)(1) of this section, the plan administrator will value the benefit using the following table.

TABLE 3 TO PARAGRAPH (d)—SOCIAL SECURITY DISABLED LIVES MORTALITY TABLE

Age	Male	Female
16	0.012544	0.004759
17	0.007102	0.006541

TABLE 3 TO PARAGRAPH (d)—SOCIAL SECURITY DISABLED LIVES MORTALITY TABLE—Continued

Age	Male	Female
18	0.005859	0.008035
19	0.009998	0.008369
20	0.008926	0.009224
21	0.008533	0.008144
22	0.008158	0.008616
23	0.008970	0.008127
24	0.008433	0.008318
25	0.008696	0.008851
26	0.009211	0.008002
27	0.009362	0.008694

TABLE 3 TO PARAGRAPH (d)—SOCIAL SECURITY DISABLED LIVES MORTALITY TABLE—Continued

Age	Male	Female
28	0.009780	0.009477
29	0.010049	0.009664
30	0.011093	0.009417
31	0.011075	0.009985
32	0.010931	0.010524
33	0.011890	0.010648
34	0.012529	0.011252
35	0.012418	0.011450
36	0.013234	0.011448
37	0.013832	0.012135

TABLE 3 TO PARAGRAPH (d)—SOCIAL SECURITY DISABLED LIVES MORTALITY TABLE—Continued

Age	Male	Female
38	0.014457	0.012579
39	0.015830	0.012619
40	0.016153	0.013578
41	0.016859	0.014243
42	0.017464	0.014520
43	0.018302	0.014773
44	0.019127	0.015630
45	0.020380	0.016131
46	0.021607	0.016874
47	0.023407	0.017547
48	0.023956	0.018198
49	0.025631	0.019281
50	0.026384	0.019413
51	0.027277	0.020343
52	0.028582	0.020488
53	0.030164	0.021316
54	0.031262	0.021960
55	0.031728	0.021969
56	0.033067	0.022897
57	0.034230	0.023556
58	0.035474	0.024159
59	0.036790	0.024958
60	0.037772	0.025905
61	0.039297	0.027414
62	0.039954	0.028394
63	0.041069	0.029795
64	0.042280	0.030776
65	0.039144	0.028230
66	0.043862	0.031667
67	0.046182	0.033318
68	0.048624	0.034728

TABLE 3 TO PARAGRAPH (d)—SOCIAL SECURITY DISABLED LIVES MORTALITY TABLE—Continued

Age	Male	Female
69	0.052077	0.037341
70	0.055284	0.039491
71	0.058951	0.042134
72	0.062301	0.044962
73	0.067099	0.047548
74	0.071469	0.051148
75	0.075068	0.055271
76	0.080425	0.059382
77	0.085531	0.063489
78	0.091585	0.068675
79	0.098383	0.074929
80	0.104788	0.080536
81	0.113110	0.088455
82	0.122062	0.094573
83	0.131697	0.103589
84	0.140430	0.111345
85	0.151890	0.122160
86	0.165777	0.130844
87	0.176875	0.142631
88	0.188397	0.156112
89	0.206651	0.166591
90	0.223252	0.182064
91	0.235073	0.197059
92	0.249318	0.205768
93	0.267740	0.225325
94	0.277033	0.240441
95	0.284003	0.260724
96	0.298740	0.281817
97	0.313086	0.293156
98	0.328740	0.308400
99	0.345177	0.324436

TABLE 3 TO PARAGRAPH (d)—SOCIAL SECURITY DISABLED LIVES MORTALITY TABLE—Continued

Age	Male	Female
100	0.362436	0.341307
101	0.380558	0.359055
102	0.399586	0.377726
103	0.419565	0.397368
104	0.440543	0.418031
105	0.462571	0.439768
106	0.485699	0.462636
107	0.509984	0.486693
108	0.535483	0.512001
109	0.562257	0.538626
110	0.590370	0.566634
111+	1.000000	1.000000

(e) *Non-Social Security disabled lives.*
If the individual is non-Social Security disabled under paragraph (f)(2) of this section, the plan administrator will value the benefit using generational mortality tables described in paragraph (c) of this section.

* * * * *

(h) *Missing participants mortality.*
The following mortality table is used to value benefits using “PBGC missing participants assumptions” under part 4050, subparts A, C, and D of this chapter.

TABLE 4 TO PARAGRAPH (h)—MISSING PARTICIPANTS MORTALITY TABLE FOR DETERMINATION DATES IN 2024

Age	Unisex mortality	Age	Unisex mortality
0	0.00207	61	0.00370
1	0.00015	62	0.00441
2	0.00010	63	0.00514
3	0.00008	64	0.00577
4	0.00006	65	0.00658
5	0.00006	66	0.00748
6	0.00005	67	0.00834
7	0.00005	68	0.00928
8	0.00004	69	0.01034
9	0.00004	70	0.01155
10	0.00004	71	0.01294
11	0.00004	72	0.01452
12	0.00005	73	0.01631
13	0.00006	74	0.01837
14	0.00008	75	0.02073
15	0.00009	76	0.02345
16	0.00010	77	0.02656
17	0.00012	78	0.03012
18	0.00014	79	0.03417
19	0.00016	80	0.03899
20	0.00016	81	0.04395
21	0.00017	82	0.04959
22	0.00017	83	0.05595
23	0.00018	84	0.06317
24	0.00019	85	0.07138
25	0.00020	86	0.08063
26	0.00021	87	0.09107
27	0.00022	88	0.10286
28	0.00023	89	0.11596
29	0.00023	90	0.13036
30	0.00025	91	0.14540
31	0.00026	92	0.16090
32	0.00028	93	0.17679
33	0.00030	94	0.19284

TABLE 4 TO PARAGRAPH (h)—MISSING PARTICIPANTS MORTALITY TABLE FOR DETERMINATION DATES IN 2024—
Continued

Age	Unisex mortality	Age	Unisex mortality
34	0.00032	95	0.20898
35	0.00034	96	0.22620
36	0.00036	97	0.24386
37	0.00038	98	0.26196
38	0.00040	99	0.28059
39	0.00043	100	0.29960
40	0.00044	101	0.31891
41	0.00046	102	0.33825
42	0.00048	103	0.35757
43	0.00049	104	0.37670
44	0.00052	105	0.39521
45	0.00054	106	0.41327
46	0.00058	107	0.43080
47	0.00061	108	0.44743
48	0.00065	109	0.46339
49	0.00070	110	0.47628
50	0.00076	111	0.48468
51	0.00085	112	0.49268
52	0.00095	113	0.49666
53	0.00106	114	0.49795
54	0.00120	115	0.49928
55	0.00143	116	0.49960
56	0.00177	117	0.49978
57	0.00205	118	0.49995
58	0.00239	119	0.50000
59	0.00276	120	1.00000
60	0.00321		

■ 20. Add § 4044.54 to read as follows:

§ 4044.54 Interest assumptions.

(a) *General rule.* The plan administrator must use the interest rates prescribed in this section to value benefits under § 4044.52.

(b) *Interest rate.* The interest rate used to discount an expected benefit payment is the interest rate from the applicable 4044 yield curve determined under paragraph (c) of this section for the maturity point that corresponds to the period of time from the valuation date to the date the benefit is expected to be paid unless that period of time exceeds 30 years. In that case, the interest rate used is the interest rate that corresponds to the maturity point at year 30.0. To address the timing of benefit payments during a year, reasonable approximations may be used to value benefit payments that are expected to be made during a plan year.

(c) *4044 yield curve.* A 4044 yield curve consists of interest rates (as percentages) that correspond to mid-year and whole-year maturity points for 30.0 years. The applicable 4044 yield curve is the applicable blended market yield curve determined under paragraphs (d)(1) and (2) of this section adjusted in accordance with paragraph (e)(2) of this section by the applicable spreads determined under paragraph (e)(1) of this section.

(d) *Blended market yield curves.* A blended market yield curve consists of interest rates (as percentages), determined as of the last day of a month, that correspond to mid-year and whole-year maturity points for 30.0 years.

(1) *Applicable blended market yield curve.* The applicable blended market yield curve is the blended market yield curve as of the valuation date if the valuation date is the last day of a month, otherwise it is the blended market yield curve as of the last day of the month before the month containing the valuation date.

(2) *Determination of blended market yield curve.* The blended market yield curve is determined by combining the Department of the Treasury's TNC Treasury Yield Curve Spot Rates, End of Month yield curve (TNC Yield Curve) with the Department of the Treasury's HQM Corporate Bond Yield Curve Spot Rates, End of Month yield curve (HQM Bond Yield Curve) in accordance with this paragraph (d)(2). To determine the blended market yield curve as of the last day of a month—

(i) Obtain the rate for each maturity point from 0.5 to 30.0 from the TNC Yield Curve for the end of the month published by the Department of the Treasury.

(ii) Obtain the rate for each maturity point from 0.5 to 30.0 from the HQM Bond Yield Curve for the end of the

month published by the Department of the Treasury.

(iii) Determine the interest rate for each maturity point from 0.5 to 30.0 on the blended market yield curve by multiplying the rate determined in paragraph (d)(2)(i) of this section by one-third, multiplying the rate determined in paragraph (d)(2)(ii) of this section at the year by two-thirds, and adding the products.

(e) *Spreads*—(1) *Applicable spreads.* The applicable spreads for a blended market yield curve are the spreads set forth in table 1 to this paragraph (e) for the calendar quarter containing the date of the blended market yield curve.

(2) *Using spreads to adjust a blended market yield curve.* The 4044 yield curve described in paragraph (c) of this section is determined by adjusting the blended market yield curve. This adjustment is made by adding the interest rate for each maturity point on the blended market yield curve to the spread corresponding to that maturity point from the applicable spreads.

(3) *Examples.* The following examples illustrate how to determine the applicable blended market yield curve and applicable spreads for a given valuation date:

(i) *Example 1—August 31, 2024, valuation date.* Because the valuation date is the last day of a month, the applicable blended market yield curve determined under paragraph (d)(1) of

this section is the blended market yield curve as of that date. Because August 31, 2024, is in the third calendar quarter of 2024, the applicable spreads determined under paragraph (e)(1) of this section are the spreads for the third calendar quarter of 2024.

(ii) *Example 2—November 15, 2024, valuation date.* Because the valuation date is not the last day of a month, the applicable blended market yield curve determined under paragraph (d)(1) of this section is the blended market yield curve as of the last day of the month before the month containing the

valuation date, October 31, 2024. Because October 31, 2024, is in the fourth calendar quarter of 2024, the applicable spreads determined under paragraph (e)(1) of this section are the spreads for the fourth calendar quarter of 2024.

TABLE 1 TO PARAGRAPH (e)—SPREADS

Third quarter 2024 spreads					
Maturity point	Spread (percent)	Maturity point	Spread (percent)	Maturity point	Spread (percent)
0.5	TBD	10.5	TBD	20.5	TBD
1.0	TBD	11.0	TBD	21.0	TBD
1.5	TBD	11.5	TBD	21.5	TBD
2.0	TBD	12.0	TBD	22.0	TBD
2.5	TBD	12.5	TBD	22.5	TBD
3.0	TBD	13.0	TBD	23.0	TBD
3.5	TBD	13.5	TBD	23.5	TBD
4.0	TBD	14.0	TBD	24.0	TBD
4.5	TBD	14.5	TBD	24.5	TBD
5.0	TBD	15.0	TBD	25.0	TBD
5.5	TBD	15.5	TBD	25.5	TBD
6.0	TBD	16.0	TBD	26.0	TBD
6.5	TBD	16.5	TBD	26.5	TBD
7.0	TBD	17.0	TBD	27.0	TBD
7.5	TBD	17.5	TBD	27.5	TBD
8.0	TBD	18.0	TBD	28.0	TBD
8.5	TBD	18.5	TBD	28.5	TBD
9.0	TBD	19.0	TBD	29.0	TBD
9.5	TBD	19.5	TBD	29.5	TBD
10.0	TBD	20.0	TBD	30.0	TBD

■ 21. Amend § 4044.55 by revising paragraph (c)(1) to read as follows:

§ 4044.55 XRA when a participant must retire to receive a benefit.

* * * * *

(c) * * *

(1) The plan administrator shall determine whether a participant is in the high, medium, or low retirement rate category using the applicable Selection of Retirement Rate Category Table in § 4044.58, based on the participant's benefit determined under paragraph (b)(1) of this section and the

year in which the participant reaches URA.

* * * * *

■ 22. Amend § 4044.56 by revising paragraph (c) to read as follows:

§ 4044.56 XRA when a participant need not retire to receive a benefit.

* * * * *

(c) *Procedure.* Participants in this case are always assigned to the high retirement rate category and therefore the plan administrator shall use table II-C (Expected Retirement Ages for Individuals in the High Category) in

§ 4044.58 to determine the XRA. The plan administrator shall determine the XRA from table II-C by using the participant's URA and earliest retirement age at termination date.

■ 23. Add § 4044.58 before the center heading "Non-Trusteed Plans" to read as follows:

§ 4044.58 Tables used to determine expected retirement age

The following tables are used for determining expected retirement age under §§ 4044.55 through 4044.57.

Table 1 to § 4044.58

TABLE I-24—SELECTION OF RETIREMENT RATE CATEGORY

[For valuation dates in 2024 ¹]

If participant reaches URA in year—	Participant's retirement rate category is—			
	Low ² if monthly benefit at URA is less than—	Medium ³ if monthly benefit at URA is—		High ⁴ if monthly benefit at URA is greater than—
		From—	To—	
2025	802	802	3,388	3,388
2026	821	821	3,466	3,466
2027	839	839	3,546	3,546
2028	859	859	3,627	3,627
2029	879	879	3,711	3,711
2030	899	899	3,796	3,796
2031	919	919	3,883	3,883
2032	941	941	3,973	3,973
2033	962	962	4,064	4,064

[For valuation dates in 2024 ¹]

¹ Applicable tables for valuation dates before 2024 are available on PBGC's website (www.pbgc.gov).

² Table II-A.

³ Table II–B.

⁴ Table II–C.

TABLE II—A—EXPECTED RETIREMENT AGES FOR INDIVIDUALS IN THE LOW CATEGORY

Table 3 to § 4044.58

[illegible]

TABLE II—B—EXPECTED RETIREMENT AGES FOR INDIVIDUALS IN THE MEDIUM CATEGORY—Continued

Participant's earliest retirement age at valuation date	Unreduced retirement age										
	60	61	62	63	64	65	66	67	68	69	70
54	57	58	58	59	59	59	59	59	59	59	59
55	58	58	59	59	59	60	60	60	60	60	60
56	58	59	59	60	60	60	60	60	60	60	60
57	59	59	60	60	61	61	61	61	61	61	61
58	59	60	60	61	61	61	61	61	61	61	61
59	59	60	61	61	62	62	62	62	62	62	62
60	60	60	61	62	62	62	62	62	62	62	62
61 .....	.....	61	61	62	62	63	63	63	63	63	63
62 .....	.....	.....	62	62	62	63	63	63	63	63	63
63 .....	.....	.....	.....	63	63	64	64	64	64	64	64
64 .....	.....	.....	.....	.....	64	64	64	64	64	64	64
65 .....	.....	.....	.....	.....	.....	65	65	65	65	65	65
66 .....	.....	.....	.....	.....	.....	.....	66	66	66	66	66
67 .....	.....	.....	.....	.....	.....	.....	.....	67	67	67	67
68 .....	.....	.....	.....	.....	.....	.....	.....	.....	68	68	68
69 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	69	69
70 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	70

Table 4 to § 4044.58

TABLE II—C—EXPECTED RETIREMENT AGES FOR INDIVIDUALS IN THE HIGH CATEGORY

Participant's earliest retirement age at valuation date	Unreduced retirement age										
	60	61	62	63	64	65	66	67	68	69	70
42	46	46	46	46	46	47	47	47	47	47	47
43	47	47	47	47	47	47	47	47	47	47	47
44	48	48	48	48	48	48	48	48	48	48	48
45	49	49	49	49	49	49	49	49	49	49	49
46	50	50	50	50	50	50	50	50	50	50	50
47	51	51	51	51	51	51	51	51	51	51	51
48	52	52	52	52	52	52	52	52	52	52	52
49	53	53	53	53	53	53	53	53	53	53	53
50	54	54	54	54	54	54	54	54	54	54	54
51	54	55	55	55	55	55	55	55	55	55	55
52	55	55	56	56	56	56	56	56	56	56	56
53	56	56	56	57	57	57	57	57	57	57	57
54	57	57	57	57	57	58	58	58	58	58	58
55	57	58	58	58	58	58	58	58	58	58	58
56	58	58	59	59	59	59	59	59	59	59	59
57	58	59	59	60	60	60	60	60	60	60	60
58	59	59	60	60	60	60	61	61	61	61	61
59	59	60	60	61	61	61	61	61	61	61	61
60	60	60	61	61	61	62	62	62	62	62	62
61 .....	.....	61	61	62	62	62	62	62	62	62	62
62 .....	.....	.....	62	62	62	62	62	62	62	62	62
63 .....	.....	.....	.....	63	63	63	64	64	64	64	64
64 .....	.....	.....	.....	.....	64	64	64	64	64	64	64
65 .....	.....	.....	.....	.....	.....	65	65	65	65	65	65
66 .....	.....	.....	.....	.....	.....	.....	66	66	66	66	66
67 .....	.....	.....	.....	.....	.....	.....	.....	67	67	67	67
68 .....	.....	.....	.....	.....	.....	.....	.....	.....	68	68	68
69 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	69	69
70 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	70

Appendix A to Part 4044—[Removed and Reserved]

- 24. Remove and reserve appendix A to part 4044.

Appendix C to Part 4044—[Removed]

- 25. Remove appendix C to part 4044.

Appendix D to Part 4044—[Removed]

- 26. Remove appendix D to part 4044.

PART 4050—MISSING PARTICIPANTS

- 27. The authority citation for part 4050 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1350.

- 28. Amend § 4050.102 by revising the introductory text and paragraphs (2), (4), (7) introductory text, and (7)(i) to the definition of *PBGC missing participants assumptions* to read as follows:

§ 4050.102 Definitions.

* * * * *

PBGC missing participants assumptions means the actuarial

assumptions prescribed in §§ 4044.51 through 4044.58 of this chapter with the following modifications:

* * * * *

(2) The mortality assumption is the mortality table in § 4044.53(h) of this chapter.

* * * * *

(4) The interest assumption is the assumption for valuing benefits under § 4044.54 of this chapter applicable to valuations occurring on December 31 of the calendar year preceding the calendar year in which the benefit determination date occurs. However, for benefit determination dates July 31 through December 31 of 2024, the interest assumption is the assumption for valuing benefits under § 4044.54 of this chapter applicable to valuations occurring on July 31, 2024.

* * * * *

(7) Notwithstanding the expected retirement age (XRA) assumptions in §§ 4044.55 through 4044.58 of this chapter—

(i) In the case of a participant who is not in pay status and whose normal retirement date is on or after the benefit determination date, benefits are assumed to commence at the XRA, determined using the high retirement rate category under table II–C (Expected Retirement Ages for Individuals in the High Category) in § 4044.58 of this chapter;

* * * * *

■ 29. Amend § 4050.302 by revising the introductory text and paragraphs (2), (4), (7) introductory text, and (7)(i) of the definition of *PBGC missing participants assumptions* to read as follows:

§ 4050.302 Definitions.

* * * * *

PBGC missing participants assumptions means the actuarial assumptions prescribed in §§ 4044.51 through 4044.58 of this chapter with the following modifications:

* * * * *

(2) The mortality assumption is the mortality table in § 4044.53(h) of this chapter.

* * * * *

(4) The interest assumption is the assumption for valuing benefits under § 4044.54 of this chapter applicable to valuations occurring on December 31 of the calendar year preceding the calendar year in which the benefit determination date occurs. However, for benefit determination dates July 31 through December 31 of 2024, the interest assumption is the assumption for valuing benefits under § 4044.54 of this

chapter applicable to valuations occurring on July 31, 2024.

* * * * *

(7) Notwithstanding the expected retirement age (XRA) assumptions in §§ 4044.55 through 4044.58 of this chapter—

(i) In the case of a participant who is not in pay status and whose normal retirement date is on or after the benefit determination date, benefits are assumed to commence at the XRA, determined using the high retirement rate category under table II–C (Expected Retirement Ages for Individuals in the High Category) in § 4044.58 of this chapter;

* * * * *

■ 30. Amend § 4050.402 by revising the introductory text and paragraphs (2), (4), (7) introductory text, and (7)(i) of the definition of *PBGC missing participants assumptions* to read as follows:

§ 4050.402 Definitions.

* * * * *

PBGC missing participants assumptions means the actuarial assumptions prescribed in §§ 4044.51 through 4044.58 of this chapter with the following modifications:

* * * * *

(2) The mortality assumption is the mortality table in § 4044.53(h) of this chapter.

* * * * *

(4) The interest assumption is the assumption for valuing benefits under § 4044.54 of this chapter applicable to valuations occurring on December 31 of the calendar year preceding the calendar year in which the benefit determination date occurs. However, for benefit determination dates July 31 through December 31 of 2024, the interest assumption is the assumption for valuing benefits under § 4044.54 of this chapter applicable to valuations occurring on July 31, 2024.

* * * * *

(7) Notwithstanding the expected retirement age (XRA) assumptions in §§ 4044.55 through 4044.58 of this chapter—

(i) In the case of a participant who is not in pay status and whose normal retirement date is on or after the benefit determination date, benefits are assumed to commence at the XRA, determined using the high retirement rate category under table II–C (Expected Retirement Ages for Individuals in the High Category) in § 4044.58 of this chapter;

* * * * *

PART 4262—SPECIAL FINANCIAL ASSISTANCE BY PBGC

■ 31. The authority citation for part 4262 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1432.

§ 4262.16 [Amended]

■ 32. Amend § 4262.16 in paragraphs (f)(3)(iv), (g)(1) introductory text, and (h)(1)(ii) by removing the words “in appendix B to part 4044” and adding in its place the words “under § 4044.54”.

PART 4281—DUTIES OF PLAN SPONSOR FOLLOWING MASS WITHDRAWAL

■ 33. The authority citation for part 4281 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341(a), 1399(c)(1)(D), 1431, and 1441.

■ 34. Amend § 4281.13 by revising paragraphs (a) and (e) to read as follows:

§ 4281.13 Benefit valuation methods—in general.

* * * * *

(a) Using the interest assumptions under § 4044.54 of this chapter;

* * * * *

(e) Adjusting the values to reflect the loading for expenses in accordance with § 4044.52(d) of this chapter (substituting the term “benefits” for the term “benefit liabilities (as defined in 29 U.S.C. 1301(a)(16))”).

Signed in Washington, DC.

Ann Y. Orr,

Acting Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2024–11819 Filed 6–5–24; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 542

Publication of the List of Areas of Northeast and Northwest Syria in Which Activities Are Authorized by 31 CFR 542.533

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a list of areas of northwest and northeast Syria in which activities are authorized by a general license in the Syrian Sanctions Regulations.

SUMMARY: The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing a list of areas of northeast and northwest Syria

in which activities are authorized under a general license (GL) issued pursuant to the Syrian Sanctions Regulations. The list of areas of northeast and northwest Syria previously existed as an annex to GL 22 (the “List”), which was previously made available on OFAC’s website.

DATES: This list is effective June 6, 2024.

FOR FURTHER INFORMATION CONTACT:

OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Compliance, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC is available on OFAC’s website (<https://ofac.treasury.gov>).

Background

On May 12, 2022, OFAC, in consultation with the Department of State, issued GL 22 to authorize certain transactions otherwise prohibited by the Syrian Sanctions Regulations, 31 CFR part 542 (the “Regulations”). GL 22 was made available on OFAC’s website (<https://ofac.treasury.gov>) when it was issued. OFAC subsequently published GL 22 in the **Federal Register** (88 FR 25278, April 28, 2023). GL 22 includes an annex listing the areas of northwest and northeast Syria in which activities are authorized under GL 22.

On June 6, 2024, OFAC, in consultation with the Department of State, amended the Regulations to include additional interpretive and definitional guidance, general licenses, and other regulatory provisions that will provide further guidance to the public. As part of this regulatory amendment, OFAC incorporated GL 22 into the Regulations as § 542.533. OFAC is now publishing the annex to GL 22 as the List in the **Federal Register**. The text of the List is provided below.

List of Areas of Northeast and Northwest Syria in Which Activities are Authorized by 31 CFR 542.533

The areas of northeast and northwest Syria in which activities are authorized by 31 CFR 542.533, subject to conditions in paragraph (c) of 31 CFR 542.533, including the exclusion of transactions involving the Government of Syria, are:

- (a) Halab (Aleppo) Governorate
 - (1) Manbij District, excluding the following subdistricts:
 - (i) Khafsah subdistrict
 - (ii) Maskanah subdistrict
 - (2) Al Bab District, excluding the

- following subdistricts:
 - (i) Tadif subdistrict
 - (ii) Dayr Hafir subdistrict
 - (iii) Rasm Harmal al Imam subdistrict
 - (iv) Kuwayris Sharqi subdistrict
- (3) Ayn Al Arab District
- (4) I’zaz District, excluding the following subdistricts:
 - (i) Tall Rif’at subdistrict
 - (ii) Nubl subdistrict
 - (5) Jarabulus District
- (b) Ar Raqqa Governorate
 - (1) Markaz ar Raqqa District, excluding the following subdistricts:
 - (i) Ma’dan subdistrict
 - (2) Tall Abyad District
 - (3) Ath Thawrah District, excluding the following subdistricts:
 - (i) Al Mansurah subdistrict
- (c) Dayr az Zawr Governorate
 - (1) Markaz Dayr az Zawr District, excluding areas west of the Euphrates in the following subdistricts:
 - (i) Markaz Dayr az Zawr subdistrict
 - (ii) At Tibni subdistrict
 - (iii) Muhasan subdistrict
 - (iv) Khusham subdistrict
 - (2) Al Mayadin District, excluding areas west of the Euphrates in the following subdistricts:
 - (i) Markaz al Mayadin subdistrict
 - (ii) Asharah subdistrict
 - (3) Albu Kamal District, excluding areas west of the Euphrates in the following subdistricts:
 - (i) Markaz Albu Kamal subdistrict
 - (ii) Al Jala subdistrict
- (d) Al Hasakah Governorate
 - (1) Markaz al Hasakah District
 - (2) Al Malikiyah District
 - (3) Al Qamishli District
 - (4) Ra’s al Ayn District

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–12309 Filed 6–5–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 542

Syrian Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is adopting a final rule amending the Syrian Sanctions Regulations to, among other things, implement the relevant provisions of a May 1, 2012 Executive order regarding

foreign sanctions evaders with respect to Syria and Iran, and certain provisions of the Iran Threat Reduction and Syria Human Rights Act of 2012, the Countering America’s Adversaries Through Sanctions Act, and the Caesar Syria Civilian Protection Act of 2019. In addition to new prohibitions, OFAC is adding several relevant definitions and interpretations and one new general license. OFAC is also incorporating, with amendments, one general license, which has until now appeared only on OFAC’s website, and updating six general licenses.

DATES: This rule is effective June 6, 2024.

FOR FURTHER INFORMATION CONTACT:

OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Compliance, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC’s website: <https://ofac.treasury.gov>.

Background

On April 5, 2005, OFAC issued the Syrian Sanctions Regulations, 31 CFR part 542 (70 FR 17201, April 5, 2005) (the “Regulations”), to implement Executive Order (E.O.) 13338 of May 11, 2004, “Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria” (69 FR 26751, May 13, 2004), pursuant to authorities delegated to the Secretary of the Treasury in E.O. 13338. The Regulations were initially issued in abbreviated form for the purpose of providing immediate guidance to the public. On May 2, 2014, OFAC reissued the Regulations in their entirety (79 FR 25414, May 2, 2014), and, among other things, implemented E.O. 13399 of April 25, 2006 (“Blocking Property of Additional Persons in Connection With the National Emergency With Respect to Syria”) (71 FR 25059, April 28, 2006), E.O. 13460 of February 13, 2008 (“Blocking Property of Additional Persons in Connection With the National Emergency With Respect to Syria”) (73 FR 8991, February 15, 2008), E.O. 13572 of April 29, 2011 (“Blocking Property of Certain Persons With Respect to Human Rights Abuses in Syria”) (76 FR 24787, May 3, 2011), E.O. 13573 of May 18, 2011 (“Blocking Property of Senior Officials of the Government of Syria”) (76 FR 29143, May 20, 2011), E.O. 13582 of August 17, 2011 (“Blocking Property of the Government of Syria and

Prohibiting Certain Transactions With Respect to Syria”) (76 FR 52209, August 22, 2011), and E.O. 13606 of April 22, 2012 (“Blocking the Property and Suspending Entry Into the United States of Certain Persons With Respect to Grave Human Rights Abuses by the Governments of Iran and Syria via Information Technology”) (77 FR 24571, April 24, 2012). OFAC has amended the Regulations several times, most recently on November 26, 2021 to expand an authorization related to certain activities of nongovernmental organizations in Syria (86 FR 67324, November 26, 2021).

In this document, OFAC is further amending the Regulations to implement E.O. 13608 of May 1, 2012, “Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Respect to Iran and Syria” (77 FR 26409, May 3, 2012), the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791 *et seq.*) (SHRAA), the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9401 *et seq.*) (CAATSA), and the Caesar Syria Civilian Protection Act of 2019 (Pub. L. 116–92, Div. F, Title LXXIV, 133 Stat. 2290 (22 U.S.C. 8791 note)) (Caesar Act).

Executive and Statutory Authorities

On May 11, 2004, the President, invoking the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA) and the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Pub. L. 108–175, 117 Stat. 2482 (22 U.S.C. 2151 note)), issued E.O. 13338. In E.O. 13338, the President determined that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and declared a national emergency to deal with that threat.

The national emergency declared in E.O. 13338 was subsequently modified in scope and relied upon for additional steps in E.O.s 13399, 13460, 13572, 13573, 13582, 13606, and 13608, which were issued pursuant to, *inter alia*, IEEPA, and, among other things, blocked the property and interests in property that are or come within the United States or the possession or control of a U.S. person of the Government of Syria as well as of

persons determined to meet certain criteria related to Syria, including persons engaged in human rights abuses. In addition, E.O. 13582 imposed new investment, services-related, and petroleum-related prohibitions involving Syria.

E.O. 13608. On May 1, 2012, the President, invoking the authority of, *inter alia*, IEEPA, issued E.O. 13608, in which he found that efforts by foreign persons to engage in activities intended to evade U.S. economic and financial sanctions with respect to Iran and Syria undermine our efforts to address the national emergencies declared in, among others, E.O. 13338, as modified in scope and relied on for additional steps in subsequent Executive orders, and took additional steps pursuant to these national emergencies.

Section 1(a) of E.O. 13608 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose the measures described in section 1(b) of E.O. 13608 on a foreign person upon determining that the foreign person: (i) has violated, attempted to violate, conspired to violate, or caused a violation of any license, order, regulation, or prohibition contained in, or issued pursuant to: (A) any Executive order relating to the national emergencies declared in E.O. 12957 of March 15, 1995, or in E.O. 13338 of May 11, 2004, as modified in scope in subsequent Executive orders; or (B) to the extent such conduct relates to property and interests in property of any person subject to United States sanctions concerning Iran or Syria, E.O. 13382 of June 28, 2005, any Executive order subsequent to E.O. 13382 of June 28, 2005, that relates to the national emergency declared in E.O. 12938 of November 14, 1994, or any Executive order relating to the national emergency declared in E.O. 13224 of September 23, 2001; (ii) has facilitated deceptive transactions for or on behalf of any person subject to United States sanctions concerning Iran or Syria; or (iii) is owned or controlled by, or is acting or purporting to act for or on behalf of, directly or indirectly, any person determined to meet the criteria set forth in section 1(a) of E.O. 13608.

Section 1(b) of E.O. 13608 describes the measures that the Secretary of the Treasury, in consultation with the Secretary of State, may impose on foreign persons determined to meet the criteria of section 1(a) of E.O. 13608. The measures that the Secretary of the Treasury may impose with respect to such foreign persons include prohibiting all transactions or dealings, whether direct or indirect, involving such person, including any exporting,

reexporting, importing, selling, purchasing, transporting, swapping, brokering, approving, financing, facilitating, or guaranteeing, in or related to (i) any goods, services, or technology in or intended for the United States, or (ii) any goods, services, or technology provided by or to United States persons, wherever located.

In section 2 of E.O. 13608, the President determined that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of any person subject to the measures described in section 1 of E.O. 13608, would seriously impair the President’s ability to deal with the national emergency declared in E.O. The President therefore prohibited the donation of such items except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to E.O. 13608.

Section 3 of E.O. 13608 provides that the prohibitions in section 1 of E.O. 13608 include the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person subject to the measures described in E.O. 13608, and the receipt of any contribution or provision of funds, goods, or services from any such person.

Section 5 of E.O. 13608 prohibits any transaction by a U.S. person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in E.O. 13608, as well as any conspiracy formed to violate such prohibitions.

Section 6 of E.O. 13608 provides that nothing in section 1 of E.O. 13608 shall prohibit transactions for the conduct of the official business of the United States government by employees, grantees, or contractors thereof.

Section 9 of E.O. 13608 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of the order. This section also provides that the Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the U.S. government.

Syria Human Rights Accountability Act of 2012 (SHRAA). On August 10, 2012, the President signed the SHRAA into law as Title VII of the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112–158, Title VII, sec. 705, Aug. 10, 2012, 126 Stat. 1268.) (22

U.S.C. 8791 *et seq.*). Among other things, the SHRAA requires the President to impose sanctions including blocking of property, subject to such regulations as the President may prescribe, on persons included in a report to Congress that the President determined, among other things: (i) are officials of the Government of Syria or persons acting on behalf of the Government of Syria who are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Syria or their family members, regardless of whether such abuses occurred in Syria; (ii) on or after August 10, 2012, have knowingly engaged in the transfer, or the facilitation of the transfer, to Syria of goods or technologies that the President determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including certain firearms and ammunition, law enforcement equipment, surveillance technology, or sensitive technology, or have knowingly provided services with respect to such goods or technologies after such goods or technologies are transferred to Syria, as well as successor entities and certain persons that own or control or are owned or controlled by such persons, even if not included in the report; or (iii) have engaged in censorship, or activities relating to censorship, in a manner that prohibits, limits, or penalizes the legitimate exercise of freedom of expression by citizens of Syria.

On October 9, 2012, the President delegated to the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, certain authorities with respect to the determinations and the imposition of IEEPA sanctions set out in the SHRAA. Further, the President delegated to the Secretary of State, in consultation with the Secretary of the Treasury, certain authorities with respect to the submission of reports set out in the SHRAA.

Countering America's Adversaries Through Sanctions Act. On August 2, 2017, the President signed CAATSA into law. Section 234(a) of CAATSA (22 U.S.C. 9528(a)), requires the President to impose sanctions, including blocking of property, on any foreign person determined by the President to, on or after August 2, 2017, have knowingly exported, transferred, or otherwise provided to Syria significant financial, material, or technological support that contributes materially to the ability of

the Government of Syria to acquire or develop certain weapons or defense articles, as well as on any foreign person that is a successor entity to, is owned or controlled by, or has acted for or on behalf of, a foreign person sanctioned for engaging in such activities.

On September 29, 2017, the President delegated the functions and authorities vested in the President by section 234(a) of CAATSA to the Secretary of State and the Secretary of the Treasury, to be exercised commensurate with authorizations in previous Presidential actions. In addition, the President delegated the functions and authorities vested in the President by section 234(b)(1) of CAATSA (22 U.S.C. 9528(b)(1)), which sets forth the blocking of property as an available sanction, to the Secretary of the Treasury, in consultation with the Secretary of State.

Caesar Syria Civilian Protection Act of 2019. On December 20, 2019, the President signed the Caesar Act into law as Title LXXIV of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92, Div. F, Title LXXIV, 133 Stat. 2290 (22 U.S.C. 8791 note)). Among other things, section 7412 of the Caesar Act requires the President to impose sanctions, including blocking of property, on any foreign person determined by the President to knowingly, on or after June 17, 2020, engage in certain activities, including to knowingly provide significant financial, material, or technological support to, or knowingly engage in a significant transaction with, the Government of Syria, a senior political figure of the Government of Syria, a foreign person that is a military contractor, mercenary, or paramilitary force in certain cases, or a foreign person subject to U.S. sanctions laws with respect to Syria.

On March 31, 2020, the President delegated to the Secretary of the Treasury, in consultation with Secretary of State, certain authorities with respect to the determinations and the imposition of IEEPA sanctions set out in the Caesar Act.

Current Regulatory Action

OFAC is amending the Regulations to implement the provisions related to Syria of E.O. 13608, SHRAA, CAATSA, and the Caesar Act described above. In subpart B of the Regulations, which implements the prohibitions contained in the various Executive orders and statutes, OFAC is adding to § 542.201 the prohibitions set forth pursuant to sections 702 through 704 of the SHRAA; section 234 of CAATSA; section 7412 of the Caesar Act; and the prohibitions contained in any further Executive

orders issued pursuant to the national emergency declared in E.O. 13338. In addition, OFAC is adding § 542.212 to the Regulations to implement the restrictions on foreign persons determined to be foreign sanctions evaders pursuant to sections 1 and 5 of E.O. 13608. Persons blocked pursuant to § 542.201, including persons blocked pursuant to the criteria being added to § 542.201 through this amendment, are referred to throughout the Regulations as “persons whose property and interests in property are blocked pursuant to § 542.201.” The names of persons designated or identified as blocked pursuant to § 542.201 are published on OFAC’s Specially Designated Nationals and Blocked Persons List (SDN List), which is accessible via OFAC’s website, and published in the **Federal Register**. The names of persons who are determined to be subject to the prohibitions of § 542.212 are published on OFAC’s Foreign Sanctions Evaders (FSE) List, which is also accessible via OFAC’s website, and published in the **Federal Register**. Also in subpart B, OFAC is adding to § 542.211 a paragraph that explains that the exemptions of the section do not apply to persons blocked pursuant to the authority of the United Nations Participation Act, as well as adding the exemption relating to the official business of the United States Government in section 6 of E.O. 13608 and the exemption relating to the importation of goods in section 7434 of the Caesar Act.

In subpart C of the Regulations, new definitions are being added for the terms “construction or engineering services,” “deceptive transaction,” “foreign person,” “knowingly,” “person subject to United States sanctions concerning Syria,” and “sensitive technology.” Because these new definitions were inserted in alphabetical order, the definitions that were in the prior set of regulations have been renumbered. In subpart D, which contains interpretive sections regarding the Regulations, § 542.405 has been renamed and updated to reflect that the receipt of services from a person whose property and interests in property are blocked pursuant to § 542.201 is also prohibited pursuant to § 542.201. OFAC is also adding two new interpretive sections: § 542.414 provides guidance on significant or significance; and § 542.415 clarifies that foreign persons will not be subject to sanctions pursuant to certain sections solely on the basis of a transaction for which a U.S. person would not require a specific license.

In subpart E, which sets forth general licenses and statements of licensing

policy for transactions otherwise prohibited by the Regulations but found to be consistent with U.S. policy, OFAC is adding a new general license at § 542.534 to authorize any transaction prohibited pursuant to § 542.212 due to the involvement of a person determined to be subject to the prohibitions of § 542.212, to the same extent such transaction would be authorized for a person whose property and interests in property are blocked pursuant to § 542.201 by a general license issued pursuant to this part.

OFAC is also incorporating, in new § 542.533, Syria General License 22, which authorizes activities in certain economic sectors in non-regime held areas of northeast and northwest Syria and was previously issued only on OFAC's website. General License 22 was issued on May 12, 2022 and will be removed from OFAC's website upon publication of this rule.

OFAC is also updating the general license at § 542.511 for the export of certain services incident to internet-based communications to reflect changes in the technologies that underlie modern communication tools. These changes include listing additional technologies that are deemed incident to the exchange of communications over the internet and expanding the scope of the authorization to cover the exportation or reexportation of services incident to the exportation or reexportation of software or hardware incident to the exchange of communications over the internet. The authorization is also being updated to explicitly exclude the direct or indirect exportation of web-hosting services that are for websites of commercial entities located in Syria or of domain name registration services for or on behalf of the Government of Syria or a person whose property and interests in property are blocked pursuant to § 542.201. The updated § 542.511 also includes a statement of licensing policy providing a case-by-case review standard for applications for the exportation or reexportation of services, including services incident to the exportation or reexportation of software or hardware, that are incident to communications, involve the telecommunications sector, or that support internet freedom in Syria. Accordingly, OFAC is also removing the statement of licensing policy on activities related to the telecommunications sector that previously appeared at § 542.527 and reserving the section.

As a continuation of OFAC's efforts to ensure that humanitarian assistance and related trade continues to reach at-risk

populations through legitimate and transparent channels, while maintaining the effective use of targeted sanctions, OFAC is amending two general licenses at §§ 542.513 and 542.516. In § 542.513, which authorizes official business of certain international organizations and entities, OFAC is removing the requirement that contractors or grantees must provide a copy of their contract or grant and identifying additional international organizations and entities covered. In § 542.516, which authorizes certain services in support of nongovernmental organizations' activities, OFAC is revising the authorization to align more closely with similar authorizations in other parts of 31 CFR chapter V.

OFAC is also revising general licenses at: § 542.507, to clarify that U.S. persons do not need to obtain specific authorization to provide services related to authorized legal services; § 542.508, to remove the requirements that U.S. persons provide a copy of the engagement letter to OFAC prior to receiving payment and submit quarterly reports, and to instead require U.S. persons to retain records of such payments for five years; and § 542.531, to align the authorization for emergency medical services with similar authorizations in other parts of 31 CFR chapter V.

OFAC is reissuing subpart G, Penalties, to add § 542.705, which describes Findings of Violations, and make other technical updates to the subpart (for example, to account for submission by email). OFAC is also reorganizing the part by moving §§ 542.601, 541.801, and 542.901 to subpart A, revising and moving § 542.802 to subpart A, renaming the subpart, reserving subpart F, and removing subparts H and I. Finally, throughout the part, OFAC is making technical and conforming updates to certain provisions and updating cross references.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 542

Administrative practice and procedure, Banks, banking, Blocking of assets, Credit, Foreign trade, Investments, Penalties, Reporting and recordkeeping requirements, Sanctions, Securities, Services, Syria.

For the reasons set forth in the preamble, OFAC amends 31 CFR part 542 as follows:

PART 542—SYRIAN SANCTIONS REGULATIONS

■ 1. The authority citation for part 542 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 18 U.S.C. 2332d; 22 U.S.C. 287c; 22 U.S.C. 8791–8793; 22 U.S.C. 9528; 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 108–175 (22 U.S.C. 2151 note); Pub. L. 116–92, Div. F, Title LXXIV, 133 Stat. 2291 (22 U.S.C. 8791 note); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; E.O. 13399, 71 FR 25059, 3 CFR, 2006 Comp., p. 218; E.O. 13460, 73 FR 8991, 3 CFR 2008 Comp., p. 181; E.O. 13572, 76 FR 24787, 3 CFR 2011 Comp., p. 236; E.O. 13573, 76 FR 29143, 3 CFR 2011 Comp., p. 241; E.O. 13582, 76 FR 52209, 3 CFR 2011 Comp., p. 264; E.O. 13606, 77 FR 24571, 3 CFR 2012 Comp., p. 243; E.O. 13608, 77 FR 26409, 3 CFR, 2012 Comp., p. 252.

■ 2. Revise the heading of subpart A to read as follows:

Subpart A—General Provisions

§§ 542.601, 542.801, and 542.901
[Redesignated as §§ 542.102 through 542.104]

■ 3. Redesignate §§ 542.601, 542.801, and 542.901 as §§ 542.102 through 542.104, respectively.

§ 542.105 [Added and Reserved]

■ 4. Add reserved § 542.105.

■ 5. Add § 542.106 to read as follows:

§ 542.106 Delegation of certain authorities of the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant

to E.O. 13338 of May 11, 2004, and any further Executive orders relating to the national emergency declared therein, any action that the Secretary of the Treasury is authorized to take pursuant to the Presidential Memorandum of October 9, 2012: Delegation of Certain Functions and Authorities under the Iran Threat Reduction and Syria Human Rights Act of 2012; the Presidential Memorandum of September 29, 2017: Memorandum on Delegation of Certain Functions and Authorities Under the Countering America's Adversaries Through Sanctions Act of 2017, the Ukraine Freedom Support Act of 2014, and the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014; or the Presidential Memorandum of March 31, 2020: Delegation of Certain Functions and Authorities Under the National Defense Authorization Act for Fiscal Year 2020, may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart B—Prohibitions

■ 6. Revise and republish § 542.201 to read as follows:

§ 542.201 Prohibited transactions involving blocked property.

(a) All property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any U.S. person are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(1) *E.O. 13582*. The Government of Syria and any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the Government of Syria or any other person whose property and interests in property are blocked pursuant to this paragraph (a)(1); or

(ii) To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, the Government of Syria or any other person whose property and interests in property are blocked pursuant to this paragraph (a)(1).

(2) *E.O. 13338, as amended by E.O. 13460*. Any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) To be or to have been directing or otherwise significantly contributing to the Government of Syria's provision of

safe haven to or other support for any person whose property and interests in property are blocked under United States law for terrorism-related reasons, including, but not limited to, Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine-General Command, and any persons designated pursuant to E.O. 13224 of September 23, 2001;

(ii) To be or to have been directing or otherwise significantly contributing to the Government of Syria's military or security presence in Lebanon;

(iii) To be or to have been directing or otherwise significantly contributing to the Government of Syria's pursuit of the development and production of chemical, biological, or nuclear weapons and medium- and long-range surface-to-surface missiles;

(iv) To be or to have been responsible for or otherwise significantly contributing to actions taken or decisions made by the Government of Syria that have the purpose or effect of undermining efforts to stabilize Iraq or of allowing the use of Syrian territory or facilities to undermine efforts to stabilize Iraq; or

(v) To be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property or interests in property are blocked pursuant to this paragraph (a)(2).

(3) *E.O. 13399*. Any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) To be, or to have been, involved in the planning, sponsoring, organizing, or perpetrating of:

(A) The terrorist act in Beirut, Lebanon, that resulted in the assassination of former Lebanese Prime Minister Rafiq Hariri and the deaths of 22 others; or

(B) Any other bombing, assassination, or assassination attempt in Lebanon since October 1, 2004, that is related to Hariri's assassination or that implicates the Government of Syria or its officers or agents;

(ii) To have obstructed or otherwise impeded the work of the Commission established pursuant to United Nations Security Council Resolution 1595 of April 7, 2005;

(iii) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any such terrorist act, bombing, or assassination attempt, or any person designated pursuant to this paragraph (a)(3); or

(iv) To be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person designated pursuant to this paragraph (a)(3).

(4) *E.O. 13460*. Any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be responsible for, to have engaged in, to have facilitated, or to have secured improper advantage as a result of, public corruption by senior officials within the Government of Syria.

(5) *E.O. 13572 Annex*. The persons listed in the Annex to E.O. 13572 of April 29, 2011.

(6) *E.O. 13572*. Any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) To be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of human rights abuses in Syria, including those related to repression;

(ii) To be a senior official of an entity whose property and interests in property are blocked pursuant to paragraph (a)(5) of this section or this paragraph (a)(6);

(iii) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities described in paragraph (a)(6)(i) of this section or any person whose property and interests in property are blocked pursuant to paragraph (a)(2) of this section or paragraphs (a)(4) and (5) of this section and this paragraph (a)(6); or

(iv) To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to paragraphs (a)(4) and (5) of this section and this paragraph (a)(6).

(7) *E.O. 13573 Annex*. The persons listed in the Annex to E.O. 13573 of May 18, 2011.

(8) *E.O. 13573*. Any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) To be a senior official of the Government of Syria;

(ii) To be an agency or instrumentality of the Government of Syria, or owned or controlled, directly or indirectly, by the Government of Syria or by an official or officials of the Government of Syria;

(iii) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any person whose property and interests in

property are blocked pursuant to paragraph (a)(7) of this section or this paragraph (a)(8); or

(iv) To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to paragraph (a)(7) of this section or this paragraph (a)(8).

(9) *E.O. 13606 Annex*. The persons listed in the Annex to E.O. 13606 of April 22, 2012.

(10) *E.O. 13606*. Any person determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State:

(i) To have operated, or to have directed the operation of, information and communications technology that facilitates computer or network disruption, monitoring, or tracking that could assist in or enable serious human rights abuses by or on behalf of the Government of Syria;

(ii) To have sold, leased, or otherwise provided, directly or indirectly, goods, services, or technology to Syria likely to be used to facilitate computer or network disruption, monitoring, or tracking that could assist in or enable serious human rights abuses by or on behalf of the Government of Syria;

(iii) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities described in paragraph (a)(10)(i) or (ii) of this section, or any person whose property and interests in property are blocked pursuant to paragraph (a)(9) of this section or this paragraph (a)(10); or

(iv) To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to paragraph (a)(9) of this section or this paragraph (a)(10).

(11) *Syria Human Rights Accountability Act of 2012*. (i) A person that is included by the Secretary of State, in consultation with the Secretary of Treasury, in the list submitted pursuant to section 702(b) of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791(b)) (SHRAA), because the person is an official of the Government of Syria or a person acting on behalf of the Government of Syria, that is determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, based on credible evidence, to be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of

serious human rights abuses against citizens of Syria or their family members, regardless of whether such abuses occurred in Syria;

(ii) A person that is included by the Secretary of State, in consultation with the Secretary of Treasury, in the list submitted pursuant to section 703(b) of the SHRAA (22 U.S.C. 8792(b)), because the person is determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, to have knowingly engaged in one of the following activities on or after August 10, 2012:

(A) The transfer, or the facilitation of the transfer of, goods or technologies described in paragraph (a)(11)(ii)(C) of this section to Syria; or

(B) The provision of services with respect to goods or technologies described in paragraph (a)(11)(ii)(C) of this section after such goods or technologies are transferred to Syria.

(C) Goods or technologies described in paragraphs (a)(11)(ii)(A) and (B) of this section are goods or technologies that the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including:

(1) Firearms or ammunition (as those terms are defined in 18 U.S.C. 921), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or

(2) Sensitive technology, as defined in § 542.320;

(iii) A person that the Secretary of Treasury, in consultation with or at the recommendation of the Secretary of State, determines:

(A) Is a successor entity to a person blocked pursuant to paragraph (a)(11)(ii) of this section;

(B) Owns or controls a person blocked pursuant to paragraph (a)(11)(ii) of this section, if the person that owns or controls such blocked person had actual knowledge, or should have known, that the blocked person engaged in the activity described in paragraph (a)(11)(ii) for which the person was blocked pursuant to paragraph (a)(11)(ii); or

(C) Is owned or controlled by, or under common ownership or control with, a person blocked pursuant to paragraph (a)(11)(ii) of this section, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person blocked pursuant to paragraph (a)(11)(ii)

knowingly engaged in the activity described in paragraph (a)(11)(ii) for which the person was blocked pursuant to paragraph (a)(11)(ii); or

(iv) A person that is included by the Secretary of State, in consultation with the Secretary of the Treasury, in the list submitted pursuant to section 704(b) of the SHRAA (22 U.S.C. 8793(b)), because the person is determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State, to have engaged in censorship, or activities relating to censorship, in a manner that prohibits, limits, or penalizes the legitimate exercise of freedom of expression by citizens of Syria.

(12) *Section 234 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9528)*. (i) A foreign person determined by the Secretary of the State, in consultation with the Secretary of the Treasury, to have, on or after August 2, 2017, knowingly exported, transferred, or otherwise provided to Syria, significant financial, material, or technological support that contributes materially to the ability of the Government of Syria to:

(A) Acquire or develop chemical, biological, or nuclear weapons or related technologies;

(B) Acquire or develop ballistic or cruise missile capabilities;

(C) Acquire or develop destabilizing numbers and types of advanced conventional weapons;

(D) Acquire significant defense articles, defense services, or defense information (as such terms are defined under the Arms Export Control Act (22 U.S.C. 2751 *et seq.*); or

(E) Acquire those items designated as items on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1));

(ii) A foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be a successor entity to a foreign person described in paragraph (a)(12)(i) of this section; or

(iii) A foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or to have acted for or on behalf of, a foreign person described in paragraph (a)(12)(i) of this section.

(13) *Section 7412 of the Caesar Syria Civilian Protection Act of 2019*. Any foreign person that the Secretary of the Treasury, in consultation with the Secretary of State, determines knowingly engages in one of the

following activities on or after June 17, 2020:

(i) Knowingly provides significant financial, material, or technological support to, or knowingly engaged in a significant transaction with:

(A) The Government of Syria (including any entity owned or controlled by the Government of Syria) or a senior political figure of the Government of Syria;

(B) A foreign person that is a military contractor, mercenary, or a paramilitary force knowingly operating in a military capacity inside Syria for or on behalf of the Government of Syria, the Government of the Russian Federation, or the Government of Iran; or

(C) A foreign person subject to sanctions pursuant to International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria;

(ii) Knowingly sells or provides significant goods, services, technology, information, or other support that significantly facilitates the maintenance or expansion of the Government of Syria's domestic production of natural gas, petroleum, or petroleum products;

(iii) Knowingly sells or provides aircraft or spare aircraft parts that are used for military purposes in Syria for or on behalf of the Government of Syria to any foreign person operating in an area directly or indirectly controlled by the Government of Syria or foreign forces associated with the Government of Syria;

(iv) Knowingly provides significant goods or services associated with the operation of aircraft that are used for military purposes in Syria for or on behalf of the Government of Syria to any foreign person operating in an area described in paragraph (a)(13)(iii) of this section; or

(v) Knowingly, directly or indirectly, provides significant construction or engineering services to the Government of Syria.

(b) The prohibitions in paragraph (a) of this section include prohibitions on the following transactions:

(1) The making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to paragraph (a) of this section; and

(2) The receipt of any contribution or provision of funds, goods, or services from any person whose property and interests in property are blocked pursuant to paragraph (a) of this section.

(c) Unless authorized by this part or by a specific license expressly referring to this part, any dealing in securities (or

evidence thereof) held within the possession or control of a U.S. person and either registered or inscribed in the name of, or known to be held for the benefit of, or issued by, the Government of Syria or any other person whose property and interests in property are blocked pursuant to paragraph (a) of this section is prohibited. The prohibition in paragraph (a) includes the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, any securities on or after the effective date. The prohibition in paragraph (a) applies irrespective of the fact that at any time (whether prior to, on, or subsequent to the effective date) the registered or inscribed owner of any such securities may have or might appear to have assigned, transferred, or otherwise disposed of the securities.

(d) The prohibitions in paragraph (a) of this section apply except to the extent provided by statutes, or in regulations, rulings, instructions, orders, directives, or licenses that may be issued pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to the effective date.

(e) All transactions prohibited pursuant to any Executive order issued after May 1, 2012 pursuant to the national emergency declared in E.O. 13338 of May 11, 2004, are prohibited pursuant to this part.

Note 1 to § 542.201. The names of persons designated or identified as blocked pursuant to E.O. 13338, E.O. 13399, E.O. 13460, E.O. 13572, E.O. 13573, E.O. 13582, E.O. 13606, or any further Executive orders issued pursuant to the national emergency declared in E.O. 13338, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) using the following identifiers: for E.O. 13338, E.O. 13399, E.O. 13460, E.O. 13572, E.O. 13573, or E.O. 13582: "[SYRIA]"; for E.O. 13606: "[HRIT-SY]"; and for any further Executive orders issued pursuant to the national emergency declared in E.O. 13338: using the identifier formulation "[SYRIA-E.O.[E.O. number pursuant to which the person's property and interests in property are blocked]]." The names of persons designated or identified as blocked pursuant to the Syria Human Rights Accountability Act of 2012, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into the SDN List with the identifier "[SYRIA-TRA]." The names of persons designated or identified as blocked pursuant to Section 234(a) of the Countering America's Adversaries Through Sanctions

Act, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into the SDN List with the identifier "[CAATSA-SYRIA]." The names of persons designated or identified as blocked pursuant to Section 7412 of the Caesar Syria Civilian Protection Act of 2019 ("Caesar Act"), whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into the SDN List with the identifier "[SYRIA-CAESAR]." E.O. 13582 blocks the property and interests in property of the Government of Syria, as defined in § 542.308. The property and interests in property of persons who meet the definition of the term Government of Syria are blocked pursuant to paragraph (a) of this section regardless of whether the names of such persons are published in the **Federal Register** or incorporated into the SDN List. Certain transactions with persons blocked pursuant to paragraph (a) of this section may result in the imposition of secondary sanctions pursuant to the Caesar Act, and therefore such blocked persons' entries on the SDN List will be updated to include the descriptive prefix text "Secondary sanctions risk:", followed by information about the applicable secondary sanctions authority. The SDN List is accessible through the following page on OFAC's website: <https://ofac.treasury.gov>. Additional information pertaining to the SDN List can be found in appendix A to this chapter. See § 542.411 concerning entities that may not be listed on the SDN List but whose property and interests in property are nevertheless blocked pursuant to this section.

Note 2 to § 542.201. Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) authorizes the blocking of property and interests in property of a person during the pendency of an investigation. Except as described in note 3 to this section, the names of persons whose property and interests in property are blocked pending investigation pursuant to this section are published in the **Federal Register** and incorporated into the SDN List using the following identifiers: for E.O. 13338, E.O. 13399, E.O. 13460, E.O. 13572, E.O. 13573, or E.O. 13582: "[BPI-SYRIA]"; for E.O. 13606: "[BPI-HRIT-SY]"; for the Syria Human Rights Accountability Act of 2012: "[BPI-SYRIA-TRA]"; for Section 234 of the Countering America's Adversaries Through Sanctions Act: "[BPI-CAATSA-SYRIA]"; for Section 7412 of the Caesar Syria Civilian Protection Act of 2019: "[BPI-CAESAR]"; or for any further Executive orders issued pursuant to the national emergency declared in E.O. 13338: using the identifier formulation "[BPI-SYRIA-E.O.[E.O. number pursuant to which the person's property and interests in property are blocked pending investigation]]."

Note 3 to § 542.201. Subpart E of part 501 of this chapter describes the procedures to be followed for the unblocking of property and interests in property blocked pursuant to this section, including funds blocked due to mistaken identity or typographical or similar

errors, and for administrative reconsideration of one's status as a person whose property and interests in property are blocked pursuant to this section.

§ 542.206 [Amended]

- 7. Amend § 542.206 by removing “§ 542.311” and adding in its place “§ 542.315”.
 - 8. Amend § 542.211 as follows:
 - a. Redesignate paragraphs (a) through (e) as paragraphs (b) through (f), respectively.
 - b. Add new paragraph (a).
 - c. In newly redesignated paragraph (c)(1), remove “§ 542.307” and add in its place “§ 542.310”.
 - d. Redesignate notes 1 and 2 to paragraph (b)(3) of § 542.211 as notes 2 and 3 to paragraph (c)(3).
 - e. Revise newly redesignated paragraph (e).
 - f. In newly redesignated paragraph (f), add a heading and redesignate the note to paragraph (e) of § 542.211 as note 5 to paragraph (f).
 - g. Adding paragraph (g).
- The revision and addition read as follows:

§ 542.211 Exempt transactions.

(a) *United Nations Participation Act.* The exemptions described in this section do not apply to transactions involving property or interests in property of persons whose property and interests in property are blocked pursuant to the authority of the United Nations Participation Act, as amended (22 U.S.C. 287c(b)) (UNPA).

Note 1 to paragraph (a). Persons whose property and interests in property are blocked pursuant to the authority of the UNPA include those listed on *both* OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) and the Consolidated United Nations Security Council Sanctions List (UN List) (*see* <https://www.un.org>), as well as persons listed on the SDN List for being owned or controlled by, or acting for or on behalf of, persons listed on *both* the SDN List and the UN List.

* * * * *

(e) *Official business.* The prohibitions contained in §§ 542.201(a)(1), (9), and (10), as well as §§ 542.206, 542.207, 542.208, 542.209, 542.210, and 542.212 do not apply to transactions for the conduct of the official business of the United States government by employees, grantees, or contractors thereof.

Note 4 to paragraph (e). *See* § 542.522 for a general license authorizing transactions for the conduct of the official business of the United States Government.

(f) *Inapplicability of exemptions.*

* * *

(g) *Importation of goods.* The prohibitions contained in § 542.201(a) do not apply to the importation of any goods that would otherwise be prohibited solely because of the interest of a person whose property and interests in property are blocked solely pursuant to § 542.201(a)(13). For the purposes of this paragraph (g), the term *good(s)* means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

- 9. Add § 542.212 to read as follows:

§ 542.212 Prohibited transactions involving foreign sanctions evaders.

(a) Pursuant to E.O. 13608, the Secretary of the Treasury, in consultation with the Secretary of State, may determine that a foreign person:

(1) Has violated, attempted to violate, conspired to violate, or caused a violation of any license, order, regulation, or prohibition contained in, or issued pursuant to:

(i) Any Executive order relating to the national emergency declared in E.O. 13338 of May 11, 2004, as modified in scope in subsequent Executive orders; or

(ii) To the extent such conduct relates to property and interests in property of any person subject to United States sanctions concerning Syria, E.O. 13382 of June 28, 2005, any Executive order subsequent to E.O. 13382 of June 28, 2005, that relates to the national emergency declared in E.O. 12938 of November 14, 1994, or any Executive order relating to the national emergency declared in E.O. 13224 of September 23, 2001;

(2) Has facilitated deceptive transactions for or on behalf of any person subject to United States sanctions concerning Syria; or

(3) Is owned or controlled by, or is acting or purporting to act for or on behalf of, directly or indirectly, any person determined to meet the criteria set forth in this paragraph (a).

(b) Upon determining that a foreign person is subject to paragraph (a) of this section, the Secretary of the Treasury may prohibit all transactions or dealings, whether direct or indirect, involving such person, including any exporting, reexporting, importing, selling, purchasing, transporting, swapping, brokering, approving, financing, facilitating, or guaranteeing, in or related to:

(1) Any goods, services, or technology in or intended for the United States; or

(2) Any goods, services, or technology provided by or to United States persons, wherever located.

Note 1 to paragraph (b). The names of persons subject to the prohibitions in paragraph (b) of this section are published in the **Federal Register** and incorporated into OFAC's Foreign Sanctions Evaders (FSE) List using the following identifier formulation: “[FSE–SY].” The FSE List is accessible through the following page on OFAC's website: <https://ofac.treasury.gov>.

(c) The prohibitions in paragraph (b) of this section include prohibitions on the following transactions:

(1) The making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person subject to the measures described in paragraph (b) of this section; and

(2) The receipt of any contribution or provision of funds, goods, or services from any person subject to the measures described in paragraph (b) of this section.

(d) The prohibitions in paragraph (b) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to the date on which the measures described in paragraph (b) are imposed.

Subpart C—General Definitions

§§ 542.302, 542.303, 542.304, 542.305, 542.306, 542.307, 542.308, 542.309, 542.310, 542.311, 542.312, 542.313, 542.314, 542.315, 542.316, 542.317, 542.318, 542.319, 542.320, 542.321, 542.322, and 542.323
[Redesignated as §§ 542.304, 542.305, 542.306, 542.308, 542.309, 542.310, 542.311, 542.313, 542.314, 542.315, 542.316, 542.317, 542.319, 542.321, 542.322, 542.323, 542.324, 542.325, 542.326, 542.327, 542.328, and 542.329]

- 10. Redesignate §§ 542.302 through 542.323 as follows:

Old section	New section
542.302	542.304
542.303	542.305
542.304	542.306
542.305	542.308
542.306	542.309
542.307	542.310
542.308	542.311
542.309	542.313
542.310	542.314
542.311	542.315
542.312	542.316
542.313	542.317
542.314	542.319
542.315	542.321
542.316	542.322
542.317	542.323
542.318	542.324
542.319	542.325
542.320	542.326
542.321	542.327
542.322	542.328
542.323	542.329

■ 11. Add new § 542.302 to read as follows:

§ 542.302 Construction or engineering services.

The term *construction or engineering services*, as used in § 542.201(a)(13)(v), means the provision of services for the construction of buildings or structures, or for the production, procurement, devising, framing, or arranging in Syria of parts or materials to fabricate, shape, or form buildings or structures, and assistance, advisory, consultative, design, and recommendation services concerning engineering matters or during any phase of an engineering project, including the on-site design, development, assembly, or construction of residential, commercial, or institutional buildings in Syria. The term applies to engaging in new work, additions, or alterations of commercial or institutional buildings. Engineering design services may be for: the construction of foundations and building structures (*i.e.*, structural engineering); mechanical and electrical installations for buildings; the construction of civil engineering works; industrial processes and production; or other engineering designs, such as those for acoustics, vibration, traffic control systems, or prototype development for new products.

■ 12. Add new § 542.303 to read as follows:

§ 542.303 Deceptive transaction.

The term *deceptive transaction*, as used in § 542.212, means any transaction where the identity of any person subject to United States sanctions concerning Syria is withheld or obscured from other participants in the transaction or any relevant regulatory authorities.

■ 13. Revise newly redesignated § 542.304 as follows:

§ 542.304 Effective date.

(a) The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part as follows:

(1) With respect to prohibited transfers or other dealings in blocked property and interests in property of the Government of Syria, as defined in § 542.308, 12:01 a.m. eastern daylight time, August 18, 2011;

(2) With respect to a person whose property and interests in property are blocked pursuant to § 542.201(a)(5), 1 p.m. eastern daylight time, April 29, 2011;

(3) With respect to a person whose property and interests in property are blocked pursuant to § 542.201(a)(7), 1

p.m. eastern daylight time, May 18, 2011;

(4) With respect to a person whose property and interests in property are blocked pursuant to § 542.201(a)(9), 12:01 a.m. eastern daylight time, April 23, 2012;

(5) With respect to a person whose property and interests in property are otherwise blocked pursuant to § 542.201, the earlier of the date of actual or constructive notice that such person's property and interests in property are blocked;

(6) With respect to the transactions prohibited by §§ 542.206 through 542.210, 12:01 a.m. eastern daylight time, August 18, 2011; and

(7) With respect to the transactions prohibited by § 542.212, the earlier of the date of actual or constructive notice that such prohibitions apply to the foreign person determined to be subject to the prohibitions in § 542.212.

(b) For the purposes of this section, *constructive notice* is the date that a notice of the blocking of the relevant person's property and interests in property, or a notice of the imposition of a prohibition imposed pursuant to § 542.212, is published in the **Federal Register**.

§ 542.306 [Amended]

■ 14. Amend newly redesignated § 542.306 by removing the phrase “, as used in § 542.201(a)(1)(i), (a)(2)(ii)(L), and (a)(3)(ii)(C),”.

■ 15. Add new § 542.307 to read as follows:

§ 542.307 Foreign person.

The term *foreign person* means any person that is not a U.S. person.

§ 542.308 [Amended]

■ 16. Amend newly redesignated § 542.308 by redesignating notes 1 and 2 to § 542.305 as notes 1 and 2 to § 542.308.

■ 17. Add new § 542.312 to read as follows:

§ 542.312 Knowingly.

The term *knowingly*, as used in § 542.201(a)(11) through (13), with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

§ 542.313 [Amended]

■ 18. Amend newly redesignated § 542.313 by redesignating the note to § 542.309 as note 1 to § 542.313.

§ 542.315 [Amended]

■ 19. Amend newly redesignated § 542.315 in paragraph (b) by removing “§ 542.310” and adding in its place “§ 542.314”.

■ 20. Add new § 542.318 to read as follows:

§ 542.318 Person subject to United States sanctions concerning Syria.

The term *person subject to United States sanctions concerning Syria*, as used in § 542.212, means:

(a) Any person, including the Government of Syria, with whom transactions are restricted pursuant to any Executive order relating to the national emergency declared in E.O. 13338; or

(b) Any person whose property and interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) in connection with Syria's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, or Syria's support for international terrorism.

■ 21. Add new § 542.320 to read as follows:

§ 542.320 Sensitive technology.

The term *sensitive technology*, as used in § 542.201(a)(11)(ii)(C)(2), means hardware, software, telecommunications equipment, or any other technology, that the Secretary of the Treasury, in consultation with the Secretary of State, determines is to be used specifically to restrict the free flow of unbiased information in Syria or to disrupt, monitor, or otherwise restrict speech of the people of Syria. The term *sensitive technology* does not include information or informational materials that are exempt from regulation or prohibition pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

■ 22. Revise newly redesignated § 542.327 as follows:

§ 542.327 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, purchasing or selling foreign exchange, securities, futures, or options, or procuring purchasers and sellers thereof, as principal or agent. It includes depository institutions, banks, savings banks, money services businesses, operators of credit card systems, trust companies, insurance companies, securities brokers and dealers, futures

and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, dealers in precious metals, stones, or jewels, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

Subpart D—Interpretations

■ 23. Revise and republish § 542.401 to read as follows:

§ 542.401 Reference to amended sections.

(a) Reference to any section in this part is a reference to the same as currently amended, unless the reference includes a specific date. *See* 44 U.S.C. 1510.

(b) Reference to any regulation, ruling, instruction, order, directive, or license issued pursuant to this part is a reference to the same as currently amended unless otherwise specified.

■ 24. Revise and republish § 542.405 to read as follows:

§ 542.405 Exportation, reexportation, sale, or supply of services; provision and receipt of services.

(a) The prohibition on the exportation, reexportation, sale, or supply of services contained in § 542.207 applies to services performed on behalf of a person in Syria or the Government of Syria or where the benefit of such services is otherwise received in Syria, if such services are performed:

(1) In the United States; or
(2) Outside the United States by a United States person.

(b) The benefit of services performed anywhere in the world on behalf of the Government of Syria is presumed to be received in Syria.

(c) The prohibitions contained in § 542.201 apply to services performed in the United States or by U.S. persons, wherever located:

(1) On behalf of or for the benefit of the Government of Syria or any other person in whose property and interests in property are blocked pursuant to § 542.201; or

(2) With respect to property interests of the Government of Syria or any other person whose property and interests in property are blocked pursuant to § 542.201.

(d) The prohibitions on transactions contained in § 542.201 apply to services

received in the United States or by U.S. persons, wherever located, where the service is performed by, or at the direction of, a person whose property and interests in property are blocked pursuant to § 542.201.

(e)(1) For example, U.S. persons may not, except as authorized by or pursuant to this part, provide legal, accounting, financial, brokering, freight forwarding, transportation, public relations, or other services to any person in Syria or to the Government of Syria or to any other person whose property and interests in property are blocked pursuant to § 542.201 or negotiate or enter into contracts signed by a person whose property and interests in property are blocked pursuant to § 542.201.

(2) For example, a U.S. person is engaged in a prohibited exportation of services to Syria when it extends credit to a third-country firm specifically to enable that firm to manufacture goods for sale to Syria or the Government of Syria.

Note 1 to § 542.405. *See* §§ 542.507 and 542.531 for general licenses authorizing the provision of certain legal and emergency medical services.

■ 25. Revise and republish § 542.406 to read as follows:

§ 542.406 Offshore transactions involving blocked property.

The prohibitions in § 542.201 on transactions or dealings involving blocked property, as defined in § 542.301, including property held in the name of the Government of Syria, apply to transactions by any U.S. person in a location outside the United States.

■ 26. Revise and republish § 542.409 to read as follows:

§ 542.409 Credit extended and cards issued by financial institutions.

The prohibitions in §§ 542.201 and 542.212 on dealing in property subject to those sections and the prohibition in § 542.207 on exporting services to Syria prohibit U.S. financial institutions from performing under any existing credit agreements, including charge cards, debit cards, or other credit facilities issued by a financial institution to a person whose property and interests in property are blocked pursuant to § 542.201 or a person determined to be subject to the prohibitions of § 542.212.

§ 542.411 [Amended]

■ 27. Amend § 542.411 in paragraph (b) by removing “§ 542.305” and adding in its place “§ 542.308”.

■ 28. Add § 542.414 to read as follows:

§ 542.414 Significant; significant transaction.

In determining, for purposes of § 542.201(a)(13), whether a transaction is significant, or transactions are significant, the Secretary of the Treasury may consider the totality of the facts and circumstances. As a general matter, the Secretary may consider some or all of the following factors:

(a) *Size, number, and frequency.* The size, number, and frequency of transactions performed over a period of time, including whether the transactions are increasing or decreasing over time and the rate of increase or decrease.

(b) *Nature.* The nature of the transaction(s), including the type, complexity, and commercial purpose of the transaction(s).

(c) *Level of awareness; pattern of conduct.* (1) Whether the transaction(s) is performed with the involvement or approval of management or only by clerical personnel; and

(2) Whether the transaction(s) is part of a pattern of conduct or the result of a business development strategy.

(d) *Nexus.* The proximity between the foreign person engaging in the transaction(s) and the persons blocked pursuant § 542.201 or subject to the prohibitions of § 542.212.

(e) *Impact.* The impact of the transaction(s) on the objectives of the Caesar Act, including:

(1) The economic or other benefit conferred or attempted to be conferred on a sanctioned person blocked pursuant to § 542.201 or subject to the prohibitions of § 542.212; and

(2) Whether and how the transaction(s) contribute to the proliferation of weapons of mass destruction or delivery systems for such weapons, to support for international terrorism, or to the suppression of human rights.

(f) *Deceptive practices.* Whether the transaction(s) involves an attempt to obscure or conceal the actual parties or true nature of the transaction(s) or to evade sanctions.

(g) *Other relevant factors.* Such other factors that the Secretary of the Treasury or the Secretary's designee deems relevant on a case-by-case basis in determining the significance of a transaction(s).

(h) *Applicability.* For the purposes of this part, a transaction is not significant if U.S. persons would not require a specific license from OFAC to participate in it.

■ 29. Add § 542.415 to read as follows:

§ 542.415 Transactions by foreign persons for which a U.S. person would not require a specific license.

For the purposes of this part, foreign persons will not be subject to sanctions pursuant to § 587.201(a)(1), (3), (6), (8), or (13) or § 542.212 solely on the basis of transaction for which a U.S. person would not require a specific license.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 30. Amend § 542.507 as follows:

■ a. Remove “§ 542.201(a)” wherever it appears and add in its place “§ 542.201”.

■ b. Redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively.

■ c. Add new paragraph (c).

■ d. In newly redesignated paragraph (e)(2), remove “paragraph (d)(1) of this section” and add in its place “paragraph (e)(1) of this section”.

The addition reads as follows:

§ 542.507 Provision of certain legal services authorized.

* * * * *

(c) *Ordinarily incident services.* U.S. persons do not need to obtain specific authorization to provide related services, such as making filings and providing other administrative services, that are ordinarily incident to the provision of services authorized by paragraph (a) of this section. Additionally, U.S. persons who provide services authorized by paragraph (a) do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. *See* § 542.404.

* * * * *

■ 31. Revise and republish § 542.508 to read as follows:

§ 542.508 Payments for legal services from funds originating outside the United States.

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 542.507(a) to or on behalf of the Government of Syria or any other person whose property and interests in property are blocked pursuant to § 542.201 is authorized from funds originating outside the United States, provided that the funds do not originate from:

- (i) A source within the United States;
- (ii) Any source, wherever located, within the possession or control of a U.S. person; or

(iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 542.507(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 542.201, any other part of this chapter, or any Executive order or statute has an interest.

(b) *Records.* Consistent with § 501.601 of this chapter, U.S. persons who receive payments pursuant to paragraph (a) of this section must retain for five years from the date of the relevant payment a record that specifies the following for each payment:

(1) The individual or entity from whom the funds originated and the amount of funds received; and

(2) If applicable:

(i) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(ii) A general description of the services provided; and

(iii) The amount of funds paid in connection with such services.

(3) These records must be furnished to OFAC on demand consistent with § 501.602 of this chapter.

■ 32. Revise and republish § 542.511 to read as follows:

§ 542.511 Exportation of certain services incident to internet-based communications.

(a) *Authorized services*—(1) *Services related to the exchange of communications over the internet.*

Except as provided in paragraph (c) of this section, all transactions prohibited by this part that are related to the exportation, reexportation, sale, or supply, directly or indirectly, from the United States or by U.S. persons, wherever located, to persons in Syria of services incident to the exchange of communications over the internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, blogging, social media platforms, collaboration platforms, video conferencing, e-gaming, e-learning platforms, automated translation, web maps, and user authentication services, as well as cloud-based services in support of the foregoing, are authorized.

(2) *Services incident to the export or reexport of software and hardware not*

subject to the Export Administration Regulations (EAR). Except as provided in paragraph (c) of this section, all transactions prohibited by this part that are related to the exportation, reexportation, sale, or supply, directly or indirectly, from the United States or by U.S. persons, wherever located, of services incident to the exportation or reexportation to persons in Syria of software or hardware that is incident to, or enables services incident to, the exchange of communications over the internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, blogging, social media platforms, collaboration platforms, video conferencing, e-gaming, e-learning platforms, automated translation, web maps, and user authentication services, as well as cloud-based services in support of the foregoing, are authorized, provided that any such hardware would be designated EAR99 if it were subject to the EAR, 15 CFR parts 730 through 774, and that any such software is the type of software described in 15 CFR 734.3(b)(3) or would be classified under Export Control Classification Number (ECCN) 5D992.c or designated EAR99 if it were subject to the EAR.

Note 1 to paragraph (a)(2). *See* § 542.510 for a general license authorizing the exportation or reexportation of certain items subject to the EAR and services to Syria.

(b) *Internet connectivity services and telecommunications capacity.* Except as provided in paragraph (c) of this section, all transactions prohibited by this part that are related to the exportation or reexportation to Syria of non-commercial-grade internet connectivity services, to include non-commercial-grade cloud-based services, and the provision, sale, or leasing of capacity on telecommunications transmission facilities (such as satellite or terrestrial network connectivity) incident to communications, are authorized.

(c) *Exclusions.* This section does not authorize:

(1) The direct or indirect exportation of services with knowledge or reason to know that such services are intended for the benefit of the Government of Syria, except for services described in paragraph (a) of this section that are publicly available at no cost to the user, or any other person whose property and interests in property are blocked pursuant to § 542.201;

(2) The direct or indirect exportation of commercial-grade internet connectivity services or commercial-grade telecommunications transmission facilities (such as dedicated satellite

links or dedicated lines that include quality of service guarantees); or

(3) The direct or indirect exportation of web-hosting services that are for websites of commercial entities located in Syria or of domain name registration services for or on behalf of the Government of Syria, as defined in § 542.308, or any other person whose property and interests in property are blocked pursuant to § 542.201.

(d) *Specific licensing policy.* Specific licenses may be issued on a case-by-case basis to authorize transactions not specified in paragraph (a) of this section that are incident to communications, involve the telecommunications sector, or support internet freedom in Syria, including to enable private persons in Syria to better and more securely access the internet.

Note 2 to § 542.511. Nothing in this section relieves the exporter from compliance with the export license application requirements of another Federal agency.

■ 33. Revise and republish § 542.513 to read as follows:

§ 542.513 Official business of certain international organizations and entities.

All transactions prohibited by this part that are for the conduct of the official business of the following entities by employees, grantees, or contractors thereof are authorized:

(a) The United Nations, including its Programmes, Funds, and Other Entities and Bodies, as well as its Specialized Agencies and Related Organizations;

(b) The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies; and

(c) The Global Fund to Fight AIDS, Tuberculosis, and Malaria, and Gavi, the Vaccine Alliance.

Note 1 to § 542.513. The authorization in this section includes the processing or transfer of funds on behalf of third-country entities to or from Syria in support of the transactions authorized by this section. U.S. financial institutions may rely on the originator of a funds transfer with regard to compliance with this section, provided that the financial institution does not know or have reason to know that the funds transfer is not in compliance with this section.

■ 34. Revise and republish § 542.516 to read as follows:

§ 542.516 Certain transactions in support of nongovernmental organizations' activities.

(a) Nongovernmental organizations, including employees, contractors, and grantees thereof, are authorized to engage in all transactions prohibited by this part that are in support of the activities described in paragraph (b) of

this section, provided that the nongovernmental organization is not a person whose property or interests in property are blocked pursuant to this part.

(b) The activities referenced in paragraph (a) of this section are non-commercial activities designed to directly benefit the civilian population that fall into one of the following categories:

(1) Activities to support humanitarian projects to meet basic human needs in Syria, including, disaster, drought, or flood relief; food, nutrition, or medicine distribution; the provision of health services; assistance for vulnerable or displaced populations, including refugees, individuals with disabilities, and the elderly; and environmental programs;

(2) Activities to support democracy building in Syria, including activities to support rule of law, citizen participation, government accountability and transparency, human rights and fundamental freedoms, access to information, and civil society development projects;

(3) Activities to support education in Syria, including combating illiteracy, increasing access to education, and assisting education reform projects;

(4) Activities to support non-commercial development projects directly benefiting the Syrian people, including those related to health, food security, and water and sanitation;

(5) Activities to support the preservation and protection of cultural heritage sites in Syria, including museums, historic buildings, and archaeological sites;

(6) Activities to support environmental and natural resource protection in Syria, including the preservation and protection of threatened or endangered species, responsible and transparent management of natural resources, and the remediation of pollution or other environmental damage; and

(7) Activities to support disarmament, demobilization, and reintegration (DDR) programs and peacebuilding, conflict prevention, and conflict resolution programs.

(c) U.S. financial institutions are authorized to process transfers of funds on behalf of U.S. or third-country nongovernmental organizations, including their employees, contractors, and grantees, in support of the activities authorized by paragraph (a) of this section, except as provided in paragraph (d) of this section.

Note 1 to paragraph (c). U.S. financial institutions may rely on the originator of a

funds transfer with regard to compliance with this section, provided that the financial institution does not know or have reason to know that the funds transfer is not in compliance with this section.

(d) This section does not authorize:

(1) Any funds transfers initiated or processed with knowledge or reason to know that the intended beneficiary of such transfers is a person blocked pursuant to this part, except for persons who meet the definition of the term *Government of Syria*, as defined in § 542.308(a) or for the purposes of effecting the payment of taxes, fees, or import duties, or for the purchase or receipt of permits, licenses, or public utility services as ordinarily incident and necessary to the activities authorized in paragraph (a) of this section; or

(2) The importation into the United States of petroleum or petroleum products of Syrian origin prohibited by § 542.208.

(e) Nothing in this section authorizes nongovernmental organizations to undertake any transaction or dealing that involves any foreign person that has been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or otherwise designated as a terrorist organization, by the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security.

(f) U.S. persons engaging in transactions or processing transfers of funds to or from Syria in support of activities described in paragraph (b)(5) of this section (preservation and protection of cultural heritage sites in Syria) are required to file quarterly reports no later than 30 days following the end of the calendar quarter with OFAC. The reports should include complete information on all activities and transactions undertaken pursuant to paragraphs (a) and (c) of this section in support of the activities described in paragraph (b)(5) of this section that took place during the reporting period, including the parties involved, the value of the transactions, the services provided, and the dates of the transactions. The reports should be submitted via email to OFACReport@treasury.gov.

(g) Specific licenses may be issued on a case-by-case basis to authorize nongovernmental organizations or other entities to engage in other activities designed to directly benefit the civilian population, including support for the removal of landmines and economic development projects directly benefiting the civilian population.

Note 2 to § 542.516. See § 542.510 for a general license authorizing the exportation or reexportation of certain items and services to Syria.

§ 542.527 [Removed and Reserved]

- 35. Remove and reserve § 542.527.
- 36. Revise and republish § 542.531 to read as follows:

§ 542.531 Emergency medical services.

The provision and receipt of nonscheduled emergency medical services that are prohibited by this part are authorized.

§ 542.532 [Amended]

- 37. Amend § 542.532 in the note to paragraph (b) as follows:
 - a. Redesignate the note to paragraph (b) of § 542.532 as note 1 to paragraph (b).
 - b. Remove “§ 542.307” and add in its place “§ 542.310”.
- 38. Add § 542.533 to read as follows:

§ 542.533 Activities in certain economic sectors in non-regime held areas of Northeast and Northwest Syria.

(a) Except as provided in paragraph (c) of this section, transactions prohibited by § 542.206 or § 542.207 that are ordinarily incident and necessary to activities in the following economic sectors in the areas of northeast and northwest Syria described in the List of Areas of Northeast and Northwest Syria in Which Activities are Authorized by § 542.533 on OFAC’s website (<https://ofac.treasury.gov>) and published in the **Federal Register** are authorized:

- (1) Agriculture;
- (2) Information and telecommunications;
- (3) Power grid infrastructure;
- (4) Construction;
- (5) Finance;
- (6) Clean energy;
- (7) Transportation and warehousing;
- (8) Water and waste management;
- (9) Health services;
- (10) Education;
- (11) Manufacturing; and
- (12) Trade.

(b) Except as provided in paragraph (c) of this section, the purchase of refined petroleum products of Syrian origin for use in Syria prohibited by § 542.209 that is ordinarily incident and necessary to the activities described in paragraph (a) of this section is authorized.

Note 1 to paragraphs (a) and (b). The authorizations in this section include the processing or transfer of funds on behalf of third-country entities to or from Syria in support of the transactions authorized by this section. U.S. financial institutions and U.S.

registered money transmitters may rely on the originator of a funds transfer with regard to compliance with this section, provided that the financial institution does not know or have reason to know that the funds transfer is not in compliance with this section.

(c) This section does not authorize:

- (1) Any transactions involving any person, including the Government of Syria, as defined in § 542.308, whose property or interests in property are blocked pursuant to § 542.201; or
- (2) The importation into the United States of petroleum or petroleum products of Syrian origin prohibited by § 542.208.

Note 2 to § 542.533. See § 542.510 for a general license authorizing the exportation or reexportation of certain items and services to Syria.

- 39. Add § 542.534 to read as follows:

§ 542.534 Transactions involving persons subject to certain sanctions pursuant to this part.

Any transaction prohibited pursuant to § 542.212 due to the involvement of a person determined to be subject to the prohibitions of § 542.212 is authorized to the same extent such transaction would be authorized for a person whose property and interests in property are blocked pursuant to § 542.201 by a general license set forth in or issued pursuant to this part.

Subpart F—[Removed and Reserved]

- 40. Remove and reserve subpart F.
- 41. Revise subpart G to read as follows:

Subpart G—Penalties and Findings of Violation

Sec.

- 542.701 Penalties.
- 542.702 Pre-Penalty Notice; settlement.
- 542.703 Penalty imposition.
- 542.704 Administrative collection; referral to United States Department of Justice.
- 542.705 Findings of Violation.

§ 542.701 Penalties.

(a) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) (IEEPA) is applicable to violations of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under IEEPA.

(1) A civil penalty not to exceed the amount set forth in section 206 of IEEPA may be imposed on any person who violates, attempts to violate, conspires to violate, or causes a violation of any

regulation, ruling, instruction, order, directive, or license issued under IEEPA.

(2) IEEPA provides for a maximum civil penalty not to exceed the greater of \$368,136 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

(3) A person who willfully commits, willfully attempts to commit, willfully conspires to commit, or aids or abets in the commission of a violation of any regulation in this part, ruling, instruction, order, directive, or license may, upon conviction, be fined not more than \$1,000,000, or if a natural person, be imprisoned for not more than 20 years, or both.

(b)(1) The civil penalties provided in IEEPA are subject to adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note).

(2) The criminal penalties provided in IEEPA are subject to adjustment pursuant to 18 U.S.C. 3571.

(c) Pursuant to 18 U.S.C. 1001, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or makes any materially false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, imprisoned, or both.

(d) Section 5(b) of the United Nations Participation Act, as amended (22 U.S.C. 287c(b)) (UNPA), provides that any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to section 5(a) of the UNPA shall, upon conviction, be fined not more than \$1,000,000 or, if a natural person, be imprisoned for not more than 20 years, or both.

(e) Pursuant to 18 U.S.C. 2332d, except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, a U.S. person, who knowing or having reasonable cause to know that a country is designated under section 6(j) of the Export Administration Act of 1979, 50 U.S.C. App. 2405, as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under title 18, United States Code,

or imprisoned for not more than 10 years, or both.

(f) Violations of this part may also be subject to other applicable laws.

§ 542.702 Pre-Penalty Notice; settlement.

(a) *When required.* If OFAC has reason to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and determines that a civil monetary penalty is warranted, OFAC will issue a Pre-Penalty Notice informing the alleged violator of the agency's intent to impose a monetary penalty. A Pre-Penalty Notice shall be in writing. The Pre-Penalty Notice may be issued whether or not another agency has taken any action with respect to the matter. For a description of the contents of a Pre-Penalty Notice, see appendix A to part 501 of this chapter.

(b) *Response—(1) Right to respond.* An alleged violator has the right to respond to a Pre-Penalty Notice by making a written presentation to OFAC. For a description of the information that should be included in such a response, see appendix A to part 501 of this chapter.

(2) *Deadline for response.* A response to a Pre-Penalty Notice must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond.

(i) *Computation of time for response.* A response to a Pre-Penalty Notice must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the Pre-Penalty Notice was mailed or date the Pre-Penalty Notice was emailed. If the Pre-Penalty Notice was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a Federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to a Pre-Penalty Notice need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the Pre-Penalty Notice, and include the OFAC identification number listed on the Pre-Penalty Notice. The response must be sent to OFAC's Enforcement Division by mail or courier or email and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(c) *Settlement.* Settlement discussion may be initiated by OFAC, the alleged violator, or the alleged violator's authorized representative. For a description of practices with respect to settlement, see appendix A to part 501 of this chapter.

(d) *Guidelines.* Guidelines for the imposition or settlement of civil penalties by OFAC are contained in appendix A to part 501 of this chapter.

(e) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific allegations contained in the Pre-Penalty Notice must be preceded by a written letter of representation, unless the Pre-Penalty Notice was served upon the alleged violator in care of the representative.

§ 542.703 Penalty imposition.

If, after considering any written response to the Pre-Penalty Notice and any relevant facts, OFAC determines that there was a violation by the alleged violator named in the Pre-Penalty Notice and that a civil monetary penalty is appropriate, OFAC may issue a Penalty Notice to the violator containing a determination of the violation and the imposition of the monetary penalty. For additional details concerning issuance of a Penalty Notice, see appendix A to part 501 of this chapter. The issuance of the Penalty Notice shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in Federal district court.

§ 542.704 Administrative collection; referral to United States Department of Justice.

In the event that the violator does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to OFAC, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate

action to recover the penalty in a civil suit in a Federal district court.

§ 542.705 Findings of Violation.

(a) *When issued.* (1) OFAC may issue an initial Finding of Violation that identifies a violation if OFAC:

(i) Determines that there has occurred a violation of any provision of this part, or a violation of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*);

(ii) Considers it important to document the occurrence of a violation; and

(iii) Based on the Guidelines contained in appendix A to part 501 of this chapter, concludes that an administrative response is warranted but that a civil monetary penalty is not the most appropriate response.

(2) An initial Finding of Violation shall be in writing and may be issued whether or not another agency has taken any action with respect to the matter. For additional details concerning issuance of a Finding of Violation, see appendix A to part 501 of this chapter.

(b) *Response—(1) Right to respond.* An alleged violator has the right to contest an initial Finding of Violation by providing a written response to OFAC.

(2) *Deadline for response; default determination.* A response to an initial Finding of Violation must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond, and the initial Finding of Violation will become final and will constitute final agency action. The violator has the right to seek judicial review of that final agency action in Federal district court.

(i) *Computation of time for response.* A response to an initial Finding of Violation must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the initial Finding of Violation was served or date the Finding of Violation was sent by email. If the initial Finding of Violation was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked

or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a Federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to an initial Finding of Violation need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the initial Finding of Violation, and include the OFAC identification number listed on the initial Finding of Violation. The response must be sent to OFAC's Enforcement Division by mail or courier or email and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(4) *Information that should be included in response.* Any response should set forth in detail why the alleged violator either believes that a violation of the regulations in this part did not occur and/or why a Finding of Violation is otherwise unwarranted under the circumstances, with reference to the General Factors Affecting Administrative Action set forth in the Guidelines contained in appendix A to part 501 of this chapter. The response should include all documentary or other evidence available to the alleged violator that supports the arguments set forth in the response. OFAC will consider all relevant materials submitted in the response.

(c) *Determination—(1) Determination that a Finding of Violation is warranted.* If, after considering the response, OFAC determines that a final Finding of Violation should be issued, OFAC will issue a final Finding of Violation that will inform the violator of its decision. A final Finding of Violation shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in Federal district court.

(2) *Determination that a Finding of Violation is not warranted.* If, after considering the response, OFAC determines a Finding of Violation is not warranted, then OFAC will inform the alleged violator of its decision not to issue a final Finding of Violation.

Note 1 to paragraph (c)(2). A determination by OFAC that a final Finding of Violation is not warranted does not preclude OFAC from pursuing other enforcement actions consistent with the

Guidelines contained in appendix A to part 501 of this chapter.

(d) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific alleged violations contained in the initial Finding of Violation must be preceded by a written letter of representation, unless the initial Finding of Violation was served upon the alleged violator in care of the representative.

Subpart H—[Removed]

- 42. Remove subpart H.

Subpart I—[Removed]

- 43. Remove subpart I.

§§ 542.202, 542.203, 542.204, 542.301, 542.305, 542.403, 542.404, 542.408, 542.504, 542.505, 542.506, 542.509, 542.510, 542.512, 542.514, 542.515, 542.517, 542.518, 542.519, 542.521, 542.523, 542.524, 542.526, 542.527, 542.528, 542.529, and 542.530 [Amended]

- 44. In addition to the amendments set forth above, in 31 CFR part 542, remove “§ 542.201(a)” and add in its place “§ 542.201” in the following sections:

- a. Section 542.202;
- b. Section 542.203;
- c. Section 542.204;
- d. Section 542.301;
- e. Section 542.305;
- f. Section 542.403;
- g. Section 542.404;
- h. Section 542.408;
- i. Section 542.504;
- j. Section 542.505;
- k. Section 542.506;
- l. Section 542.509;
- m. Section 542.510;
- n. Section 542.512;
- o. Section 542.514;
- p. Section 542.515;
- q. Section 542.517;
- r. Section 542.518;
- s. Section 542.519;
- t. Section 542.521;
- u. Section 542.523;
- v. Section 542.524;
- w. Section 542.526;
- x. Section 542.527;
- y. Section 542.528;
- z. Section 542.529; and
- aa. Section 542.530.

Bradley T. Smith,
Director, Office of Foreign Assets Control.
[FR Doc. 2024–12317 Filed 6–5–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Determinations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of two determinations.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing one determination issued pursuant to a March 11, 2022 Executive Order, as amended on December 22, 2023, and one determination issued pursuant to an April 6, 2022 Executive Order. The determinations were previously issued on OFAC's website.

DATES: The determination pursuant to Executive Order 14068, as amended, and the determination pursuant to Executive Order 14071 were issued on April 12, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Compliance, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: <https://ofac.treasury.gov>.

Background

On March 11, 2022, the President, invoking the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), issued Executive Order (E.O.) 14068, “Prohibiting Certain Imports, Exports, and New Investment With Respect to Continued Russian Federation Aggression” (87 FR 14381, March 15, 2022). Among other prohibitions, E.O. 14068 section 1(a)(i) prohibits the importation into the United States of the following products of Russian Federation origin: fish, seafood, and preparations thereof; alcoholic beverages; non-industrial diamonds; and any other products of Russian Federation origin as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce.

On December 22, 2023, the President, invoking the authority of, *inter alia*, IEEPA, issued E.O. 14114, “Taking Additional Steps With Respect to the Russian Federation’s Harmful Activities” (88 FR 89271, December 26, 2023). Among other things, E.O. 14114 amends E.O. 14068 by striking paragraph (a)(i) of section 1 and inserting, in lieu thereof, new language in subsections (a)(i)(A) through (D).

Section 1(a)(i)(A) of E.O. 14068 as amended prohibits the importation and entry into the United States, including importation for admission into a foreign trade zone located in the United States, of the following products of Russian Federation origin: fish, seafood, and preparations thereof; alcoholic beverages; non-industrial diamonds; and any other products of Russian Federation origin, as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce.

On April 6, 2022, the President, invoking the authority of, *inter alia*, IEEPA, issued E.O. 14071 of April 6, 2022, “Prohibiting New Investment in and Certain Services to the Russian Federation in Response to Continued Russian Federation Aggression” (87 FR 20999, April 8, 2022). Among other prohibitions, section 1(a)(ii) of E.O. 14071 prohibits the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any category of services as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, to any person located in the Russian Federation.

Determination Pursuant to Section 1(a)(i)(A) of E.O. 14068

On April 12, 2024, pursuant to delegated authority, the Director of OFAC, in consultation with the Department of State and the Department of Commerce, issued “Determination Pursuant to Section 1(a)(i)(A) of Executive Order 14068,” which determined that the prohibitions in section 1(a)(i)(A) of E.O. 14068 as amended shall apply to aluminum, copper, and nickel of Russian Federation origin.

Determination Pursuant to Section 1(a)(ii) of E.O. 14071

Also on April 12, 2024, pursuant to delegated authority, the Director of OFAC in consultation with the Department of State issued “Determination Pursuant to Sections 1(a)(ii) of Executive Order 14071,” which determined that the prohibitions in section 1(a)(ii) of E.O. 14071 shall

apply to the following categories of services: warranting services for aluminum, copper, or nickel of Russian Federation origin on a global metal exchange; and services to acquire aluminum, copper, or nickel of Russian Federation origin as part of physical settlement of a derivative contract (collectively, “Covered Metals Acquisition Services”).

Each determination was made available on OFAC’s website (<https://ofac.treasury.gov>) when it was issued. The text of these determinations is below.

OFFICE OF FOREIGN ASSETS CONTROL

Determination Pursuant to Section 1(a)(i)(A) of Executive Order 14068

Prohibitions Related to Imports of Aluminum, Copper, and Nickel of Russian Federation Origin

Pursuant to sections 1(a)(i)(A), 1(b), and 5 of Executive Order (E.O.) 14068 of March 11, 2022 (“Prohibiting Certain Imports, Exports, and New Investment With Respect to Continued Russian Federation Aggression”), as amended by E.O. 14114 of December 22, 2023 (“Taking Additional Steps With Respect to the Russian Federation’s Harmful Activities”), and 31 CFR 587.802, and in consultation with the Department of State and the Department of Commerce, I hereby determine that the prohibitions in section 1(a)(i)(A) of E.O. 14068 shall apply to aluminum, copper, and nickel of Russian Federation origin.

As a result, the importation and entry into the United States, including importation for admission into a foreign trade zone located in the United States, of aluminum, copper, and nickel of Russian Federation origin is prohibited, except to the extent provided by law, or unless licensed or otherwise authorized by the Office of Foreign Assets Control.

This determination excludes aluminum, copper, and nickel of Russian Federation origin that was produced prior to April 13, 2024.

Bradley T. Smith,
Director, Office of Foreign Assets Control.
April 12, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Determination Pursuant to Section 1(a)(ii) of Executive Order 14071

Prohibitions on Certain Services for the Acquisition of Aluminum, Copper, or Nickel of Russian Federation Origin

Pursuant to sections 1(a)(ii), 1(b), and 5 of Executive Order (E.O.) 14071 of April 6, 2022 (“Prohibiting New Investment in and Certain Services to the Russian Federation in Response to Continued Russian Federation Aggression”) and 31 CFR 587.802, and in consultation with the Department of State, I hereby determine that the prohibitions in section 1(a)(ii) of E.O. 14071 shall apply to the following categories of services: warranting services for aluminum, copper, or nickel of Russian Federation origin on a

global metal exchange; and services to acquire aluminum, copper, or nickel of Russian Federation origin as part of physical settlement of a derivative contract (collectively, “Covered Metals Acquisition Services”).

As a result, the following activities are prohibited, except to the extent provided by law, or unless licensed or otherwise authorized by the Office of Foreign Assets Control:

The exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any of the Covered Metals Acquisition Services to any person located in the Russian Federation.

This determination excludes Covered Metals Acquisition Services related to aluminum, copper, or nickel that was produced prior to April 13, 2024.

Bradley T. Smith,
Director, Office of Foreign Assets Control.
April 12, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–12372 Filed 6–5–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0494]

RIN 1625–AA00

Safety Zone; Gulf Intracoastal Waterway, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Gulf Intracoastal Waterway, in the Corpus Christi Bay, TX, near mile marker 546. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a broken gas pipeline which is leaking methane, and to facilitate repairs. Entry of vessels or persons into this temporary safety zone is prohibited unless specifically authorized by the Captain of the Port, Sector Corpus Christi or a designated representative.

DATES: This rule is effective without actual notice from June 6, 2024 through 11:59 p.m. on June 12, 2024. For the purposes of enforcement, actual notice will be used from May 29, 2024 until June 6, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Anthony

Garofalo, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 1–800–874–2143, email CCWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port, Sector Corpus Christi
 CFR Code of Federal Regulations
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. Given that the safety zone must be put into effect as soon as possible to offer protection from hazards associated with the search and rescue operations and salvage efforts related to the obstruction, lack sufficient time to provide notice, take comments, and consider those comments before issuing the rule.

In addition, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the gas leak and repair efforts related to a broken methane pipeline in the Gulf Intracoastal Waterway.

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 Corpus Christi (COTP) has determined that potential hazards associated with the gas leak and repair efforts related to a broken methane pipeline require that vessel traffic be rerouted, from 11:59 a.m. on May 29, 2024 through 11:59 p.m. on June 12, 2024, to ensure safety of vessels and persons on these navigable waters until the search and

rescue operations and salvage efforts concludes.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 11:59 a.m. on May 29, 2024 through 11:59 p.m. on June 12, 2024. The safety zone encompasses all navigable waters of the Gulf Intracoastal Waterway within the following coordinates: 27°44′05″ N, 097°13′14″ W; 27°44′02″ N, 097°12′44″ W; 27°43′39″ N, 097°12′48″ W; 27°43′39″ N, 097°13′17″ W. No vessel or person is permitted to enter the temporary safety zone during the effective period without obtaining permission from the COTP or a designated representative, who may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 1–800–874–2143. The Coast Guard will issue Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under 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 duration of the safety zone. The temporary safety zone will be enforced for a short period of only 15 days. The rule does not completely restrict the traffic within a waterway and allows mariners to request permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their

fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this 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 temporary safety zone 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 contact 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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, 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 will encompass all navigable waters of the Gulf Intracoastal Waterway within the following coordinates: 27°44′05″ N, 097°13′14″ W; 27°44′02″ N, 097°12′44″ W; 27°43′39″ N, 097°12′48″ W; 27°43′39″ N, 097°13′17″ W. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the gas leak and repair efforts related to a broken methane pipeline in the Gulf Intracoastal Waterway. It is categorically excluded from further review under paragraph L60(c) Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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, 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.T08–0494 to read as follows:

§ 165.T08–0494 Safety Zone; Gulf Intracoastal Waterway, Corpus Christi, TX.

(a) *Location.* The following area is a safety zone: all navigable waters of the Gulf Intracoastal Waterway within the following coordinates: 27°44′05″ N, 097°13′14″ W; 27°44′02″ N, 097°12′44″ W; 27°43′39″ N, 097°12′48″ W; 27°43′39″ N, 097°13′17″ W.

(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 Corpus Christi (COTP) in the enforcement of the safety zone.

(c) *Effective period.* This section is effective from 11:59 a.m. on May 29, 2024 through 11:59 p.m. on June 12, 2024.

(d) *Regulations.* (1) According to the general regulations in § 165.23 of this part, entry into this temporary safety zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. They may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 1–800–874–2143.

(2) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(e) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety

Marine Information Broadcasts as appropriate.

Michael Cintron,

Captain, U.S. Coast Guard, Acting Captain of the Port Sector Corpus Christi.

[FR Doc. 2024–12437 Filed 6–5–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2024–0398]

Southern California Annual Firework Events for the Los Angeles Long Beach Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zones for annually reoccurring firework events taking place the first week of July 2024 in the Los Angeles-Long Beach Captain of the Port Zone. This action is necessary and intended to provide for the safety of life and property on the navigable waterways during these events. During enforcement periods, the operator of any vessel in the regulated area must comply with direction from the Patrol Commander or any official patrol vessels displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 165.1125 will be enforced for the location identified in Table 1 of § 165.1125 on the following dates and times for each event.

#2 LA County Dept of Beach and Harbors 4th of July Fireworks

- *Location:* Main Ship Channel of Marian Del Ray, Ca
- *Date:* July 4th, 2024
- *Time:* Safety Zone enforced from 1930 to 2300 local.

#3 Fourth of July Fireworks, City of Dana Point

- *Location:* Offshore Dana Point Harbor, CA
- *Date:* July 4th, 2024
- *Time:* Safety Zone enforced from 2030 to 2300 local.

#4 Fourth of July Fireworks, City of Long Beach

- *Location:* Los Alamitos Bay, CA
- *Date:* July 3rd, 2024
- *Time:* Safety Zone enforced from 2030 to 2230 local.

#5 Fourth of July Fireworks, Irvine Cove Community Association

- *Location:* Offshore Irvine Cove, Laguna Beach, CA
- *Date:* July 4th, 2024
- *Time:* Safety Zone enforced from 2030 to 2200 local.

#6 Fourth of July Fireworks, Emerald Bay Community Association

- *Location:* Offshore Emerald Bay, Laguna Beach, CA
- *Date:* July 4th, 2024
- *Time:* Safety zone enforced from 2100 to 2230 local.

#8 Fourth of July Fireworks, Catalina Island CoC

- *Location:* Avalon Bay, CA
- *Date:* July 4th, 2024
- *Time:* Safety Zone will be enforced from 2030 2230 local.

#9 Fourth of July Fireworks, Santa Barbara

- *Location:* Harbor Entrance of Santa Barbara, CA
- *Date:* July 4th, 2024.
- *Time:* Safety Zone will be enforced from 2030 to 2200 local.

#11 Fourth of July Fireworks, City of Redondo Beach

- *Location:* Offshore Redondo Beach, CA
- *Date:* July 4th, 2024
- *Time:* Safety Zone will be enforced from 2030 to 2230 local.

#13 Fourth of July Fireworks, City of Cayucos

- *Location:* City of Cayucos Pier, CA
- *Date:* July 4th, 2024
- *Time:* Safety Zone will be enforced from 2030 to 2230 local.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, contact LCDR Kevin Kinsella, U.S. Coast Guard Sector Los Angeles—Long Beach at telephone (310) 467–2099 or email D11-SMB-SectorLALB-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones in 33 CFR 165.1125, for the above listed events under Table 1 of § 165.1125, for the 2024 4th of July Firework Displays. Our regulation for marine events within the Eleventh Coast Guard District, § 165.1125, specifies the location of the 1,000-foot safety zones for the 4th of July Firework displays. During the enforcement periods, as reflected in Table 1 of § 165.1125 if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander 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 marine information broadcasts and a Marine Safety Information Bulletin.

If the Captain of the Port Los Angeles—Long Beach determines that the safety zone need not to be enforced for the full duration stated in this notice, the Captain of the Port may use a Broadcast Notice to Mariners to reflect the change.

S.L. Crecy,
Captain, U.S. Coast Guard, Captain of the Port Los Angeles—Long Beach.

[FR Doc. 2024–12436 Filed 6–5–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG–2024–0409]

RIN 1625–AA00

Safety Zone; Gulf of Mexico and South Bay, Boca Chica Beach, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones to protect personnel, vessels, and the marine environment from potential hazards created by commercial spaceflight activities. One safety zone is in the navigable waters of South Bay TX and the other is in the navigable waters of the Gulf of Mexico, within 12 nautical miles of the first. Entry of vessels or persons into these zones are prohibited unless specifically authorized by the Captain of the Port, Sector Corpus Christi (COTP) or a designated representative.

DATES: This rule is effective without actual notice from June 6, 2024 through June 17, 2024, and subject to enforcement between the hours of 6 a.m. to noon, each day. For the purposes of enforcement, actual notice will be used from June 5, 2024, through June 6, 2024 and subject to enforcement between the hours of 6 a.m. to noon, each day.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0409 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Commander Anthony Garofalo, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email Anthony.M.Garofalo@uscg.mil.

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

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to 5 U.S.C. 553(b). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. Space Exploration Technologies Corporation (SpaceX) will begin operation of its Starship/Super Heavy launch operations on June 5, 2024 and continue each day through June 17, 2024. There is insufficient time between now and then to provide notice of a proposal to create these safety zones, consider comments received, and publish a final rule.

In addition, the Coast Guard finds that good cause also exists under 5 U.S.C. 553(d)(3) for making this rule effective less than 30 days after publication in the **Federal Register** because the safety zones must be in effect in fewer than 30 days to serve their purpose and it would be contrary to the public interest to delay their effective date until after the hazardous activities begin.

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 Corpus Christi (COTP) has determined that hazards inherent in rocket launching activity necessitate provisions to protect personnel, vessels, and the marine environment while it is taking place. The hazards inherent in SpaceX’s rocket launching activities include the chance of being hit by free falling debris, descending vehicles or vehicle components.

IV. Discussion of the Rule

This rule is subject to enforcement from 6 a.m. to noon, each day, from June 5, 2024 through June 17, 2024. No vessel or person will be permitted to enter the temporary safety zones during the period in which the rule is subject to enforcement without obtaining permission from the COTP or a designated representative, who may be contacted on Channel 16 VHF-FM (156.8 MHz) or by telephone at 361-939-0450. The Coast Guard will issue Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under 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 duration of the safety zones. The safety zones cover an area of the South Bay, TX approximately 4.5 square miles in size, and an area of the Gulf of Mexico, offshore of Boca Chica Beach, TX approximately 115 square miles in size. The temporary safety zones will be subject to enforcement for a period of 6 hours a day, from June 5, 2024 through June 17, 2024. The rule does not completely prohibit vessel traffic within the waterway and it allows mariners to request permission to enter the zones.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary safety zone 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 contact 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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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 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 establishment of two temporary safety zones for navigable waters in the Gulf of Mexico and South Bay. The safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards created by rocket launching activity that may include free falling debris and/or descending vehicles or vehicle components under various means of control. It is categorically excluded from further review under paragraph L60(c), in Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration is available for viewing in the docket. For instructions on how to locate it, see the section headed **ADDRESSES**, above.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact 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, 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.T08–0409 to read as follows:

§ 165.T08–0409 Safety Zones; Gulf of Mexico and South Bay, Boca Chica Beach, TX

(a) *Location.* The following areas are safety zones: Safety Zone A consists of all navigable waters of the Gulf of Mexico, from the surface to bottom, encompassed by a line connecting the following points beginning at Point 1: 26°2'36" N 097°9'8" W, thence to Point 2: 26°3'0" N 097°7'10" W, thence to Point 3: 26°7'0" N 097°57'0" W, thence to Point 4: 26°6'54" N 096°55'46" W, thence following the 12NM line to United States of America/Mexico Maritime Boundary Line, thence following the United States of America/Mexico Maritime Boundary Line to Point 5: 25°57'24.2" N 097°8'49" W, thence following the coast to Point 1. Safety Zone B consists of all navigable waters of South Bay, from the surface to bottom, encompassed by a line connecting the following points beginning at Point 6: 26°2'45" N 097°11'6.3" W, thence to Point 7: 26°2'45" N 097°10'53.4" W, thence following the coastline to Point 6. These coordinates are based on World Geodetic System (WGS) 84.

(b) *Enforcement period.* This section will be subject to enforcement from 6 a.m. to noon on each day, from June 5, 2024, through June 17, 2024.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into the temporary safety zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port, Sector Corpus Christi (COTP) or a designated representative. They may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450.

(2) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts as appropriate.

Dated: May 24, 2024.

Jason Gunning,

Captain, U.S. Coast Guard, Captain of the Port, Sector Corpus Christi.

[FR Doc. 2024–12330 Filed 6–5–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 225

[Docket DARS–2023–0042]

RIN 0750–AL40

Defense Federal Acquisition Regulation Supplement: Limitation on the Acquisition of Certain Goods Other Than United States Goods (DFARS Case 2021–D022); Correction

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Correcting amendment.

SUMMARY: DoD is correcting final regulations that published in the **Federal Register** on May 30, 2024, to correct the prescription for a clause regarding the acquisition of certain satellite components.

DATES: Effective June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Jennifer D. Johnson, telephone 703–717–8226.

SUPPLEMENTARY INFORMATION: On May 30, 2024, DoD published in the **Federal Register** at 89 FR 46811 a final rule titled “Limitation on the Acquisition of Certain Goods Other Than United States Goods”. The purpose of this correction is to reflect that the prescription at DFARS 225.7004–7, paragraph (d), should specify use of the clause at 252.225–7064, Restriction on Acquisition of Certain Satellite Components, in solicitations and contracts for the acquisition of star trackers for certain satellites.

List of Subjects in 48 CFR Part 225

Government procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR part 225 is amended as follows:

PART 225—FOREIGN ACQUISITION

■ 1. The authority citation for 48 CFR part 225 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 2. Amend section 225.7004–7 by revising paragraph (d) introductory text to read as follows:

225.7004–7 Contract clauses.

* * * * *

(d) Use the clause at 252.225–7064, Restriction on Acquisition of Certain Satellite Components, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial products and commercial services, that exceed the simplified acquisition threshold and that include the acquisition of star trackers unless—

* * * * *

[FR Doc. 2024–12401 Filed 6–5–24; 8:45 am]

BILLING CODE 6001–FR–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 502, 538, and 552

[GSAR Case 2022–G517; Docket No. GSA–GSAR–2023–0028; Sequence No. 1]

RIN 3090–AK60

General Services Administration Acquisition Regulation; Reduction of Single-Use Plastic Packaging

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).
ACTION: Final rule.

SUMMARY: The General Services Administration is amending the General Services Administration Acquisition Regulation to add a new provision and clause to identify single-use plastic free packaging availability for products under the Federal Supply Schedules with the goal of reducing single-use plastic waste.

DATES: Effective July 8, 2024.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Adina Torberntsson, Procurement Analyst, at gsarpolicy@gsa.gov or 720–445–0390. For information pertaining to

status or publication schedules, contact the Regulatory Secretariat Division at GSARegSec@gsa.gov or 202–501–4755. Please cite GSAR Case 2022–G517.

SUPPLEMENTARY INFORMATION:

I. Background

On December 26, 2023, the General Services Administration (GSA) published a proposed rule to the **Federal Register** at 88 FR 88856 to address single-use plastic (SUP) and packaging materials in the Federal Supply Schedule (FSS). Prior to the proposed rule being published, an Advanced Notice of Proposed Rulemaking (ANPR) was issued on July 7, 2022.¹ Feedback from environmental organizations, other federal agencies (to include federal scientists, industry associations and advocates, Congressional members, and GSA's Federal Advisory Committee) were all taken into consideration for the development of the proposed rule.

The final rule provides definitions to the GSA Acquisition Regulation (GSAR), as well as a provision and clause that will allow FSS offerors to provide to agencies single-use plastic free (SUP free) packaging.

II. Discussion and Analysis

A. Summary of Significant Changes

The final rule clarifies that an icon will be utilized in GSA's acquisition platforms to identify SUP free packaging, regardless if it is brand/product packaging or shipping packaging. A singular icon is being added to provide flexibility in identifying the offered product. The remaining text from the rule, to include the definitions, remains the same.

B. Analysis of Public Comments

In summary, 45 public comments were received for the rule during the comment period that lasted from December 26, 2023 through February 26, 2024. Commenters ranged from individuals, academia, industry, industry associations, environmental organizations, and state government offices.

The comments are highlighted below as they address ideas on implementation, and raise concerns about environmental impact, alternative approaches, cost, compliance and legal authority.

Implementation

Comment: Several commenters requested to phase out and/or completely eliminate plastics,

specifically focused on banning polystyrene and plastic film, from the products sold on the FSS.

Response: The scope of the rule is seeking to incentivize through marketing opportunities on the Federal Supply Schedule the reduction of single-use plastic (SUP) packaging by providing an icon to easily identify products which are SUP free for federal acquisition by highlighting those products on the Schedule; seeking to ban these products is outside the scope of this rulemaking.

Comment: A handful of commenters asked for third party verifiers as part of the rule implementation to confirm the use of SUP free packaging and provide more rule constraints.

Response: GSA did not accept this recommendation as it is outside the scope of this rulemaking. Third party verification would add regulatory burden and could discourage small businesses from participating in the FSS program.

Comment: Multiple commenters asked for phased implementation of the rule, with some specifically requesting mandatory applicability.

Response: The rule allows contracting offices to use their judgment based on the requirements of individual acquisitions when deciding to apply the clause and provision. Implementation guidance will be issued once this rule is effective and can be found at the FSS refresh,² which is located at: <https://sam.gov/opp/88193aba7dfe499ea1e48cd303dea73b/view>.

GSA is not mandating FSS offerors provide SUP free packaging; rather, it allows offerors to identify whether such packaging is available to ordering agencies. GSA is not making it mandatory to provide flexibility in solutions offered on the FSS.

Comment: One commenter asked for more restrictive language in the clause to specify the format or structure for presenting price information. The commentator stated that having a standardized format would facilitate consistency and ease of comparison for ordering activities.

Response: No change required. GSA already has a standardized format as it relates to presenting price information. The submission of price proposals is included in the Federal Supply Schedule Instructions to Offerors. Offerors follow these instructions when submitting their price proposals.

Comment: One commenter asked to include additional examples in the definitions.

Response: This recommendation will be taken into consideration in the agency's implementation instructions or frequently asked questions.

Comment: One commenter asked to include alternative packaging examples.

Response: This recommendation will be taken into consideration in the agency's implementation instructions or frequently asked questions.

Comment: Multiple commenters asked about a pilot program to address plastic waste.

Response: GSA has had an ongoing initiative³ for the past three (3) years to encourage innovation for sustainability in federal acquisition within the agency, and will continue to pursue this program in addition to this rule. While the program was not focused on plastic waste specifically, it encourages the use of innovative contracting solutions that address environmental issues.

Comment: One commenter asked to limit the definition of SUP to remove language referencing the disposal of SUP.

Response: This comment is not adopted as the proposed change to the language would reduce the impact of the rule and further confuse GSA offerors who are trying to implement the rule. The rule is not about the disposal, or recycling if a product under the right conditions could be recyclable, it is merely about reduction.

Comment: Multiple commenters asserted that the rule will diminish the efficiency of federal procurement.

Response: It is unclear what the basis is for how the rule would diminish the efficiency of federal procurement. Providing an icon for SUP free packaging will enhance procurement efficiency by providing an additional alternative, increasing visibility, and permitting the buyer to consider any price addition or savings.

Comment: One commenter asked for the meaning of the term "competent and reliable evidence."

Response: This plain language term is utilized to provide the Contracting Officer the flexibility to determine what is acceptable from a pragmatic perspective. Guidance for contracting officers is also provided in GSAR 552.238–78 Identification of Products that Have Environmental Attributes and thus is not new to environmental purchasing.

Environmental Impacts

Comment: Multiple commenters, including mass mailing submissions, provided feedback that further commitments were needed to maximize

¹ 87 FR 40476.

² This action is also referred to as the MAS refresh with MAS and FSS being used interchangeably.

³ GSA Acquisition Letter MV–21–10.

environmental impact. This messaging was echoed by multiple organizations and other commenters asking GSA to do more.

Response: The FSS program is GSA's premier contract vehicle, offering thousands of contractors the opportunity to do business with the federal government. The rule encourages industry to offer SUP free packaged products in their FSS contracts that agencies can buy. The rule is not intended to "ban" or regulate any particular item. For purposes of this rule, GSA is asking to be offered, or made available, SUP free packaging. For this reason, the comments that called for either the ban, or removal of products from the FSS are outside of the scope of this rule. The anticipated benefit of the rule is the coordination of industry and FSS ordering officials to reduce the single-use plastic waste stream. Plastic packaging accounts for 40 percent of all plastic produced.⁴ The reduction of plastic packaging waste is impactful because it is an element of multiple items offered on the FSS.

Comment: Multiple commenters recommended that GSA should follow the expert advice of its GSA Acquisition Policy Federal Advisory Committee to develop policies and a strategy with numerical goals to phase out all SUP products across GSA, including plastic bags, utensils, food ware, and beverage bottles. The commenters further requested that GSA require the use of SUP free or reusable packaging when federal agencies purchase products using GSA contracts, incentivize the products in federal agencies' purchases, and share this information publicly.

Response: GSA's Acquisition Federal Advisory Committee has made several recommendations.⁵ This rule is in line with their recommendations, specifically to address single-use plastic waste through rulemaking. GSA will continue evaluating all of the recommendations from the Committee and will be taking additional implementation actions.

Alternative Approaches

Comment: Several commenters asked for the withdrawal of the rule, and instead requested a mandatory ban of SUP products from the FSS, in addition to a FAR change.

Response: This comment is not adopted. Requiring a mandatory ban on single use plastic products is outside of the scope of the rule.

Comment: Multiple commenters included comments to encourage life cycle cost analysis versus limitation of SUP. Comments also included information on the recycling of plastics, to include chemical recycling.

Response: The rule incentivizes suppliers to package goods without SUP packaging. Buyers of commercial products through GSA Advantage![®] or through the FSS are not likely to use life cycle cost analysis. This rule is not scoped to address waste management.

Costs

In the comments received, cost was addressed not numerically, but in the overarching concept of efficiency as it relates to the market.

Comment: A commenter asked GSA to recognize reusable packaging as an alternative to SUP free packaging.

Response: No change required. The definition of SUP free includes reusable packaging that is typically refilled or otherwise reused by the producer. To be clear, packaging that may be reusable, but is not typically reused, would not be considered here as it is outside the scope of the rule.

Comment: A commenter asserted that there would be extra costs for the production, transportation, and disposal as a result of the rule.

Response: The rule is voluntary and provides additional opportunity for Federal Supply Schedule contractors to promote their products that have SUP free packaging.

Comment: A commenter provided a statement of support for the rule having a voluntary incentive based approach. This comment includes a request to clarify whether the icon is plural or singular.

Response: Noted. The final rule is revised to clarify one icon is anticipated.

Compliance

Comment: One commenter questioned if the "SUP free" term, under the guidance provided by the Federal Trade Commission (FTC), would be determined to be a claim of general environmental benefit, and in turn would require verifiable substantiation of the claim such as life cycle data.

Response: No. The FTC Green Guides⁶ and ISO 18601:2013 are referenced in developing the definition.

⁶ https://www.ftc.gov/sites/default/files/documents/federal_register_notices/guides-use-environmental-marketing-claims-green-guides/greenguidesfrn.pdf.

GSA is not requiring sustainable packaging, which would require some sort of an assessment as to contents. Instead the agency is asking for the absence of something, in this case single-use plastic, from packaging. The result will be an icon in GSA Advantage![®], not a new ecolabel on the material itself. While the FTC Green Guides are referenced in developing the definition, the FTC process to evaluate environmental marketing claims is a separate process.

Authority

Comment: One commenter questioned GSA's authority to ban SUP, drawing parallel to GSA's 2020 promulgated regulations that barred the federal government from buying goods or services from any company that uses products from Huawei Technologies and several other Chinese companies.

Response: This rule is not a ban. The law and regulations underlying the products that utilized Huawei Technologies differs from this rule, and was instituted by the FAR Council, of which GSA is one member. GSA has authority to govern the Federal Supply Schedule program under Title 41 of the United States Code (41 U.S.C. 152(3)), including this voluntary SUP free packaging policy.

Comment: One commenter questioned GSA's authority to issue plastic waste regulations, asking if the scope of authority for GSA to issue this rule is exceeded as the rule focuses less on effective and efficient government procurement and more on green policies.

Response: GSA is authorized to issue regulations, including the GSAR, to manage the relationship between GSA and our contractors in accordance with 40 U.S.C. 121. GSA is further authorized to issue the rule in accordance with 41 U.S.C. 152(3), which provides GSA the authority to manage the Multiple Award Schedules Program, also referred to as the FSS Program. GSA is further empowered to issue the rule in accordance with 40 U.S.C. 501–502 which provides GSA authorization for procurements for executive agencies and other entities, including the FSS Program. This rule will enhance the effectiveness and efficiency of Government contracts through providing an icon identifying when SUP free packaging is being used in a procurement. The FSS Program is made up of multiple contracts in which GSA asks the contractors to "offer" different commercial supplies and services to the Government. In turn the intent of this rule is to encourage these contractors to offer SUP free packaging. This rule is

⁴ Fast Facts About Plastic Pollution, National Geographic, see <https://www.nationalgeographic.com/science/article/plastics-facts-infographics-ocean-pollution#:~:text=40%20percent%20of%20plastic%20produced,just%20once%20and%20then%20discarded.>

⁵ GSA Acquisition Policy Federal Advisory Recommendation Reports.

not a ban, it is merely providing an opportunity for GSA industry partners to offer SUP free packaging and to make that offering visible.

Comment: Multiple commenters asked that GSA specifically ban biobased plastics, and provide a change to the FAR.

Response: GSA declines to adopt this comment. This comment is outside of the scope of this rule. Biobased plastic products fall under the BioPreferred program which is administered by the United States Department of Agriculture (USDA) and is anchored by the Farm Bill.⁷ In addition, this comment is outside the scope of GSA's independent regulatory authority. A FAR change would require approval of the entire FAR Council (*i.e.*, DOD, NASA and GSA).

III. Expected Impact of the Rule

There were no public comments received that are specific to the economic impact statement of the rule. As such, the analysis remains the same as before. This analysis includes both the cost and benefit impacts to both the public and GSA. The analysis includes identifying relevant products, developing a distinguishable icon, and developing internal guidance to help contracting activities learn how to apply searching for the icon to procure the environmentally preferable products.

The rule is specific to GSA's FSS program, with the intent of significantly reducing the single-use plastic waste stream. When voluntarily pursued, this action will reduce the Government's waste generation, and potentially save industry partners money by having them reduce unnecessary packaging as described in some of the high-profile case studies mentioned in section I.D. of the Proposed Rule document "Industry Practices and Consumer Trends". It is expected that by reducing the packaging's overall bulk, industry will be better positioned to ship their items efficiently and effectively. Reducing excessive packaging has proven effective in increasing the amount of goods that can be loaded for transportation and is therefore helpful in the distribution of products.

General Compliance Requirements

The rule will enable GSA to incentivize contractors to voluntarily provide SUP free packaging information through GSA's online system. The estimated cost per contractor is \$2,087. The calculations as to how GSA got to this estimate are further described later in section Summary of Public Costs.

The SUP free packaging identification provision allows FSS contractors to identify products that are either packaged and/or shipped without single-use plastic packaging. The rule also includes a clause for the contractor that allows for either a price premium or discount for SUP-free packaging when such a premium or discount is consistent with their commercial practice.

Benefits

This rule is intended to benefit GSA and customer agencies by reducing the single-use plastic waste stream.

The Federal Government is the world's single largest purchaser of goods and services, spending over \$694 billion⁸ in contracts in Fiscal Year 2022 alone. Public procurement can drive innovation and be a catalyst for adoption of new norms and global standards. Since the FSS is the premiere entry point for commercial contractors to sell products (and services and solutions) to the Federal Government, the goal is to encourage the adoption of a new procurement norm to reduce single-use, unrecyclable, difficult to recycle, or frequently littered products plastic waste. Practices introduced or highlighted for the FSS can easily be adopted into other Government contracts.

Overall, the rule is intended to benefit the public by encouraging positive behaviors in reducing waste, and reducing product costs by building in efficiencies. The rule is an initial step to continue to work with industry partners in addressing the intersection of waste materials and logistical efficiency in providing better packaging. This is an important first step in working with our suppliers in developing sustainable solutions together to meet mutual future goals.

Estimated Public Costs

The following is a summary of the estimated cost impacts to the public in addressing this new requirement to reduce single-use plastic packaging. These costs are incurred one-time upfront and are not recurring to participating contractors.

1. Regulatory Familiarization

Regulatory familiarization includes the amount of time and effort it takes a company to become familiar with the requirements of the rule. The identification provision and availability clause speak to the behaviors that GSA

wants to see industry adopt when doing business under GSA contracts. The time to read over and digest the information provided in this rule is negligible. The provision is similar to other self-identifying provisions utilized in Government acquisition.

For this reason, the regulations require more of a familiarization in learning how to register in the electronic tool described during their contract's refresh; the assumption is 1 hour of time. GSA calculated the time based on the agency's subject matter expertise. We utilized the total number of Federal Supply Schedule contracts. The individual cost per each FSS contractor would be \$89.96 for one hour of time at a GS-12 Step 5 rate.⁹ The upper bound total cost for regulatory familiarization if all FSS contractors were to participate would equal \$1,259,440.¹⁰

2. SUP Free Packaging Identification

The costs to comply with the SUP free packaging identification provision includes time for the offeror to analyze their product catalog, identify existing SUP free offerings, identify potential new (SUP) packaging offerings, and complete the provision questions.

The anticipated average time, based on GSA's knowledge of the FSS program, to analyze the existing product catalog is 1 hour. This assertion is applied, since no industry feedback on this calculation or other time calculations were received. The anticipated average time to identify existing and potential new SUP free packaging offerings is 1 hour. The anticipated time to answer the provision is 0.1 hours. The individual cost per each FSS contractor would thus be \$188.92 for 2.1 hours of time at a GS-12 Step 5 rate. The upper bound total cost for SUP free packaging identification if all FSS contractors were to participate would equal \$2,644,824.

3. SUP Free Packaging Availability

The costs to comply with the SUP free Packaging Availability clause includes time for the offeror to research and determine price premiums or discounts for SUP free offerings and submit the information.

The anticipated average time to research and determine the applicable pricings is 20 hours. The anticipated

⁹ OPM Pay Table 2024 Rates Rest of United States. We assume this work is done by an employee equivalent to the GS-12 step 5 level. The hourly wage at this level is \$44.98 which we adjust upward by 100% to \$89.96 to account for fringe benefit and overhead costs.

¹⁰ The formula to calculate this cost is 14,000 contracts multiplied by the per contractor cost of \$89.96.

⁸ A Snapshot of Government-Wide Contracting for FY, April 15, 2023, <https://www.gao.gov/blog/snapshot-government-wide-contracting-fy-2022>.

⁷ 2002 Farm Bill.

time to complete the submission is 0.1 hours. The individual cost per each FSS contractor would thus be \$1,808.20 for 20.1 hours at a GS-12 Step 5 rate. The upper bound total cost for complying with the SUP free Packaging Availability clause if all FSS contractors were to participate would equal \$25,314,744.

4. Anticipated Market Shifts

As described in the proposed rule¹¹ there is a strong indication that a reduction in single-use plastic improves the marketability of a company and positively displays a company's values. As explained in the proposed rule, multiple states have adopted policies to address plastic pollution, and consumer trends are favoring a reduction in SUP. As the fifth largest economy in the world by GDP, California's legislation is a great indicator that the market can react to a reduction in single-use plastic packaging. Multiple states have followed suit with similar legislative actions to reduce single-use plastic packaging, including Connecticut, Delaware, Hawaii, Maine, New York, Oregon, and Vermont.¹² With the market trending in this direction, accepting this change may assist GSA FSS contractors in their overall marketing efforts within the private sector as well.

Given the volume of purchases made through the FSS every year by federal, state, local, tribal governments, and other eligible buyers for commercial products, services, and other solutions, this rule is likely to effect supply and demand shifts in plastics markets.

The importance of this rule being voluntary is it allows the FSS contractors, who are predominantly small businesses, an opportunity to consider how to implement these market changes. By focusing on packaging, it is an important first step to address plastic in one area of their supply chain. The rule encourages operational decisions to reduce plastic waste, and ultimately will influence the market by reducing offerings that contain single-use plastic packaging waste.

Federal agencies and FSS-eligible buyers are seeking to eliminate their plastic waste, so those agencies will be ones to seek out this icon in helping them accomplish their goals. The rule will support the market shift by using

the new SUP free icon as an important discriminator when buyers are making purchasing decisions. FSS contractors who adopt this policy change will become more marketable than their peers who decline this voluntary measure. The resulting competitive disadvantage to contractors that initially choose not to adopt this rule's policy will likely incentivize these firms to reconsider adoption. This rule could also create positive spillovers as non-FSS contracting firms adopt similar policies to compete with FSS contractors in non-FSS markets.

5. Summary of Public Costs

The estimated overall cost per contractor who chooses to participate is \$2,087.¹³ The upper bound total estimated public cost of compliance with this rule, if all FSS contractors adopted this voluntary action, would be \$29,219,008.¹⁴ We assume as a lower bound that 25 percent of FSS contractors will adopt this voluntary action, in which case the lower bound total estimated public cost would be one quarter of the upper bound, or \$7,304,752.

Once recorded, there is no anticipated additional cost during subsequent years of performance unless the offeror is providing additional SUP free packaging options. However, this cost would be absorbed with the cost the contractor would experience any time that they modified their FSS price list, which they would do regardless if the rule was issued. The anticipated time for this action is so minimal there would not be additional calculated cost associated with it.

With the FSS contractors' identification of SUP free packaging being voluntary, the indirect benefits to adopting this change far outweigh the costs. FSS contractors who voluntarily comply will have a competitive advantage by being able to market themselves utilizing the new SUP free packaging icon on GSA Advantage!®. The intent is for the market to then shift to more SUP-free packaged products to reduce the SUP waste stream. FSS contractors are able to invest in this change which may provide greater visibility on GSA's electronic tools to Federal agencies and FSS-eligible buyers. With the market trending in this

direction, accepting this change may assist GSA FSS contractors in their overall marketing efforts within the private sector as well.

GSA Costs

1. Update to GSA e-Tools

GSA reviewed various electronic tools that could support this rule. The agency plans to utilize existing online tools such as GSA Advantage!® which has the benefit of keeping costs low by utilizing IT infrastructure that already exists, and the added benefit of industry partners knowing how to utilize the system. During public comment, no alternative GSA tools that would be more beneficial to utilize were identified.

Capitalizing on the user interface knowledge, for both the GSA and industry, is pivotal in being able to implement the rule quickly.

The estimated hours to update the existing systems is 800 hours (assuming 5 employees working full time on this project for 4 weeks) at a GS-12, step 5¹⁵ equivalent rate. The total for this effort would equal \$71,968 (800 × \$89.96), which is a fixed cost for the Government regardless of the number of FSS contractor participants.

2. Workforce Familiarization

GSA contracting officers will need to become familiar with the new policy at GSAR 502, 538, and 552. The GSA contracting officers will need to review these changes, interpret them, and apply them as prescribed.

GSA contracting officers are required to remain current on policies for procurement, such as changes to the GSAR. Review of such policy changes are considered a part of the normal duties of contracting personnel. As such, this analysis does not quantify the time and effort for contracting officers to become familiar with the rule. It is acknowledged that there is time and effort involved for the acquisition workforce to become familiar with the rule or the tools available and to assist contractors with compliance, though those potential burden hours and costs are minimal.

3. SUP Free Packaging Material Costs

As a voluntary measure, GSA assumes that price premiums and discounts for SUP free packaging will average out to zero additional cost. This assumption was not disputed during public comments.

¹⁵ 2023 Rest of US, 12 Step 9 × 2.0 fringe = \$89.96; the rate is adjusted upward by 100% to adjust for overhead and benefits.

¹¹ 88 FR 88856 see section *Industry Practices and Consumer Trends*.

¹² <https://www.ncsl.org/environment-and-natural-resources/state-plastic-bag-legislation#:~:text=Eight%20states%E2%80%9494California%2C%20Connecticut%2C,banned%20single%2Duse%20plastic%20bags.>

¹³ This overall per contractor cost is the sum of the regulatory familiarization cost of \$89.96, the SUP Free Packaging Identification cost of \$188.93, and the availability clause compliance cost of \$1,808.30.

¹⁴ This total cost is the sum of the regulatory familiarization cost of \$1,259,440, the SUP Free Packaging Identification cost of \$2,644,824, and the availability clause compliance cost of \$25,314,744.

4. Summary of GSA Costs

The total estimated GSA cost of implementation of this rule would be \$71,968¹⁶ regardless of the number of industry participants.

5. Summary of Overall Costs

The overall total cost, including both Public and Government costs, is outlined in the table below. Public costs are presented as a range to reflect uncertainty around voluntary

participation. We calculate the upper bound of public costs by assuming all FSS contractors participate, and we calculate the lower bound of public costs by assuming only 25 percent of FSS contractors participate.

Action	Number of hours	Rate per hour	Cost per participant	Number of participants	Total costs
Public Costs (Maximum) .....	.....	.....	\$2,087	14,000	\$29,219,008
Regulatory Familiarization	1	89.96	89.96	14,000	1,259,440
SUP Free Packaging Identification	2.1	89.96	188.92	14,000	2,644,824
SUP Free Packaging Availability	20.1	89.96	1,808.20	14,000	25,314,744
Public Costs (Minimum) .....	.....	.....	2,087	3,500	7,304,752
Regulatory Familiarization	1	89.96	89.96	3,500	314,860
SUP Free Packaging Identification	2.1	89.96	188.92	3,500	661,206
SUP Free Packaging Availability	20.1	89.96	1,808.20	3,500	6,328,686
Government Costs (Fixed) .....	.....	.....	89.86	5	71,968
System Updates	800	89.86	89.86	5	71,968
Total Rule Maximum .....	.....	.....	.....	.....	29,290,976
Total Rule Minimum .....	.....	.....	.....	.....	7,376,720

Alternatives Considered

When researching how to address this rule, several solutions were considered. After publishing the ANPR, it was determined that a rule that focused on reduction is preferable to alternatives such as recycling or mandatory elimination of plastic packaging.

GSA's mission is unrelated to environmental regulated programs such as recycling. Additionally, the recycling programs that GSA utilizes vary and are governed at local, municipal levels where the agency's offices are located.

Further, a rule seeking a mandatory elimination of plastic packaging may not be a feasible solution depending on what is being procured. For some supplies, such as healthcare products, plastic packaging can be a beneficial material. This rule is not seeking plastic elimination as users of FSS may have a need for a product packaged with single use plastic, so a broad elimination may not be beneficial.

While there are identified alternatives, described above as recycling or elimination, to reach a sustainable outcome regarding packaging, GSA is aware of the potential impact of issuing a broad rule without providing space for industry to pivot. Given the different types of products that GSA procures, a rule asking for changes to packaging that provides flexibility is the best method to keep costs down, while reaching a sustainable solution.

IV. Executive Order 12866, 13563 and 14094

Executive Orders (E.O.s) 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14094 Modernizing Regulatory Review¹⁷ supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in E.O. 12866 and E.O. 13563.

OIRA has determined this rule to be a significant regulatory action. As a significant rule, this action is subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

V. Congressional Review Act

OIRA has determined that this rule is not a major rule under 5 U.S.C. 804(2). Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (codified at 5 U.S.C. 801–808), also known as the Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a “major rule” may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The General Services Administration will submit a report containing this rule and other required information to the U.S. Senate, the U.S.

House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**.

VI. Regulatory Flexibility Act

GSA does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule change allows for many different solutions to the offeror as to how to propose a solution that considers transitioning from plastic packaging to SUP free packaging.

GSA has prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

The rule will apply to large and small businesses. For purposes of this assessment, information generated from the FAS Schedule Sales Query Plus (SSQ+) has been used as the basis for estimating the number of contractors that may be involved. There are approximately 14,000 FSS contractors, of which over 12,000 (85 percent) were small business entities. There were no comments received that would indicate that the rule places small businesses at a disadvantage, if anything there were comments indicating that the rule benefits small businesses ability to promote themselves on the Schedule.

The rule includes a provision for offerors to self-identify if they include single-use plastic (SUP) free packaging. The manner in which the offeror is answered, is then visible in a GSA electronic tool, which is provided by the agency. There are no fees associated with the identification tool, and the provision consists of two questions.

The rule does not duplicate, overlap, or conflict with any other Federal rules.

¹⁶ GS–12 Step 5 at \$89.96 per hour × 800 hours = \$71,968.

¹⁷ <https://www.federalregister.gov/documents/2023/04/11/2023-07760/modernizing-regulatory-review>.

There are no known alternatives to this rule which would accomplish the stated objectives. Rule alternatives that could meet similar objectives are not advantageous to either the GSA or industry due to excessive cost and burden. An alternative would be to mandate specific types of packaging. Depending on the industry, there may be unintended cost consequences for a total change in packaging (for example transitioning from plastic to glass, the unintended cost might be due to transportation of a heavier product). For this reason the rule provides flexibility to industry to offer the Government solutions on reducing waste.

The Regulatory Secretariat will be submitting a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the FRFA may be obtained from the Regulatory Secretariat Division.

VII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 3501) does apply because the rule contains information collection requirements. The existing Office of Management and Budget (OMB) Control Number 3090-0303 titled "Federal Supply Schedule Solicitation Information" will be updated to reflect the information to be collected through GSAR 552.238-118 and GSAR 552.238-119.

A. Public Reporting Burden

Public reporting burden specific to this rule and the revision to collection of information previously approved is voluntary and includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

GSAR 552.238-118

The annual reporting burden is estimated as follows, based on all FSS contract holders. This is if all 14,000 contractors participate providing a response within the first year, with the time estimate based on time needed to submit the response to the provision:

Respondents: 14,000.

Responses per Respondent: 1.

Total Responses: 14,000.

Hours per Response: 2.

Total Burden Hours: 28,000.

GSAR 552.238-119

The annual reporting burden is estimated as follows:

Respondents: 14,000.

Responses per Respondent: 1.

Total Responses: 14,000.

Hours per Response: 2.

Total Burden Hours: 28,000.

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 "Information Collection 3090-0303", in all correspondence.

List of Subjects in 48 CFR Parts 502, 538 and 552

Government procurement.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.

Therefore, GSA amends 48 CFR parts 502, 538, and 552 as set forth below:

■ 1. The authority citation for 48 CFR parts 502, 538, and 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

PART 502—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 502.101 by adding in alphabetical order the definitions of "Packaging", "Plastic", "Single use plastic (SUP)", and "Single-use plastic (SUP) free packaging" to read as follows:

502.101 Definitions.

* * * * *

Packaging means the material used to protect an item. Packaging includes, but is not limited to: brand packaging, grouped packaging, shipping packaging, ancillary packaging, and redundant packaging.

(1) Brand packaging, sales packaging or primary packaging means packaging intended to provide the user or consumer with the individual unit of the product, such as plastic casing.

(2) Grouped packaging or secondary packaging means packaging intended to bundle, sell in bulk, brand, or market/display products.

(3) Shipping packaging means packaging that serves as protection for the goods to ensure safe transport to the end customer, including:

(4) Ancillary packaging or transport packaging or tertiary packaging means packaging intended to secure the product, such as packing peanuts, wrapping materials, or molded materials. Ancillary packaging (or all shipping packaging) is typically outside of brand packaging.

(5) Redundant packaging or unnecessary packaging means packaging that does not add any measurable protection to the supply being shipped, such as multiple layers of bubble wrap to an already durable product that is encased in a cardboard box. An example of this is a home testing kit with all plastic components already packaged in

a cardboard box with cardboard inserts to absorb shock, that is then shipped in multiple layers of bubble wrap. In this example the bubble wrap is the redundant single-use plastic packaging.

Plastic means a synthetic or semisynthetic material chemically synthesized by the polymerization of organic substances that can be shaped into various rigid and flexible forms, and includes coatings and adhesives. "Plastic" excludes natural rubber or naturally occurring polymers such as proteins or starches.

Single-use plastic (SUP) packaging means any plastic used for the containment, protection, handling, delivery, or presentation of goods by a producer for a consumer with the intent of being used once and then discarded, recycled or disposed of immediately after its contents have been used or unpackaged, and typically not refilled or otherwise reused by the producer. Packaging includes, but is not limited to brand packaging, grouped packaging, shipping packaging, ancillary packaging, and redundant packaging.

Single-use plastic (SUP) free packaging means Single-use plastic (SUP) free packaging means product or shipping containment materials free of single-use plastic. Other attributes of single-use plastic free packaging may include the following: use of minimal materials, will be reused multiple times, or produces less emissions compared to traditional manufacturing or distribution. These additional attributes alone do not qualify as SUP free. Examples may include, but are not limited, to corrugated cardboard, paper products, and paper backed tape.

PART 538—FEDERAL SUPPLY SCHEDULE CONTRACTING

■ 3. Amend section 538.273 by—

■ a. Adding paragraph (a)(4);

■ b. Adding paragraph (d)(40); and

■ c. Removing from paragraph (e) the word "clause".

The additions read as follows:

538.273 FSS solicitation provisions and contract clauses.

* * * * *

(a) * * *

(4) 552.238-118, Single-use Plastic Free Packaging Identification.

* * * * *

(d) * * *

(40) 552.238-119, Single-use Plastic Free Packaging Availability.

* * * * *

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 4. Amend section 552.238–88 by—
- a. Revising the date of the clause; and
- b. Adding paragraph (c).

The revision and addition read as follows:

552.238–88 GSA Advantage!®.

* * * * *

GSA Advantage!® (Jul 2024)

* * * * *

(c) *Single use plastic (SUP) free packaging icon.* Contractors are encouraged to utilize the GSA Advantage!® single-use plastic (SUP) free packaging icon when applicable (see 552.238–118). The offeror may include in their price list if the contractor is providing SUP-free packaging (either for shipping or as part of the product packaging) at either a price premium or discount (see 552.238–119).

(End of clause)

- 5. Add section 552.238–118 and 552.238–119 to read as follows:

552.238–118 Single-use Plastic (SUP) Free Packaging Identification.

As prescribed in, 538.273(a) insert the following provision:

Single-Use Plastic Free Packaging Identification (July 2024)

(a) *Single-use plastic free packing promotions.* Ordering activities may focus their GSA Advantage!® search on the designated icon and price to meet climate objectives. Contractors who want to be considered must include SUP free packaging as defined in 502.101.

(b) *Procedures.* Offerors may complete the information in paragraph (c) of this provision when the resulting contract includes supplies or products.

(1) *SUP free brand packaging.* Schedule contractors may incorporate this information as part of their Schedule price list once the products that utilize SUP free brand packaging are incorporated under their Schedule contract, prior to competing for an order for the identified product.

(2) *SUP free shipping packaging.* If the offeror is a reseller who is unable to address the brand packaging, but would like to pursue the icon for SUP free shipping packaging, they may identify this availability.

(c) *Optional identification submission.* In order to be considered for the designated icon noted in paragraph (d) of this provision, the offeror must provide the following information.

(1) *SUP free brand packaging.* The offeror identifies that some or all supplies delivered under a contract resulting from this solicitation ____ will use SUP free brand packaging. SUP free brand packaging where applicable should be included in the offer's price list.

(2) *SUP free shipping packaging.*

(i) The offeror identifies that some or all the supplies to be delivered under a contract

resulting from this solicitation ____ will use only SUP free shipping packaging. SUP free shipping packaging where applicable should be included in the offer's price list.

(ii) If the offeror responded “will” in paragraph (c)(2)(i) of this provision, the offeror identifies that the SUP free shipping packaging ____ does need to be requested by the ordering official.

(d) *Identification standards.* SUP free packaging icon for the types identified in paragraph (c) of this provision, will be available on GSA Advantage!®, as applicable.

(e) *Verification of SUP free packaging.* An offeror, in identifying an item with SUP free packaging, must possess evidence or rely on a reasonable basis to substantiate the claim. The Government will accept an offeror's claim of SUP free packaging on the basis of possession of competent and reliable evidence. For any test, analysis, research, study, or other evidence to be “competent and reliable,” it must have been conducted and evaluated in an objective manner, using procedures generally accepted in the profession to yield accurate and reliable results.

(End of provision)

552.238–119 Single-use Plastic (SUP) Free Packaging Availability.

As prescribed in 538.273(d), insert the following clause:

Single-Use Plastic (SUP) Free Packaging Availability (July 2024)

(a) Definitions. As used in this clause—
Single-use plastic (SUP) packaging means any plastic used for the containment, protection, handling, delivery, or presentation of goods by a producer for a consumer with the intent of being used once and then discarded, recycled or disposed of immediately after its contents have been used or unpackaged, and typically not refilled or otherwise reused by the producer. Packaging includes, but is not limited to brand packaging, grouped packaging, shipping packaging, ancillary packaging, and redundant packaging.

Single-use plastic (SUP) free packaging means product or shipping containment materials free of single-use plastic. Other attributes of single-use plastic free packaging may include the following: use of minimal materials, will be reused multiple times, or produces less emissions compared to traditional manufacturing or distribution. These additional attributes alone do not qualify as SUP free. Examples may include, but are not limited, to corrugated cardboard, paper products, and paper backed tape.

(b) *General.* The Contractor, in connection with this contract, is encouraged to—

(1) Evaluate their products for redundant or unnecessary packaging that can be eliminated without affecting quality.

(2) Package all products for shipment according to the Government's instructions or, if there are no instructions, in a manner sufficient to ensure that the products are delivered in undamaged condition with as little plastic waste material as possible.

(3) Limit the use of plastic packaging materials that have a high likelihood of not

being reused or recycled, as appropriate (e.g., plastic casing or wrapping).

(4) Adopt SUP free packaging to the maximum extent practicable, as appropriate.

(c) *Procedures.*

(1) *Price premiums and discounts.* For any single-use plastic (SUP) free packaging identified per 552.238–118, Single-use Plastic (SUP) Free Packaging Identification, the Contractor may include in the submitted price list (see the Schedule, also referred to as MAS, solicitation instructions for submitting price list SUP free packaging). The submitted FSS contract price list may include a separate means of displaying information regarding product packaging. If the Contractor is providing SUP free packaging at either a price premium or discount, this should be clearly identified in the submitted price list.

(2) *Submission requirements.* As additional SUP free packaging becomes available, the Contractor is encouraged to notify GSA of these changes, and is responsible for keeping all electronic catalog data current.

(3) *Identification of SUP free packaging.* For easy identification of SUP free packaging, once available, GSA will use a SUP free packaging icon in GSA Advantage!®.

(i) Offerors who provide SUP free packaging and want to benefit from the GSA Advantage!® SUP free packaging icon must provide the information required in 552.238–118, Single-use Plastic (SUP) Free Packaging Identification.

(ii) The Contractor is encouraged to place the GSA logo and GSA Advantage!® SUP free packaging icon on their website and FSS price list for applicable supplies, see <https://www.gsa.gov/logos>. If the Contractor elects to use the GSA logo or icon, the website must clearly distinguish between those items awarded on the GSA contract and any other items offered by the Contractor on an open market basis.

(d) *Reliability.* Accuracy of information and computation of prices for this clause is the responsibility of the Contractor. In addition to the other remedies available in the contract, the remedies may include, but are not limited to, the following:

(1) If SUP free packaging is provided at a higher rate but different packaging is received, the Government may pursue corrective action.

(2) If SUP free packaging is utilized, but the product received is damaged, the Contractor shall replace the item, refund the item, or the Government may pursue corrective action.

(3) Inclusion of incorrect information in the price list regarding SUP free packaging may cause the Contractor to correct and resubmit the price list.

(4) Failure to correct applicable information for this clause, may constitute sufficient cause for termination, pursuant to FAR 52.212–4, Contract Terms and Condition-Commercial Products and Commercial Services, or remedies as provided by law.

(End of clause)

[FR Doc. 2024–12192 Filed 6–5–24; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 120404257–3325–02; RTID 0648–XE009]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2024 Commercial Longline Closure for Golden Tilefish in the South Atlantic

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure for the commercial longline component of golden tilefish in South Atlantic Federal waters. Commercial landings of golden tilefish harvested by bottom longline gear are projected to reach the 2024 commercial quota for the longline component. Therefore, NMFS closes the commercial longline component of golden tilefish in South Atlantic Federal waters. This closure is necessary to protect the golden tilefish resource.

DATES: This temporary rule is effective from June 8, 2024, through December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Jack McGovern, NMFS Southeast Regional Office, telephone: 727–204–5518, email: john.mcgovern@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and NMFS, and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial sector for golden tilefish has two components, each with its own quota: the longline and hook-and-line components [50 CFR 622.190(a)(2)]. The commercial annual catch limit (ACL) for golden tilefish is allocated as 75 percent to the longline component and 25 percent to the hook-and-line component. The total commercial ACL in 2024, which is equivalent to the total commercial quota, is 433,216 pounds (lb) or 196,503

kilograms (kg) in gutted weight. The longline component quota for 2024 is 324,912 lb (147,378 kg) in gutted weight [50 CFR 622.190(a)(2)(iii)(B)].

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for the harvest of golden tilefish when its quota has been reached or is projected to be reached. After this closure, golden tilefish may not be commercially fished or possessed by a vessel with a South Atlantic golden tilefish longline endorsement. NMFS projects that commercial landings of golden tilefish harvested by bottom longline gear from South Atlantic Federal waters will reach the 2024 component quota by June 8, 2024. Accordingly, the commercial longline component of South Atlantic golden tilefish is closed beginning on June 8, 2024, and will remain closed through the rest of the fishing year ending on December 31, 2024.

The sale or purchase of longline-caught golden tilefish harvested from South Atlantic Federal waters is prohibited during the commercial longline closure. The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish with golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish before June 8, 2024. The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold before June 8, 2024, and were held in cold storage by a dealer or processor. Additionally, the recreational bag and possession limits and the sale and purchase prohibitions under the commercial quota closure apply to a person on board a vessel with a golden tilefish longline endorsement apply to the harvest of golden tilefish from state or Federal waters, as specified in 50 CFR 622.190(c)(1).

On March 1, 2024, NMFS also closed the recreational harvest of golden tilefish in the South Atlantic for the rest of 2024 (89 FR 14415, February 27, 2024). Therefore, during the commercial longline closure and for the rest of 2024, all harvest or possession of golden tilefish in or from South Atlantic Federal waters or adjacent state waters is prohibited by a vessel with a golden tilefish longline endorsement.

The 2025 fishing season for the commercial harvest of South Atlantic golden tilefish with bottom longline gear opens again on January 15, 2025 [50 CFR 622.183(b)(11)].

During the commercial longline closure, golden tilefish may still be commercially harvested using hook-and-line gear on a vessel with a South Atlantic unlimited snapper-grouper commercial permit and without a longline endorsement until the hook-and-line quota specified in 50 CFR 622.190(a)(2)(ii)(B) is reached. A vessel with a golden tilefish longline endorsement at any time during a fishing year is not eligible to fish for or possess golden tilefish using hook-and-line gear under the hook-and-line commercial trip limit, as specified in 50 CFR 622.191(a)(2)(ii).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(a)(1)(ii), issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the commercial closure of the golden tilefish longline component have already been subject to notice and public comment, and all that remains is to notify the public of the closure. Prior notice and opportunity for public comment on this action is contrary to the public interest because of the need to immediately implement the commercial longline component closure to protect the golden tilefish resource in the South Atlantic. The capacity of the longline fishing fleet allows for rapid harvest of the commercial longline component quota, and any delay in the commercial closure could result in the exceedance of the commercial longline component quota. Prior notice and opportunity for public comment would require time and would potentially result in a harvest that exceeds the commercial quota.

For the reasons just stated, NMFS also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: May 31, 2024.

Karen H. Abrams,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–12373 Filed 6–3–24; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 89, No. 110

Thursday, June 6, 2024

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

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

8 CFR Part 106

[Docket No. USCBP–2024–0009]

RIN 1651–AB48

9–11 Response and Biometric Entry-Exit Fee for H–1B and L–1 Visas

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security (DHS) proposes to amend and clarify the regulations concerning the 9–11 Response & Biometric Entry-Exit Fee for H–1B and L–1 Visas (9–11 Biometric Fee). The proposed regulatory changes would clarify DHS’s interpretation of ambiguous statutory language to require that covered employers submit the 9–11 Biometric Fee for all extension-of-stay petitions, regardless of whether a Fraud Fee applies, so as to include extension-of-stay petitions that do not involve a change of employer. The 9–11 Biometric Fee would continue to apply unchanged to petitions seeking an initial grant of status. The proposed changes will also help DHS comply with its congressional mandate to implement a biometric entry-exit data system.

DATES: Comments must be received by July 8, 2024.

ADDRESSES: Please submit comments, identified by docket number, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments via docket number USCBP–2023–XXXX.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting

comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Larry Panetta, Office of Field Operations, U.S. Customs and Border Protection, by phone at 202–344–1253 or email at LARRY.A.PANETTA@CBP.DHS.GOV.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the notice of proposed rulemaking. The Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) also invite comments that relate to the economic, environmental, or federalism effects that might result from this proposal.

Comments that will provide the most assistance to DHS and CBP in developing these procedures will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments should be submitted through the Federal eRulemaking Portal.

II. Background

A. Statutory Authorization and History

1. Initial Supplemental H–1B and L–1 Fee

H–1B and L–1 classifications are temporary nonimmigrant worker classifications. H–1B and L–1 classifications are authorized under sections 101(a)(15)(H)(i)(b) and (L), respectively, of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1101(a)(15)(H)(i)(b), (L)). H–1B status is a nonimmigrant classification for noncitizens who work in certain specialty services or occupations. L–1 status allows companies to seek a temporary intracompany transfer of certain noncitizen employees who perform executive or managerial

functions or have specialized knowledge.¹

In 2010, Congress established a supplemental fee for certain employers petitioning for beneficiaries to obtain H–1B or L–1 status (2010 Supplemental Fee). See section 402 of the Act of August 13, 2010, Public Law 111–230, 124 Stat. 2485, 2487 (Pub. L. 111–230) (8 U.S.C. 1101 note). The 2010 Supplemental Fee applied to employers that employ 50 or more employees in the United States with more than 50 percent of the employees in the United States in H–1B or L–1 nonimmigrant status (covered employers). Sec. 402, Public Law 111–230. The statute required covered employers to pay an increase to “the filing fee and fraud prevention and detection fee” in the amount of \$2,000 or \$2,250 for H–1B or L–1 petitions, respectively. Sec. 402, Public Law 111–230.

The statutory language in Public Law 111–230 required covered employers to pay the 2010 Supplemental Fee at the time that a fraud detection and prevention fee (Fraud Fee) is collected. Sec. 402, Public Law 111–230. The \$500 Fraud Fee is established under separate statutory authority. See sec. 426(a) of the H–1B Visa Reform Act of 2004, Public Law 108–447, 118 Stat. 2809, 3357 (the 2004 H–1B Visa Reform Act) (8 U.S.C. 1184(c)(12)(A), section 214(c)(12)(A) of the INA). Pursuant to section 426(b) of the 2004 H–1B Visa Reform Act, the Department of State, in collaboration with DHS and the Department of Labor, uses Fraud Fee collections to combat fraud in immigration processes. 8 U.S.C. 1356(v)(2), section 286(v)(2) of the INA. With limited exceptions, the statute requires employers to pay the Fraud Fee when petitioning for an initial grant of H–1B or L–1 nonimmigrant status or for change of employer petitions for beneficiaries already in H–1B or L–1

¹ For more information on H–1B nonimmigrant classification, see U.S. Citizenship and Immigration Services (USCIS), H–1B Specialty Occupations, DOD Cooperative Research and Development Project Workers, and Fashion Models, <https://www.uscis.gov/working-in-the-united-states/h-1b-specialty-occupations>. For more information on L–1 nonimmigrant classification, see USCIS, L–1A Intracompany Transferee Executive or Manager, <https://www.uscis.gov/working-in-the-united-states/temporary-workers/l-1a-intracompany-transferee-executive-or-manager>; and USCIS, L–1B Intracompany Transferee Specialized Knowledge, <https://www.uscis.gov/working-in-the-united-states/temporary-workers/l-1b-intracompany-transferee-specialized-knowledge>.

status. *See* sec. 426(a) of the 2004 H-1B Visa Reform Act.

Although Public Law 111-230 could reasonably be considered as ambiguous because, among other things, it was not clear whether the increased fee applied once per covered petition or twice, that is, as an increase to the petition fee and separately as an increase to the Fraud Fee, DHS interpreted the 2010 Supplemental Fee to apply only once per covered petition and only when the Fraud Fee applied. Accordingly, DHS implemented regulations applying the 2010 Supplemental Fee to petitions subject to the Fraud Fee seeking initial grants of H-1B or L-1 status and change of employer petitions for beneficiaries already in H-1B or L-1 status, consistent with applicability of the Fraud Fee. *See* 76 FR 53764, 53768, 53781. The 2010 Supplemental Fee sunset on September 30, 2015, after an extension by Congress.²

2. 9-11 Response and Biometric Entry-Exit Fee

On December 18, 2015, Congress established the “9-11 Response and Biometric Entry-Exit Fee” for certain H-1B and L-1 petitions (9-11 Biometric Fee). *See* Consolidated Appropriations Act, 2016, Div. O, sec. 402(g), Public Law 114-113, 129 Stat. 2242, 3006 (Pub. L. 114-113) (49 U.S.C. 40101 note).³ Public Law 114-113 instated the 9-11 Biometric Fee after the 2010 Supplemental Fee expired. The amount of the 2010 Supplemental Fee was doubled for the 9-11 Biometric Fee to be \$4,000 and \$4,500 for H-1B and L-1 petitions, respectively. *Id.* At the same time, Congress also established the 9-11 Response and Biometric Exit Account (9-11 Biometric Account), into which 50 percent of the funds from the 9-11 Biometric Fee collections are deposited, up to \$1 billion. *Id.* DHS may use the funds available in the 9-11 Biometric Account to implement the biometric entry and exit data system required by section 7208 of the Intelligence Reform

and Terrorism Prevention Act of 2004, Public Law 108-458, 118 Stat. 3638, 3817 (IRTPA), (8 U.S.C. 1365b). Sec. 402(g), Public Law 114-113. Section 7208 of the IRTPA (8 U.S.C. 1365b), adopting recommendations by the National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission), requires DHS to implement a biometric entry-exit system that uses biometric data to confirm the identity of travelers entering and exiting the United States. As the DHS component responsible for controlling the border and monitoring the arrival and departure of U.S. citizens and noncitizens, CBP implements biometric operations in the land, sea, and air environments.⁴ Pursuant to congressional extension, the 9-11 Biometric Fee is currently set to expire on September 30, 2027.⁵

The statutory language establishing the 9-11 Biometric Fee is similar to that of Public Law 111-230. However, Public Law 114-113 has two important distinctions, beyond the increased fee amounts. First, Congress added the word “combined,” thereby resolving a potential ambiguity that existed in Public Law 111-230 and clarifying that the fee increase served as a single fee increase rather than as separate fee increases to both the filing fee and the Fraud Fee. Sec. 402(g), Public Law 114-113. Second, with respect to the types of petitions for which the fees must be submitted, Congress inserted the phrase “including an application for an extension of such status.” *Id.* This addition clarified that the 9-11 Biometric Fee is required for both petitions seeking an initial grant of status and extension-of-stay petitions.

B. Prior DHS Rulemaking Addressing the 9-11 Biometric Fee

Although the statutory changes discussed above clarified some of the ambiguous language in Public Law 111-230, the new legislation, Public Law 114-113, could still be reasonably considered ambiguous concerning the issue of whether covered employers filing extension-of-stay petitions must pay the 9-11 Biometric Fee for all extension petitions or only those

involving a change in employer. At the time that the 9-11 Biometric Fee was established in 2015, DHS interpreted the new language in Public Law 114-113 consistent with its prior interpretation; that is, the 9-11 Biometric Fee only applies when the Fraud Fee also applies. Accordingly, DHS implemented regulations in a final rule published on October 24, 2016 (2016 Fee Rule) that set forth its interpretation. *See* 81 FR 73292.

In the years following the 2016 Fee Rule, DHS monitored the collection of the 9-11 Biometric Fee and evaluated other permissible interpretations of the ambiguous statutory language in Public Law 114-113. After careful consideration, on November 14, 2019, DHS proposed an interpretation expanding the circumstances in which the 9-11 Biometric Fee would apply (2019 Fee NPRM), as well as proposing numerous other changes related to fees collected by DHS. 84 FR 62280. DHS received several comments on the 2019 Fee NPRM opposing the proposed 9-11 Biometric Fee. After considering the comments, on August 3, 2020, DHS adopted the 9-11 Biometric Fee interpretation that would require the additional fee for all H-1B or L-1 extension of stay petitions filed by covered employers, among other changes, in a Final Rule (2020 Fee Rule). *See* 85 FR 46788. For additional information on the comments and DHS’ responses, *see* the 2020 Fee rule at 85 FR 46866. However, before the 2020 Fee Rule could go into effect, it was enjoined in its entirety during the course of litigation unrelated to the 9-11 Biometric Fee.⁶ Accordingly, DHS never changed its collection practices regarding the 9-11 Biometric Fee and currently collects the 9-11 Biometric Fee only for petitions filed by covered employers seeking initial grants of H-1B or L-1 status or change of employer petitions filed by covered employers for beneficiaries already in H-1B or L-1 status, including *change of employer* petitions requesting an extension of

² *See* sec. 402, Public Law 111-230, (establishing the initial sunset date for the 2010 Supplemental Fee as September 30, 2014), as amended by sec. 302 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111-347, 124 Stat. 3623, 3667 (extending the sunset date to September 30, 2015).

³ The 9-11 Biometric Fee is a fee related to petitions for H-1B and L-1 classification and is discussed in those terms in this proposed rulemaking. Although not all those seeking H-1B and L-1 classification are required to obtain a visa, the headings in the statute refer to temporary fee increases for H-1B and L-1 visas, and consequently the headings in the implementing regulations refer to fees for H-1B and L-1 visas. Accordingly, the subject heading of this document and the proposed regulatory headings also refer to fees for H-1B and L-1 visas.

⁴ *See* sec. 411 of the Homeland Security Act of 2002, as amended by sec. 802 of the Trade Facilitation and Trade Enforcement Act of 2015, Public Law 114-125, 130 Stat. 122, 199 (HSA) (6 U.S.C. 211); secs. 215.8 and 235.1 of title 8 of the Code of Federal Regulations (8 CFR 215.8 and 235.1).

⁵ *See* sec. 402(g), Public Law 114-113 (establishing the initial sunset date for the 9-11 Biometric Fee as September 30, 2025), as amended by sec. 30203(b) of the Bipartisan Budget Act of 2018, Public Law 115-123, 132 Stat. 64, 126 (extending this date to September 30, 2027).

⁶ *See Immigrant Legal Res. Ctr. v. Wolf*, 491 F. Supp. 3d 520 (N.D. Cal. Sept. 29, 2020) (granting plaintiffs’ motion to enjoin the 2020 Fee Rule in its entirety by finding plaintiffs met initial burden to show then-Acting Secretary of DHS Chad Wolf lacked authority to approve the 2020 Fee Rule and further that the 2020 Fee Rule violated procedural and substantive requirements under the Administrative Procedure Act in adopting certain asylum- and naturalization-related new fees, fee increases, and fee waiver reductions); *see also Nw. Immigrant Rts. Project v. U.S. Citizenship & Immigr. Servs.*, 496 F. Supp. 3d 31 (D.D.C. Oct. 8, 2020) (granting plaintiffs’ motion for preliminary injunction challenging the fee increases, new fees, and fee waiver reductions adopted in the 2020 Fee Rule on similar grounds).

such status, but not for other extension of stay requests.⁷

III. Purpose of 9–11 Biometric Fee and Need for Rulemaking

A. The Purpose of the 9–11 Biometric Fee

In Public Law 114–113, Congress expressly intended for the 9–11 Biometric Fee to fund the biometric entry and exit programs it mandated earlier in order to improve security, combat visa and travel document fraud, and protect our country against terrorism. As discussed above, Congress enacted the IRTPA in 2004 and implemented recommendations made by the 9/11 Commission. *See* Tit. VII of the IRTPA. Section 7208 of the IRTPA (8 U.S.C. 1365b) requires DHS to implement a biometric entry and exit data system. Congress expressed in the IRTPA that a biometric entry-exit data system is “an essential investment in efforts to protect the United States by preventing the entry of terrorists.” Sec. 7208(a) of the IRTPA (8 U.S.C. 1365b(a)). Moreover, the IRTPA explicitly highlights certain goals for DHS and the biometric entry-exit system in addition to serving as a vital counterterrorism mechanism, which include efficiently screening travelers, integrating and modifying relevant databases to address increased volume and usage, and improving database search capacities. Sec. 7208(h) of the IRTPA (8 U.S.C. 1365b(h)).

In 2015, Congress established the 9–11 Biometric Account for the purpose of funding the biometric entry-exit system that Congress mandated in the IRTPA. Sec. 402(g), Public Law 114–113. Congress also implemented the 9–11 Biometric Fee, which replaced and doubled the expired 2010 Supplemental Fee, in order to fund the 9–11 Biometric Account and, by extension, DHS’s biometric entry-exit data system. DHS believes the interpretation of Public Law 114–113 proposed in this rulemaking would better align the regulations with legislative intent and better enable DHS to meet its congressional mandates.

CBP is the primary DHS component responsible for implementing an integrated, automated entry-exit system

that matches the biographic data and biometric information of noncitizens entering and departing the United States at land, sea, and air points of entry. *See* sec. 411(c)(10) of the HSA (6 U.S.C. 211(c)(10)); sec. 7208 of the IRTPA (8 U.S.C. 1365b). Pursuant to CBP’s mission to control the border and regulate the arrival and departure of both U.S. citizens and noncitizens, CBP has the authority to confirm the identity of all travelers and verify that the travelers are the authorized bearers of their travel documents. *See* sec. 411 of the HSA (6 U.S.C. 211); and 8 CFR 235.1. An integrated biometric entry-exit system has provided the most accurate way to verify an individual’s identity. By operating these systems, CBP can therefore improve security and effectively combat attempts by terrorists who use false travel documents to circumvent border checkpoints. Further, biometrically verifying that a person who presents a travel document is the true bearer of that document helps to prevent visa and immigration fraud and the fraudulent use of legitimate travel documentation.

The funding that DHS receives from the 9–11 Biometric Account supports critical biometric entry-exit operations in the land, sea, and air entry environments that are ongoing and must be sustained in order to continue their use.⁸ Specifically, the 9–11 Biometric Account buttresses the development, operations, and maintenance of the Traveler Verification Service (TVS).⁹ TVS is the facial comparison matching service that serves as the backbone of CBP’s biometric entry-exit data system.¹⁰ TVS effectively and efficiently matches passengers to the travel documents they present to CBP.¹¹ Maintaining TVS enables CBP to continue preserving the United States’

crucial health, operational, and national security interests.¹²

DHS’s biometric entry-exit data system also directly and positively affects the travel industry by restoring consumer confidence in travel safety. Using biometric technology, air and sea partners can facilitate check-in, security, and boarding processes that historically involved long lines, heavy personal interaction, and frequent handling of travel documents. The implementation of biometric technology, namely facial comparison, in all travel environments encourages contactless travel that involves minimal physical contact, which is more efficient and increases the safety of travelers, CBP officers, and port personnel.

In addition to streamlining travel and restoring consumer confidence, the use of facial biometric matching protects the identity of travelers and provides another layer of security. TVS reduces the number of times that travelers must show their travel documents, which contain personally identifiable information, to government and carrier personnel throughout both entry and exit processes. The use of facial biometric matching has also proven to be an effective tool in combatting the use of stolen and fraudulent travel and identity documents. Since the program’s inception in 2018, CBP officers at U.S. airports have successfully intercepted 77 impostors who were denied admission to the United States and identified 1,806 imposters on arrival in the land pedestrian environment. Further, since June 2017 through December 5, 2023, DHS has confirmed over 304,004 overstays through the use of facial biometric matching at exit.¹³

DHS’s current biometric entry-exit operations have proven successful in enhancing national security and public safety.¹⁴ Ultimately, lack of adequate funding poses a dire threat to DHS’s mission, CBP officers, and public safety. Without the proposed regulatory changes to the collection of the 9–11 Biometrics Fee, DHS cannot maintain its current biometric entry operations or continue implementing other essential

⁸ Section 402(g) of Public Law 114–113 provides that DHS may draw from the 9–11 Biometric Account to implement the biometric entry-exit data system as required by Congress. DHS directs these funds to CBP because CBP is the agency ultimately responsible for implementing the biometric entry-exit data system. *See* secs. 411(c)(10), (g)(3) of the HSA (6 U.S.C. 211(c)(10), (g)(3)); sec. 7208 of the IRTPA (8 U.S.C. 1365b).

⁹ *See* CBP, DHS/CBP/PIA–056, Privacy Impact Assessment for the Traveler Verification Service 1 (Nov. 14, 2018), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp056-tvs-february2021.pdf>.

¹⁰ *See* CBP, DHS/CBP/PIA–056, Privacy Impact Assessment for the Traveler Verification Service 4 (Nov. 14, 2018), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp056-tvs-february2021.pdf>. *See id.* at 4.

¹¹ *See id.* at 6; CBP, Traveler Verification Service for Simplified Travel (2018), https://www.cbp.gov/sites/default/files/assets/documents/2018-Aug/Travel_Verification_Service_For_Simplified_Travel3.pdf.

¹² *See* CBP, DHS/CBP/PIA–056, Privacy Impact Assessment for the Traveler Verification Service 16 (Nov. 14, 2018), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp056-tvs-february2021.pdf>.

¹³ Imposter and overstay numbers are tracked internally by CBP and not published publicly. This information is based on information provided by CBP’s Office of Field Operations via email on September 12, 2023. Partial overstay numbers are reported in DHS’s Entry/Exit Overstay Reports, available at <https://www.dhs.gov/publication/entryexit-overstay-report>.

¹⁴ For more information on CBP’s biometrics program, please visit CBP’s website at <https://biometrics.cbp.gov>.

⁷ Although the 2020 Fee Rule was enjoined prior to its effective date, the regulatory language at 8 CFR 106.2(c)(8)–(9) was revised in 2020 to reflect the changes adopted in the 2020 Fee Rule. 85 FR 46788. On January 31, 2024, DHS published a final rule replacing the language at 8 CFR 106.2(c)(8)–(9) with the pre-2020 Fee Rule version of the regulations in order to align the regulations with DHS practice in light of the injunction on the 2020 Fee Rule (2024 Final Rule). 89 FR 6194. In the 2024 Final Rule, DHS noted that the 9–11 Biometric Fee may be the subject of a future rulemaking. *Id.* at 6240.

entry and exit programs. Failure to maintain or continue implementing DHS's biometric entry and exit operations increases risks to security vulnerabilities, interoperability and data management issues, cyber resilience in the event of a cyberattack from criminal hackers, system availability and reliability, and system scalability to meet the demands of travel partners. The 9–11 Biometric Fee is essential to funding these biometric entry-exit programs, and the regulations proposed will directly support DHS's fulfilment of its congressional mandates.

B. Need for Rulemaking

DHS must interpret ambiguous statutory language to implement the responsibilities that Congress has assigned to the agency. The language in Public Law 114–113 establishing the 9–11 Biometric Fee is ambiguous regarding the fee's applicability to extension-of-stay petitions. DHS must therefore resolve the statutory ambiguity to determine whether the 9–11 Biometric Fee applies to all extension-of-stay petitions by covered employers.¹⁵ As discussed above, Public Law 114–113 established the 9–11 Biometric Fee by again enacting and doubling the 2010 Supplemental Fee to be \$4,000 for H–1B petitions and \$4,500 for L–1 petitions. Congress also added new phrasing in two pertinent places that guided the Department's proposed interpretation: “. . . the *combined* filing fee and [Fraud Fee] required to be submitted with an application for admission [as an H–1B or L nonimmigrant], *including an application for an extension of such status*, shall be increased.” Sec. 402(g), Public Law 114–113 (emphasis added).

Previously, DHS had to determine whether the 9–11 Biometric Fee applies to all extension petitions by covered employers or just those for which the Fraud Fee is also charged (change of employer petitions for a beneficiary already in H–1B or L–1 status, including a change of employer petition that requests an extension of such status). In 2016, DHS interpreted the 9–11 Biometric Fee to apply only when the Fraud Fee also applied. 81 FR 73292. In 2019, DHS considered that applying the 9–11 Biometric Fee to all extension petitions would be a significant new substantive expansion of the 9–11 Biometric Fee compared to the interpretation that DHS adopted from 2010–2015 for the 2010 Supplemental

Fee. At that time, DHS considered the latter reading would be consistent with the scope of the 2010 Supplemental Fee (although in the higher amounts provided by Pub. L. 114–113). *See* 2019 Fee NRPM, 84 FR 62280, 62322.

The construction of the statutory ambiguity in Public Law 114–113 that DHS adopted in 2016 was not, however, the only reasonable one. Another reasonable interpretation of that statute is that the 9–11 Biometric Fee applies to all extension of stay petitions even when the Fraud Fee is not applicable. Under this alternative interpretation of Public Law 114–113, the language “including an application for an extension of such status” is a substantive amendment, and the insertion of the word “combined” is a clarifying one. It is plausible that Congress added the reference to extension of status so that the 9–11 Biometric Fee would be collected for all extension of stay petitions, not just those where a change of employer is also requested. Under this interpretation, the insertion of the word “combined” can be viewed as a clarifying edit that the increase to the fee is applied only once per petition and not once for the filing fee and once for the Fraud Fee such that it might apply two times for some petitions. In that case, a covered employer would pay the filing fee plus the Fraud Fee plus the applicable 9–11 Biometric Fee (\$4,000 for H–1B petitions or \$4,500 for L–1 petitions). When the Fraud Fee does not apply, the “combined filing fee and [Fraud Fee]” is simply the filing fee plus \$0, such that covered employers would pay the filing fee + \$0 for the Fraud Fee + the applicable 9–11 Biometric Fee. This interpretation would give meaning to all of Congress's alterations to the earlier statute.

Following the passage of Public Law 114–113, DHS considered alternative interpretations of the ambiguous language, but ultimately decided, at that time, to maintain its earlier interpretation, that the 9–11 Biometric Fee applies only when the Fraud Fee applies. DHS internally noted that alternative interpretations were also reasonable but chose to maintain the status quo for that time while internally reviewing alternative interpretations. *See* 2019 Fee NRPM, 84 FR 62280, 62322. DHS has reexamined this matter and believes that its alternative interpretation of Public Law 114–113, proposed here, is more consistent with the goal of the statute to ensure employers that employ a substantial number of H–1B or L–1 nonimmigrant workers pay an additional fee by making the 9–11 Biometric Fee applicable to all

petitions by covered employers, regardless of whether or not the Fraud Fee also applies. In other words, the 9–11 Biometric Fee should apply to all H–1B or L–1 petitions filed by covered employers seeking initial classification of a beneficiary as an H–1B or L–1 nonimmigrant or an extension of stay for those already in such status, irrespective whether the extension of stay request is for a change of covered employers or for the purpose of remaining employed with the original covered employer.

In addition to putting forth a permissible interpretation of Public Law 114–113, DHS is also affirming that the interpretation in this rulemaking more closely aligns with Congress's objective to require an additional fee for covered employers, who by definition rely on H–1B and L–1 nonimmigrants for 50 percent of their workforce.¹⁶ Accordingly, a reasonable interpretation of Public Law 114–113 is that Congress intended for covered employers to pay the 9–11 Biometric Fee even when the beneficiaries remain with the same employer. Without this proposed change, covered employers can avoid paying the 9–11 Biometric Fee while employing a substantial number of H–1B and L–1 nonimmigrants as long as the beneficiary remains employed by the same covered employer.¹⁷ The ability of these petitioners to avoid paying the 9–11 fee entirely in some cases would appear to be against the Congressional intent in establishing these fees. From fiscal year 2018 to fiscal year 2022, 29 percent of all H–1B petitions were subject to the 9–11 Biometric Fee. Had this rule been in effect for that same time period, the percentage of H–1B petitions that would have been subject to the 9–11 Biometric Fee would have been 84 percent of all H–1B petitions.¹⁸

Significantly, a delay in this additional funding will continue to jeopardize CBP's ability to meet its congressional mandate to enhance national security by deploying a fully integrated biometric entry-exit data

¹⁶ *See* USCIS, Fee Increase for Certain H–1B and L–1 Petitions (Pub. L. 114–113), <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/fee-increase-for-certain-h-1b-and-l-1-petitions-public-law-114-113>.

¹⁷ Individual L–1 petitions (Form I–129S) filed on the basis of a previously approved “blanket L” petition are currently subject to the Fraud Fee and, by extension, the 9–11 Biometric Fee. USCIS already considers this a change of employer, even if the petitioner is covered under the same “blanket L” approval as the previous petitioner. Therefore, the proposed changes will not alter current USCIS practice in this regard.

¹⁸ Due to limitations in available data, similar calculations are not available for L–1 petitions.

¹⁵ “Covered employers” are those employers with more than 50 employees in the United States and where more than 50 percent of the employees in the United States are in H–1B or L–1 nonimmigrant status. Sec. 420(g), Public Law 114–113.

system. Without additional funding, CBP will be unable to maintain its current biometric entry operations, as well as ensure that TVS continues to be available to CBP and external stakeholders. CBP will also be unable to expand biometric confirmation to additional sea and land modalities at points of entry to the United States and fully implement a comprehensive biometric exit system at all land, sea, and air exits.¹⁹

Actual collections have fallen short of both anticipated collections and what is necessary to maintain and expand biometric operations. In December 2015, the Congressional Budget Office (CBO) published a report on the fee provisions in Public Law 114–113 and estimated annual revenues of \$420 million per year (except for \$380 million in the first year of FY 2016) from the 9–11 Biometric Fee through its lifespan.²⁰ Pursuant to the statute, 50 percent of those annual total collections—or an estimated \$210 million per year—would be deposited into the 9–11 Biometric Account and made available to DHS and CBP, up to \$1 billion. However, actual collections pre-COVID-19 repeatedly fell well below CBO's estimates: \$158 million in FY 2016, \$125 million in FY 2017, \$119 million in FY 2018, and \$118 million in FY 2019.²¹ Notwithstanding the impact of COVID-19 on collections during FYs 2020–21,²² DHS believes that collections have fallen short of CBO projections primarily because the current statutory interpretation fails to apply the 9–11 Biometric Fee to all extension petitions regardless of whether there is a change of employer. Both the previous interpretation and the current interpretation of Public Law 114–113

are reasonable based on the wording in the statute; therefore, DHS is proposing to amend the regulations to better align with its Congressional mandate to implement a fully integrated biometric entry-exit system.

IV. Proposed Changes to Regulations

A. Proposed Amendment to Collection of 9–11 Biometric Fees

DHS proposes to amend the regulations at 8 CFR 106.2(c)(8) and (9) to specify that the 9–11 Biometric Fee will apply to all H–1B and L–1 extension-of-stay petitions in addition to all previously covered H–1B and L–1 petitions.²³ Accordingly, DHS proposes to replace the phrase “certain petitioners” with “all petitioners” in the subparagraphs concerning both H–1B and L–1 petitioners. This proposed change will allow DHS to charge all covered petitioners the 9–11 Biometric Fee, including those seeking extension petitions that do not involve a change of employer, as opposed to only those petitioners whose petitions are also subject to the Fraud Fee.

B. Proposed Clarifying Amendments

DHS also proposes certain clarifying amendments. First, DHS proposes to insert the phrase “except for petitioners filing an amended petition without an extension of stay request.” Amended petitions are filed to notify USCIS of a material change in the terms or conditions of employment or the beneficiary's eligibility as specified in the original approved petition. See USCIS, Form I–129, Instructions for Petition for Nonimmigrant Worker, <https://www.uscis.gov/sites/default/files/document/forms/i-129instr.pdf>. Under the proposed regulations, covered petitioners filing an H–1B or L–1 amended petition that does not include an extension of stay request would not be required to submit the 9–11 Biometric Fee.

DHS further proposes to clarify the method by which it determines whether a petitioner is a covered employer. Currently, DHS counts all full-time and part-time employees who hold H–1B or L–1 status in order to determine whether an employer meets the definition of “covered employer” by

reaching the 50 percent threshold. DHS requires the 9–11 Biometric Fee once the threshold is met to be considered a covered employer. DHS proposes adding the words “in the aggregate” to both provisions in 8 CFR 106.2(c)(8) and (9) to clarify its current practice.

V. Statutory and Regulatory Reviews

A. Executive Orders 12866, 14094, and 13563

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) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866, as amended by Executive Order 14094. Accordingly, OMB has not reviewed this proposed rule.

As a result of this rule, DHS expects H–1B and L–1 transfer payments from fee payers to the U.S. Government to increase by a combined total of \$157.3 million annually. This will ensure that covered employers²⁴ would have to pay the 9–11 Biometric Fee as well as increase funds to implement and maintain CBP's biometrics programs. Public Law 114–113 exempts employers that do not employ 50 or more employees with more than 50 percent of employees under H–1B and/or L–1 status from the 9–11 Biometric Fee.

1. Purpose of the Rule

In 2020, after evaluating alternative interpretations of Public Law 114–113, DHS adopted the 2020 Fee Rule, which made the 9–11 Biometric Fee applicable to all petitions by covered employers, except for amended petitions without an extension of stay request, regardless of whether the Fraud Fee also applies. DHS believes that Congress's intent with the 9–11 Biometric Fee was twofold. First, to ensure that covered employers

¹⁹ Since 2004, DHS has worked to develop and implement a comprehensive biometric entry and exit data system as required by section 7208 of the IRTPA. See, e.g., Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (“US-VISIT”); Biometric Requirements, 69 FR 468 (Jan. 5, 2004). Additional resources discussing DHS's plans to enhance biometric operations are DHS's annual Entry/Exit Overstay Reports, available at <https://www.dhs.gov/publication/entryexit-overstay-report>.

²⁰ See Congressional Budget Office, Cost Estimate on H.R. 2029, Amendment #1 (2016 Omnibus) Table 3 (Dec. 16, 2015), <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/hr2029amendment1divisionsa.pdf>.

²¹ FY 2018–2021 data are based on data provided by USCIS via email between 11/30/2021 and 12/21/2021.

²² FY 2018–2021 data are based on data provided by USCIS via email between 11/30/2021 and 12/21/2021. The collection totals for FYs 2020 and 2021 were \$72 million and \$57 million, respectively. DHS recognizes the impact COVID-19 had on collection totals during this time frame but emphasizes that collection totals fell short of estimated collections prior to the COVID-19 pandemic.

²³ As stated previously, 8 CFR part 106 and the other regulatory changes in the 2020 Fee Rule have been codified although DHS is enjoined from implementing or enforcing them and is still charging the fees as set forth in 8 CFR 103.7(b)(1) as they existed prior to the 2020 Fee Rule. DHS is proposing in this rule to replace the enjoined provisions at 8 CFR 106.2(c)(7) and (8) pertaining to the 9–11 Biometric Fees. The 9–11 Biometric Fee provisions are proposed at 8 CFR 106.2(c)(8) and (9) in the 2023 Fee NPRM, and so are proposed as such here.

²⁴ “Covered employers” are those employers with more than 50 employees in the United States and where more than 50 percent of the employees in the United States are in H–1B or L–1 nonimmigrant status. Sec. 402(g), Public Law 114–113.

would generally have to pay an additional fee of \$4,000 or \$4,500 for H-1B or L-1 petitions, respectively. Second, to fund congressionally mandated biometric entry and exit programs that protect against terrorism. However, the interpretation that DHS adopted in the 2020 Fee Rule never went into effect because the 2020 Fee Rule was enjoined in its entirety during litigation unrelated to the 9-11 Biometric Fee. DHS maintains that the interpretation adopted in the 2020 Fee Rule is most consistent with the statute's goals. Therefore, DHS is proposing to adopt regulations that better align with Congress's intent for Public Law 114-113. The proposed change would expand the instances in which the 9-11 Biometric Fee applies by applying the 9-11 Biometric Fee to all H-1B or L-1 petitions seeking initial grants of status or an extension of stay, regardless of whether the Fraud Fee applies. By implementing this alternative interpretation of ambiguous language in Public Law 114-113, DHS is effectuating Congressional intent because the increased collections will provide necessary funds for the implementation and maintenance of biometric entry and exit data systems as required by Congress under section 7208 of the IRTPA.

CBP is responsible for implementing an integrated and automated entry-exit system that matches biographic data and

biometrics of noncitizens entering and departing the United States. CBP currently relies on the 9-11 Biometric Fee to fund several processes and programs such as TVS, which benefit the public by increasing consumer confidence in travel safety and speeding up the boarding process while encouraging contactless travel. CBP's use of biometrics has also proven to be effective in combatting the use of stolen and fraudulently presented travel and identity documents. The 9-11 Biometric Fee funds biometrics programs that also benefit other government agencies by providing assurance that the travelers arriving match their travel documents.

2. Transfer Payments From Rule

Fees paid to government agencies for goods and services provided by the agency are considered transfer payments because they are monetary payments from payers to the government and do not affect the total resources available to society. Costs associated with the provision of these goods and services are considered government costs of the regulation. Therefore, in this regulatory impact analysis, DHS discusses the additional transfer payments that H-1B and L-1 petitioners will experience as a result of this rule in qualitative, and when possible, quantitative, and monetized terms. This analysis evaluates the impact on transfer payments for H-1B petitions and L-1 petitions separately due to the

differences in fee amounts and the data available. The period of analysis is for fiscal years (FY) 2023-2027. CBP bases its estimates on data from FY 2018-2022 due to data limitations.²⁵

Currently, of the H-1B and L-1 petitions submitted by covered employers, only those requesting new employment or a change of employer are required to pay the 9-11 Biometric Fee. This rule will increase transfer payments from H-1B and L-1 petitioners by also applying the 9-11 Biometric Fee to H-1B and L-1 extension-of-stay petitions filed by covered employers.

The H-1B submissions currently subject to the 9-11 Biometric Fee and the resulting transfer payments are shown in Table 1.²⁶ Projected annual submissions are an average of submissions from FY 2018-2022. Multiplying the projected submissions by the fee amount of \$4,000 provides the projected annual transfer payments in the baseline. Transfer payments shown in Table 1 are not a result of this rule and are not added to those in Table 2 when totaling the additional transfer payments as a result of this rule; these fee payments are already occurring in the baseline. The values of Table 1 and Table 2 can be added together for an estimate of the total petitions subject to the 9-11 Biometric Fee and the transfer payments for covered H-1B employers under this rule.

TABLE 1—BASELINE ANNUAL H-1B SUBMISSIONS AND TRANSFER PAYMENTS

Fiscal year	A—New employment	E—Change of employer	Total submissions	Fee amount	Total actual & projected transfer payments
2018	16,511	7,016	23,527	\$4,000	\$93,907,000
2019	17,669	5,878	23,547	4,000	93,924,000
2020	10,149	4,616	14,765	4,000	58,692,000
2021	8,583	4,431	13,014	4,000	51,860,500
2022	6,715	3,925	10,640	4,000	43,664,000
2023	11,926	5,174	17,100	4,000	68,400,000
2024	11,926	5,174	17,100	4,000	68,400,000
2025	11,926	5,174	17,100	4,000	68,400,000
2026	11,926	5,174	17,100	4,000	68,400,000
2027	11,926	5,174	17,100	4,000	68,400,000

- Fee requirements are not changing for these categories under this rule.
- Projected submissions for 2023-2027 are based on the average of submissions for 2018-2022 rounded up.
- Total Actual Transfer Payments differ from expected values based on calculations (Total Submissions × Fee Amount) due to differences in the timing of filings and when collections take place.

Table 2 shows the number of additional annual H-1B submissions to which the 9-11 Biometric Fee would apply upon the implementation of this

rule. As done in Table 1, the projected submissions for FY 2023-2027 are an average of the FY 2018-2022 submissions and multiplying the

projected submissions by the \$4,000 fee provides the projected annual transfer payments that would result if this rule is finalized as proposed.

²⁵ See sec. 402(g), Public Law 114-113 (establishing the initial sunset date for the 9-11 Biometric Fee as September 30, 2025), as amended by sec. 30203(b) of the Bipartisan Budget Act of

2018, Public Law 115-123, 132 Stat. 64, 126 (extending this date to September 30, 2027.)
²⁶ FY 2018-2021 data are based on data provided by USCIS via email between 11/30/2021 and 12/21/

2021 and FY 2022 data was provided by USCIS via email between 3/17/23 and 5/8/23.

TABLE 2—ANNUAL H-1B SUBMISSIONS NEWLY SUBJECT TO FEE

Fiscal year	B—Continuation of previously approved employment without change	C—Change in previously approved employment	D—New concurrent employment	F—Amended petition	Total submissions	Fee amount	Total actual & projected transfer payments
2018	20,925	7,403	9	16,705	45,042	\$0	\$0
2019	27,127	7,362	24	9,127	43,640	0	0
2020	21,337	7,373	27	13,708	42,445	0	0
2021	7,826	2,667	105	8,727	19,325	0	0
2022	4,440	2,479	144	4,314	11,377	0	0
2023	16,331	5,457	62	10,517	32,367	4,000	129,468,000
2024	16,331	5,457	62	10,517	32,367	4,000	129,468,000
2025	16,331	5,457	62	10,517	32,367	4,000	129,468,000
2026	16,331	5,457	62	10,517	32,367	4,000	129,468,000
2027	16,331	5,457	62	10,517	32,367	4,000	129,468,000

- The categories listed in this table are based on options for question 2 in part 2 of Form I-129.
- The 9-11 Biometric Fee is only applicable to petitions in these categories which also include an extension of stay request and do not reflect the total number of petitions received.
- The 9-11 Biometric Fee was not required for submissions pursuant to the categories listed in this table for 2018–2022.
- Projected submissions for 2023–2027 are based on the average of submissions for 2018–2022 rounded up.

The numbers of H-1B petitions shown in Table 1 are based on petitioners' responses to Form I-129 Part 2, Questions 2 and 4, indicating the purpose of the request was New Employment or a Change of Employer. DHS assumes that petitioners newly required to pay the 9-11 Biometric Fee as a result of this rule will continue participating in the H-1B and L-1 programs at their current rate because this is a known fee and an expected cost of participation in the program. Similar information collected in L Classification Supplement Items 4.a and 4.b is not

preserved in USCIS's administrative data. Consequently, DHS estimates the number of L-1 petitions with 50 or more employees and more than 50 percent of employees in H-1B/L-1 status that are currently subject to the fee by dividing the L-1 collections deposited in the CBP and Treasury accounts by the \$4,500 fee amount, as shown in Table 3. Due to the lack of data regarding L Classification Supplement Items 4.a and 4.b, DHS estimated the projected submissions that will be subject to the fee as a result of this proposed rule by calculating the ratio of H-1B submissions newly subject

to the fee to the H-1B submissions currently subject to the fee for FY 2018–2022. This multiplier (1.8929) was then applied to the number of projected L-1 submissions subject to the fee to find the projected L-1 submissions newly subject to the fee as a result of this rule and is shown in Table 3. This methodology assumes that the ratio of new fee payers to baseline fee payers is the same for L-1 and H-1B. To the extent it differs, the transfers will be higher or lower than projected. We request comment on this assumption.

TABLE 3—ANNUAL L-1 SUBMISSIONS SUBJECT TO FEE

[Current and new]

Fiscal year	Calculated & projected submissions currently subject to fee	Projected submissions newly subject to fee	Total submissions	Fee amount	Actual & projected transfer payments	Projected transfer payments resulting from rule	Total actual & projected transfer payments
2018	5,586	0	5,586	\$4,500	\$25,137,000	\$0	\$25,137,000
2019	5,411	0	5,411	4,500	24,349,046	0	24,349,046
2020	2,935	0	2,935	4,500	13,207,954	0	13,207,954
2021	1,082	0	1,082	4,500	4,869,499	0	4,869,499
2022	1,314	0	1,314	4,500	5,912,000	0	5,912,000
2023	3,266	6,183	9,449	4,500	14,697,000	27,823,500	42,520,500
2024	3,266	6,183	9,449	4,500	14,697,000	27,823,500	42,520,500
2025	3,266	6,183	9,449	4,500	14,697,000	27,823,500	42,520,500
2026	3,266	6,183	9,449	4,500	14,697,000	27,823,500	42,520,500
2027	3,266	6,183	9,449	4,500	14,697,000	27,823,500	42,520,500

- L-1 submissions were calculated by dividing the actual transfer payments by the fee amount for FY 2018–2022.
- The 9-11 Biometric Fee is only applicable to petitions which also include an extension of stay request and do not reflect the total number of petitions received.
- Projected submissions currently subject to fee for 2023–2027 are based on the average of submissions for 2018–2022.
- Projected L-1 submissions newly subject to fee are calculated using the ratio of H-1B submissions newly subject to fee to H-1B submissions currently subject to fee from 2018–2022 (a multiplier of 1.8929).

In undiscounted 2022 dollars, DHS believes this rule will result in a combined total increase of \$157.3 million annually to H-1B and L-1

transfer payments. Table 4 provides estimates of the undiscounted transfer payments and Table 5 provides estimates of the discounted transfer

payments of this rule for fiscal years 2023 to 2027. From FYs 2023 to 2027, H-1B and L-1 petitioners will experience a total in transfer payments

of \$720.3 million if discounted at three percent and \$644.9 million if

discounted at seven percent. Petitioners will experience total annualized transfer

payments of \$157.3 million under both three and seven percent discount rates.

TABLE 4—UNDISCOUNTED PROJECTED TRANSFER PAYMENTS FROM THE PROPOSED RULE

Year	H–1B Projected undiscounted transfer payments	L–1 Projected undiscounted transfer payments	Total projected undiscounted transfer payments
2023	\$129,468,000	\$27,823,500	\$157,291,500
2024	129,468,000	27,823,500	157,291,500
2025	129,468,000	27,823,500	157,291,500
2026	129,468,000	27,823,500	157,291,500
2027	129,468,000	27,823,500	157,291,500
Total	647,340,000	139,117,500	786,457,500

Note: Estimates may not sum to total due to rounding.

TABLE 5—TOTAL MONETIZED PRESENT VALUE AND ANNUALIZED ADDITIONAL TRANSFER PAYMENTS FROM THE PROPOSED RULE

Fiscal year	3% Discount rate	7% Discount rate
2023	\$152,710,194	\$147,001,402
2024	148,262,324	137,384,488
2025	143,944,004	128,396,718
2026	139,751,460	119,996,932
2027	135,681,030	112,146,666
Total	720,349,013	644,926,205
Net Present Value	720,349,013	644,926,205
Annualized Transfer Payments	157,291,500	157,291,500

With this additional funding CBP will be able to meet its congressional mandate to enhance national security by deploying a fully integrated biometric entry-exit data system. CBP will be able to maintain its current biometric entry and exit operations, as well as ensure that TVS continues to be available to CBP and external stakeholders. CBP will also be able to continue its expansion to all ports of entry in order to fully implement a comprehensive biometric exit system at all land, sea, and air exits.²⁷

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), requires agencies to assess the impact of regulations on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a

small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

As discussed above, this rule will result in transfer payments to the U.S. Government from employers with 50 or more employees and more than 50 percent of employees in H–1B and/or L–1 nonimmigrant status (covered employers). DHS used a random sample of 399 H–1B/L–1 petitioners provided by USCIS to positively identify 264 small entities based on the size standards of the Small Business Administration. Only 41 of these small entities have more than 50 employees and would be subject to the 9–11 Biometric Fee. The rule also states that the 9–11 Biometric Fee is applicable only to entities with more than 50 percent of employees in H–1B or L–1 status. DHS does not have enough information to determine how many employers fit this description. Therefore, DHS is unable to determine whether this rule affects a substantial number of small businesses. However, DHS can estimate that an approximate maximum of 16 percent of small businesses will be affected by this rule.²⁸

Petitioning employers with 50 or more employees and more than 50

percent of employees in H–1B or L–1 status will pay the 9–11 Biometric Fee. The fee for H–1B and L–1 petitions under Public Law 114–113 is \$4,000 and \$4,500, respectively. DHS does not have enough information on the number of times a petitioning employer would pay the 9–11 Biometric Fee due to the rule change to determine whether this rule has a significant impact on small businesses.

Although DHS was able to estimate effects of the rule and create a rough estimate of the number of small businesses affected by the rule, DHS was unable to determine how many employers have more than 50 percent of its employees in the United States in H–1B or L–1 nonimmigrant status, or the number of times that an individual employer would be subject to the 9–11 Biometric Fee due to a lack of detailed petition data available on filings. Therefore, DHS seeks public comment on the number of small companies that would be subject to this fee and how often small companies would pay the 9–11 Biometric Fee. DHS has conducted the following Initial Regulatory Flexibility Analysis.

1. A Description of the Reasons Why Action by the Agency Is Being Considered

DHS is proposing to amend regulations to implement an

²⁷ Since 2004, DHS has worked to develop and implement a comprehensive biometric entry and exit data system as required by section 7208 of the IRTPA. *See, e.g.,* Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (“US–VISIT”); Biometric Requirements, 69 FR 468 (Jan. 5, 2004). Additional resources discussing DHS’s plans to enhance biometric operations are DHS’s annual Entry/Exit Overstay Reports, available at <https://www.dhs.gov/publication/entryexit-overstay-report>.

²⁸ 41 out of 264 confirmed small entities sampled (41/264 = .1553 or 15.53%).

interpretation of the statutory language in Public Law 114–113 that DHS now believes would better align with congressional intent by expanding the instances in which the 9–11 Biometric Fee would apply. DHS believes this interpretation and the consequent increased collections would better enable DHS to comply with its congressional mandate under section 7208 of the IRTPA to implement and maintain biometric entry and exit data.

2. A Succinct Statement of the Objectives of, and Legal Basis for, the Proposed Rule

The 9–11 Biometric Fee is authorized under Div. O, section 402(g) of the Consolidated Appropriations Act, 2016, Public Law 114–113, 129 Stat. 2242, 3006. This statute set aside 50 percent of the funds that come from the 9–11 Biometric Fee (up to a total of \$1 billion) to be deposited into a 9–11 Biometric Account. The funds from the 9–11 Biometric Account are available to

support the congressionally mandated biometric entry-exit data system, as described under section 7208 of the IRTPA. Annual maintenance costs for those biometric entry and exit data systems that CBP has already implemented currently exceed the annual funding received through the 9–11 Biometric Fee. These funds are insufficient to finish implementing the biometric entry operations to additional sea and land modalities or to implement a comprehensive biometric exit system. DHS believes this proposed rule will increase collections and provide adequate funding to better allow CBP to meet Congress's biometric programs mandate and would better align with congressional intent.

3. A Description and, Where Feasible, an Estimate of the Number of Small Entities to Which the Proposed Rule Will Apply

The proposed rule could potentially affect small, covered employers across a

wide range of industries. CBP used a random sample of 399 H–1B and L–1 petitioners in 2020 to estimate the number of small entities affected by this rule. Table 6 shows the distribution of entities across the sample provided by USCIS. From this sample, six entities listed an invalid North American Industry Classification System (NAICS) code and 68 did not report a NAICS code, and so CBP cannot make a determination on the size of the entity or the impact this rule will have on them. Of the remaining 325 entities in the sample, CBP was able to positively identify 264 as small entities based on size standards of the Small Business Administration. Table 6 shows the distribution of small entities across industries.

TABLE 6—NAICS CODES, DESCRIPTIONS, NUMBER, AND PERCENT OF INDUSTRY IN SAMPLE ARE SMALL

Primary NAICS code	Industry description	Number of small entities in sample	Number of entities in sample	Percent of industry in sample are small
511210	Software Publishers	18	19	95
541511	Custom Computer Programming Services	17	17	100
561439	Other Business Service Centers (including Copy Shops)	14	15	93
541618	Other Management Consulting Services	11	13	85
541330	Engineering Services	9	9	100
621111	Offices of Physicians (except Mental Health Specialists)	9	9	100
611110	Elementary and Secondary Schools	7	7	100
541211	Offices of Certified Public Accountants	7	7	100
621493	Freestanding Ambulatory Surgical and Emergency Centers	6	6	100
561110	Office Administrative Services	5	5	100
541512	Computer Systems Design Services	4	4	100
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers.	4	4	100
541110	Offices of Lawyers	4	6	67
446110	Pharmacies and Drug Stores	4	4	100
523930	Investment Advice	4	4	100
621210	Offices of Dentists	4	4	100
611310	Colleges, Universities, and Professional Schools	3	4	75
541714	Research and Technology in Biotechnology (except Nanobiotechnology).	3	3	100
541611	Administrative Management and General Management Consulting Services.	3	4	75
518210	Data Processing, Hosting, and Related Services	3	3	100
541690	Other Scientific and Technical Consulting Services	3	6	50
621399	Offices of All Other Miscellaneous Health Practitioners	3	3	100
541720	Research and Development in the Social Sciences and Humanities ..	3	3	100
238210	Electrical Contractors and Other Wiring Installation Contractors	3	3	100
488390	Other Support Activities for Water Transportation	3	3	100
541519	Other Computer Related Services	3	3	100
921120	Legislative Bodies	3	3	100
Other	Various *	104	154	68
Total .....	.....	264	325	81

* Two or fewer small entities in NAICS category.

Of the 264 confirmed small entities, 223 had fewer than 50 employees and would be statutorily exempt from

paying the 9–11 Biometric Fee and 40 small entities had 50 or more employees. CBP did not have an

employee count for one employer and cannot determine whether it is affected by this rule.

Based on the sample and the 50/50 threshold,²⁹ CBP estimates that an approximate maximum of 16 percent of small entities that hire H-1B or L-1 employees will be affected by this rule.³⁰

4. A Description of the Projected Reporting, Recordkeeping and Other Compliance Requirements of the Proposed Rule, Including an Estimate of the Classes of Small Entities Which Will Be Subject to the Requirement and the Type of Professional Skills Necessary for Preparation of the Report or Record

The proposed regulation does not propose changes to any required reporting or recordkeeping. As discussed above, this rule could affect any small entity that employs 50 or more people with more than 50 percent of employees in H-1B or L-1 nonimmigrant status.

The proposed rule would have compliance requirements for affected small businesses since it would amend the regulations at 8 CFR 106.2(c)(8) and (9) to specify that the 9-11 Biometric Fee will apply to all H-1B and L-1 extension-of-stay petitions in addition to all previously covered H-1B and L-1 petition. As a result, petitioning small businesses with 50 or more employees and more than 50 percent of employees in H-1B or L-1 status affected by the proposed rule would pay the 9-11 Biometric Fee. The fee for H-1B and L-1 petitions under Public Law 114-113 is \$4,000 and \$4,500, respectively.

5. Identification, to the Extent Practicable, of All Relevant Federal Rules Which May Duplicate, Overlap, or Conflict With the Proposed Rule

This proposed rule does not duplicate, overlap, or conflict with any Federal rules.

6. A Description of Any Significant Alternatives to the Proposed Rule Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact of the Proposed Rule on Small Entities

Alternative 1 (chosen alternative): Adopt an alternative statutory interpretation to require covered employers to pay the 9-11 Biometric Fee for I-129 Form petitions, seeking initial grants of status as well as all

extension-of-stay petitions, regardless of whether there is a change of employer.

Alternative 2: No regulatory action.

DHS has chosen to implement Alternative 1. DHS believes that the alternative statutory interpretation of Public Law 114-113 minimizes the impact on small businesses, because only entities with 50 or more employees and more than 50 percent of employees in H-1B or L-1 status must pay the 9-11 Biometric Fee, while still allowing DHS to receive enough funds for the required maintenance of biometric entry and exit data systems already in place. While Alternative 2 would have a smaller impact on small businesses, it would leave DHS unable to accomplish the stated objectives of the applicable statutes. Therefore, DHS believes Alternative 1 best balances funding requirements and provides the smallest possible impact on small businesses while doing so.

Alternative 2 would mean that the status quo would continue and DHS would lack sufficient funding for the implementation and maintenance of a congressionally mandated biometric entry-exit system because covered employers would not need to pay the 9-11 Biometric Fee for extensions. This alternative would require DHS to reallocate funds marked for other purposes in order to maintain and finish implementing current biometric entry operations and implement biometric exit operations, as required by section 7208 of the IRTPA.

C. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3507(d)) requires that DHS consider the impact of paperwork and other information collection burdens imposed on the public. An agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB. Form I-129 is covered by OMB approved collection 1615-0009. This rule makes no changes to this information collection, so the provisions of the PRA do not apply to this rule.

List of Subjects in 8 CFR 106

Citizenship and naturalization, Fees, Immigration.

Proposed Regulatory Amendments

For the reasons stated in the preamble, DHS proposes to amend part 106 of title 8, Code of Federal Regulations (8 CFR part 106), as follows:

PART 106—USCIS FEE SCHEDULE

■ 1. The authority citation for part 106 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1254a, 1254b, 1304, 1356; 48 U.S.C. 1806; Pub. L. 107-296, 116 Stat. 2135 (6 U.S.C. 101 note); Pub. L. 115-218, 132 Stat. 1547; Pub. L. 116-159, 134 Stat. 709.

■ 2. Amend § 106.2 by revising paragraphs (c)(8) and (c)(9) to read as follows:

§ 106.2 Fees.

* * * * *

(c) * * *
(8) *9-11 Response and Biometric Entry-Exit Fee for H-1B Visa.* For all petitioners filing an H-1B petition who employ 50 or more employees in the United States, if more than 50 percent of the petitioner's employees in the aggregate are in H-1B, L-1A, or L-1B nonimmigrant status, except for petitioners filing an amended petition without an extension of stay request: \$4,000. This fee will apply to petitions filed on or before September 30, 2027.

(9) *9-11 Response and Biometric Entry-Exit Fee for L-1 Visa.* For all petitioners filing an L-1 petition who employ 50 or more employees in the United States, if more than 50 percent of the petitioner's employees in the aggregate are in H-1B, L-1A, or L-1B nonimmigrant status, except for petitioners filing an amended petition without an extension of stay request: \$4,500. This fee will apply to petitions filed on or before September 30, 2027.

* * * * *

Alejandro N. Mayorkas,
Secretary, U.S. Department of Homeland Security.

[FR Doc. 2024-12396 Filed 6-5-24; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-1478; Project Identifier MCAI-2023-01216-T]

RIN 2120-AA64

Airworthiness Directives; BAE Systems (Operations) Limited 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

²⁹ "50/50 threshold" refers to the threshold for employers to be subject to the requirements of the 9-11 Biometric Fee. Employers with 50 or more employees and more than 50 percent of employees in H-1B or L-1 status will be subject to the Biometric Fee for certain H-1B and L-1 submissions.

³⁰ 41 out of 264 confirmed small entities sampled (41/264 = .1553 or 15.53%).

BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ series airplanes. This proposed AD was prompted by a report of cracking on the radius of the rib 0 forward longeron at frame 26. This proposed AD would require a one-time inspection for defects of the radius, and repair if necessary. 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 22, 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*. 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* under Docket No. FAA–2024–1478; 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 BAE System service information, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RAPublications@baesystems.com*; website *baesystems.com/en/our-company/our-businesses/regional-aircraft/about-us*.

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

FOR FURTHER INFORMATION CONTACT:

Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@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–2024–1478; Project Identifier MCAI–2023–01216–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 the 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 Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@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

The Civil Aviation Authority (CAA), which is the aviation authority for the United Kingdom (UK), has issued UK CAA AD G–2023–0006, dated November 24, 2023 (UK CAA AD G–2023–0006) (also referred to after this as the MCAI), to correct an unsafe condition on all BAE Systems (Operations) Limited

Model BAe 146 and Avro 146–RJ series airplanes. The MCAI states that an operator reported that during routine maintenance, cracking was found on the radius of the rib 0 forward longeron at frame 26. The cracking initiated close to a local blend in the radius. Failure of the rib 0 forward longeron could lead to structural failure of adjacent structure, leading to failure of the fuselage skin, and could result in rapid decompression and possible loss of the airplane.

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–2024–1478.

Related Service Information Under 1 CFR Part 51

The FAA reviewed BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–249, dated August 25, 2023. This service information specifies procedures for performing a detailed inspection for any defects (rough edges, nicks, or visible cracking) and for any evidence of blending or undercutting of the radius and flanges of the rib 0 forward longeron at frame 26, performing a high frequency eddy current (HFEC) inspection of the radius of the rib 0 forward longeron at frame 26, and obtaining and following repair instructions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Interim Action

The FAA considers that this proposed AD would be an interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance
The FAA estimates that this AD, if adopted as proposed, would affect 20

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
2 work-hours × \$85 per hour = \$170	\$0	\$170	\$3,400

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this proposed AD.

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:
- BAE Systems (Operations) Limited:** Docket No. FAA–2024–1478; Project Identifier MCAI–2023–01216–T.

- (a) Comments Due Date**
- The FAA must receive comments on this airworthiness directive (AD) by July 22, 2024.
- (b) Affected ADs**
- None.
- (c) Applicability**
- This AD applies to all BAE Systems (Operations) Limited airplanes identified in paragraphs (c)(1) and (2) of this AD, certificated in any category.
- (1) Model BAe 146–100A, –200A, and –300A airplanes.
- (2) Model Avro 146–RJ70A, –RJ85A, and –RJ100A airplanes.
- (d) Subject**
- Air Transport Association (ATA) of America Code 53, Fuselage.
- (e) Unsafe Condition**
- This AD was prompted by a report of cracking on the radius of the rib 0 forward longeron at frame 26. The FAA is issuing this AD to address cracking of the radius of the rib 0 forward longeron at frame 26. The unsafe condition, if not addressed, could result in failure of the rib 0 forward longeron, which could lead to failure of an adjacent structure, leading to failure of the fuselage skin, and could result in rapid decompression and possible loss of the airplane.

(f) Compliance

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

(g) Inspection and Corrective Actions

Within 4 months after the effective date of this AD, do a visual and a high frequency eddy current inspection for defects of the radius of the rib 0 forward longeron at frame 26, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–249, dated August 25, 2023. If any cracking or defects are found, repair before further flight, in accordance with a method approved by the Manager, International Validation Branch, FAA; or the United Kingdom Civil Aviation Authority (UK CAA); or BAE Systems (Operations) Limited’s UK CAA’s Design Organization Approval (DOA). If the method is approved by the DOA, the approval must include the DOA-authorized signature.

(h) Reporting Requirement

Report positive inspection results at the applicable time specified in paragraph (h)(1) or (2) of this AD using the Inspection Report form in Appendix 1 of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–249, dated August 25, 2023.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(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 the UK CAA; or BAE Systems (Operations) Limited’s UK CAA’s

DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Additional Information

For more information about this AD, contact Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email todd.thompson@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) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53–249, dated August 25, 2023.

(ii) [Reserved]

(3) For BAE Systems service information, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email RApublications@baesystems.com; website baesystems.com/en/our-company/our-businesses/regional-aircraft/about-us.

(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 28, 2024.

Victor Wicklund,

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

[FR Doc. 2024–12195 Filed 6–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4, 5, 6, 7

[Docket No. RM24–5–000]

Establishment of Categorical Reasonable Period of Time for Action on Requests for Water Quality Certification Under Section 401(a)(1) of the Clean Water Act and Clarifying Types of Hydroelectric Project Proceedings That May Require Water Quality Certification

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this proposed rule, the Federal Energy Regulatory Commission (Commission) amends its regulations to clarify that for all proceedings before the Commission that require a water quality certification pursuant to section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), the reasonable period of time during which the certifying authority may act on the water quality certification request is one year from the certifying authority's receipt of the request. The proposed rule also clarifies that all Commission authorizations that have the potential to discharge into waters of the United States require a section 401 water quality certification or waiver, including hydropower exemptions, amendments, and surrenders. Finally, the proposed rule provides updated terminology in the Commission's hydropower regulations and updates the timing of the filing requirements for the Commission's expedited hydropower licensing process.

DATES: Comments are due July 8, 2024.

ADDRESSES: You may send comments, identified by RM24–5–000, by either of the following methods:

- **Agency website:** Electronic Filing through <http://www.ferc.gov>. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- **Mail:** Those unable to file electronically may mail comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426. Hand-delivered comments should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures section of this document.

FOR FURTHER INFORMATION CONTACT:

Amber Leasure-Earnhardt (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6891, Amber.Leasure-Earnhardt@ferc.gov
 Miranda Millerick (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8781, Miranda.Millerick@ferc.gov
 Michael Tust (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888

First Street NE, Washington, DC 20426, (202) 502–6522
 Jody Callihan (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8278
 Andrea Claros (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8171

SUPPLEMENTARY INFORMATION:

Table of Contents

Paragraph Numbers

- I. Background—2
- II. Proposed Revisions—6
- III. Regulatory Requirements—9
 - A. Information Collection Statement—9
 - B. Environmental Analysis—10
 - C. Regulatory Flexibility Act—11
 - D. Comment Procedures—13
 - E. Document Availability—14

I. Background

A. Clean Water Act Section 401

1. Section 401 of the Clean Water Act (CWA) is a direct grant of authority to states and authorized Tribes¹ (*i.e.*, certifying authorities) to review for compliance with appropriate federal, state, and Tribal water quality requirements any discharge into waters of the United States that may result from a proposed activity that requires a federal license or permit.² Section 401(a)(1) of the CWA prohibits a federal agency from issuing a federal license, permit, or other authorization for a project or activity that may result in a discharge into waters of the United States, such as a Federal Energy Regulatory Commission (Commission) order issuing a license for a hydroelectric project or order authorizing an amendment or surrender of a license, unless the appropriate certifying authority either grants certification or waives its certification authority.³ Under the Clean Water Act, if the certifying authority “fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request,” then certification is waived.⁴

2. The January 2021 Executive Order 13990 entitled *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*,

¹ “Authorized Tribes” refers to Indian Tribes that have been approved for “treatment as a state” status under the CWA. Authorized Tribes may also have the authority under section 401 to issue water quality certifications.

² 33 U.S.C. 1341(a)(1).

³ *Id.*

⁴ *Id.*

among other things directed the Environmental Protection Agency (EPA) to review the water quality certification rule EPA promulgated in 2020 under section 401 of the CWA.⁵ In compliance with the Executive Order, on September 14, 2023, the EPA issued a final 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule (Certification Improvement Rule),⁶ which revised its regulations under 40 CFR part 121.⁷ The Certification Improvement Rule applies prospectively to all actions after the effective date of the rule.

B. Reasonable Period of Time

3. Regarding the statutory reasonable period of time in which a certifying authority must act on a request for certification, section 121.6(b) of the Certification Improvement Rule contemplates that the federal agency and certifying authority will establish a reasonable period of time on a case-by-case basis. If the federal agency and certifying authority do not agree, the rule sets a six-month default reasonable period of time.⁸ The rule, however, also provides that if a federal agency establishes a one-year reasonable period of time by regulation, the maximum time allowed under the CWA, the federal agency may use that one year as the reasonable period of time without negotiating with certifying authorities.⁹

4. With respect to licensing proceedings, the Commission promulgated regulations providing for a categorical one-year reasonable period of time for action by a certifying authority, as reflected in subsection 4.34(b)(5)(iii) of its regulations in 1987,¹⁰ subsection 5.23(b)(2) of its regulations in 2003,¹¹ and subsection 7.2(b)(3)(ii) of its regulations in 2019.¹²

⁵ Exec. Order No. 13990, 86 FR 7037 (Jan. 25, 2021). EPA issued the Clean Water Act Section 401 Certification Rule on June 1, 2020. 85 FR 42210 (July 13, 2020).

⁶ 88 FR 66558 (Sept. 27, 2023).

⁷ The rule was published in the **Federal Register** on September 27, 2023, and became effective 60 days after publication on November 27, 2023.

⁸ 88 FR 66663.

⁹ *Id.* at 66588.

¹⁰ *Waiver of the Water Quality Certification Requirements of Section 401(a)(1) of the Clean Water Act*, Order No. 464, FERC Stats. & Regs. ¶ 30,730 (1987) (cross-referenced at 38 FERC ¶ 61,146); 18 CFR 4.34(b)(5)(iii). Part 4 of the Commission's regulations governs applicants using the traditional licensing process and the alternative licensing process.

¹¹ *Hydroelectric Licensing Under the Fed. Power Act*, Order No. 2002, 68 FR 51070 (Aug. 25, 2003), Order No. 2002–A, 69 FR 5268 (Feb. 4, 2004), 104 FERC ¶ 61,109 (2003), *order on reh'g*, 106 FERC ¶ 61,037 (2004); 18 CFR 5.23(b)(2). Part 5 governs applicants using the integrated licensing process.

¹² *Hydroelectric Licensing Reguls. Under the Am.'s Water Infrastructure Act of 2018*, Order No.

Although it is the Commission's practice to apply a one-year reasonable period of time for water quality certification applications in all hydropower proceedings where they are required,¹³ the current regulations are silent as to certain FPA proceedings, including those regarding hydropower exemptions (a subcategory of licensing proceedings), amendments to hydropower licenses, or surrenders of hydropower licenses, some of which may trigger CWA section 401.

C. Hydropower Exemptions

5. Currently, the Commission's regulations do not specify that hydropower exemption applicants must obtain a water quality certification or waiver if the proposed project may result in a discharge into waters of the United States. The Commission stated in its preamble to the 1980 rule establishing the 5–MW exemption that there is no applicable section 401 requirement where there is no license.¹⁴ This unsupported statement implied, incorrectly, that an exemption is not a federal license or permit subject to CWA section 401.¹⁵ Subsequently, in 1987, the Commission explained in its response to comments for its final rule promulgating the Commission's part 4 regulations for waiver of water quality certification requirements that, although the Commission had not required applicants for exemptions to obtain water quality certification, it would consider changing its practice in a later

858, 84 FR 17064 (Apr. 24, 2019), 167 FERC ¶ 61,050 (2019); 18 CFR 7.2(b)(3)(ii). Part 7 governs applicants using the expedited licensing process for qualifying non-federal hydropower projects at existing nonpowered dams and for closed-loop pumped storage projects.

¹³ In 2021, the Commission also promulgated subsections 153.4 and 157.22(b) of its regulations governing Liquefied Natural Gas (LNG) facilities and natural gas pipelines, respectively, to establish a categorical "reasonable period of time" of one year for a certifying authority to act on a certification request. 18 CFR 153.4, 157.22(b); *Waiver of the Water Quality Certification Requirements of Section 401(a)(1) of the Clean Water Act*, 174 FERC ¶ 61,196 (2021).

¹⁴ *Exemption from All of Part 1 of the Fed. Power Act of Small Hydroelectric Power Projects with an Installed Capacity of 5 Megawatts or Less*, Order No. 106, FERC Stats. & Regs. ¶ 30,204, at 31,368 (1980) (cross-referenced at 13 FERC ¶ 61,116). The Commission's hydropower exemption regulations were revised in 2014 to increase the maximum installed capacity for eligible small hydroelectric power projects from 5 MW to 10 MW. *Revisions & Tech. Corrections To Conform the Commission's Reguls. to the Hydropower Regul. Efficiency Act of 2013*, Order No. 800, 148 FERC ¶ 61,197 (2014); *see also* 18 CFR 4.101–4.108. The Commission also issues exemptions for qualifying conduit hydroelectric projects, pursuant to section 30 of the FPA, as amended. *See* 18 CFR 4.90–4.96.

¹⁵ The Commission's prior statement in a preamble does not supersede the statutory mandate under Section 401(a) of the CWA.

rulemaking.¹⁶ As matter of practice, the Commission incorporates water quality certification conditions into final exemption orders when a certification is issued by the relevant certifying authority.¹⁷

6. The proposed rule clarifies that because an exemption is a federal permit, section 401 of the CWA applies where the project has the potential to discharge into waters of the United States.

II. Proposed Revisions

A. Reasonable Period of Time

7. This proposed rule clarifies that, for all proceedings before the Commission that require water quality certification, the reasonable period of time for a certifying authority to act on the certification request is one year from the certifying authority's receipt of the request. This proposed rule is consistent with EPA's proviso that federal agencies may establish a categorical one-year reasonable period of time in their regulations. The Commission's proposed rule promotes administrative efficiency because there would be no need to negotiate with the certifying authority in every case where a section 401 water quality certification is required. As the Commission has previously stated, we continue to believe that the benefits of setting a categorical one-year reasonable period of time for a certifying authority to act on a request for certification best serves the public interest by providing certainty and consistency for all Commission hydropower proceedings in which a section 401 certification is required.¹⁸

8. Thus, by revising the Commission's regulations in parts 4 and 6 to cover all proceedings before the Commission that require a section 401 water quality certification, all proceedings will now be governed by the same reasonable period of time and be consistent with

¹⁶ Order No. 464, FERC Stats. & Regs. ¶ 30,730 at 30,546.

¹⁷ *See, e.g., City of Nashua, New Hampshire*, 182 FERC ¶ 62,009, at PP 12–14 (2023) (stating that "[u]nder Section 401(a) of the Clean Water Act (CWA), the Commission may not authorize construction or operation of a hydroelectric project that may result in a discharge into the navigable waters of the United States unless the state water quality certifying agency either has issued water quality certification for the project or has waived certification"); *New England Hydropower Co., LLC*, 155 FERC ¶ 62,132, at P 13 (2016) (making the water quality certification conditions mandatory conditions of the exemption); *Charlie Hotchkin & Claire Fay*, 132 FERC ¶ 62,037, at P 7 (2010) (same).

¹⁸ *See Waiver of the Water Quality Certification Requirements of Section 401(a)(1) of the Clean Water Act*, 174 FERC ¶ 61,196; Order No. 464, FERC Stats. & Regs. ¶ 30,730.

the regulations currently governing applicants for hydropower licenses.¹⁹

B. Hydropower Exemptions

9. The proposed rule explicitly incorporates applications for an exemption from licensing under the water quality certification requirements in part 4 of the Commission's regulations to remove any uncertainty as to whether an applicant for an exemption should apply to a certifying authority for a water quality certification if the proposed project may result in a discharge into waters of the United States. This proposed change clarifies that because exemptions are federal permits, CWA section 401 applies to such projects.

C. Terminology and Part 7 Filing Requirements

10. The Commission's proposed rule updates the term "certifying agency" previously used in the Commission's regulations in parts 4, 5, and 7 to "certifying authority," which is the defined term EPA uses in its regulations to describe the entity responsible for certifying compliance with applicable water quality requirements under CWA section 401.²⁰ The proposed rule also incorporates the term "express" waiver into the Commission's regulations in parts 4, 5, and 7, to reflect the four ways that a certifying authority may act on a request for certification, pursuant to 40 CFR 121.7.²¹ These proposed changes will align the Commission's regulatory terminology with the EPA's regulatory terminology for clarity and consistency.

11. Finally, the proposed rule changes the timing of the filing requirements under part 7 of the Commission's regulations for the expedited licensing process. Current section 7.2(3) of the Commission's regulations requires that an application to the Commission under part 7 must include either a copy of the request for a water quality certification, the issued certification, or evidence of waiver of the certification.²² That requirement conflicts with the EPA's Certification Improvement Rule, which requires any request for a water quality

certification to include a copy of the final application for the federal license or permit.²³ To avoid this conflict, the Commission is proposing that an applicant under part 7 must file within 60 days of its application with the Commission a copy of the certification request, certification, or the certifying authority's express waiver.

III. Regulatory Requirements

A. Information Collection Statement

12. The Paperwork Reduction Act²⁴ requires each federal agency to seek and obtain the Office of Management and Budget's (OMB) approval before undertaking a collection of information (*i.e.*, reporting, recordkeeping, or public disclosure requirements) directed to ten or more persons or contained in a rule of general applicability. OMB regulations require approval of certain information collection requirements contained in proposed rules published in the **Federal Register**.²⁵ This proposed rule does not impose new information collection requirements on ten or more persons.²⁶ If a proposed exemption project has the potential to discharge into waters of the United States, the proposed regulations will make it clear that an exemption applicant would be required to file either a copy of the water quality certification or the certifying authority's express waiver, a copy of the request for certification, or notification that the certifying authority failed to act. The exemption applicants would not need to create a new document or fill out a form, rather they are just submitting to the Commission a copy of the certifying authority's response or informing the Commission that the certifying authority has failed to act within one year. Over the last ten years, the Commission received an average of less than two exemption applications per year. The directives to submit exemptions for certification or evidence of waiver of water quality certification are covered by and already included in, the existing OMB-approved information collection FERC-505 (Small Hydropower Projects and Conduit Facilities including License/Relicense, Exemption, and Qualifying Conduit Facility Determination; OMB Control No. 1902-0115).

²³ 40 CFR 121.5(a)(1)(i).

²⁴ 44 U.S.C. 3501-3521.

²⁵ See 5 CFR 1320.11.

²⁶ The proposed rule does not impose any new information collection requirements on license, amendment, and surrender applicants, nor certifying authorities. The rule clarifies the filing requirements for exemption applicants who need a water quality certification.

B. Environmental Analysis

13. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant effect on the human environment.²⁷ The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment, including the promulgation of rules that are clarifying, corrective, or procedural, or that do not substantially change the effect of legislation, or the regulations being amended.²⁸ This proposed rule proposes to categorically establish a reasonable period of time for a certifying authority to act on a water quality certification request for a license, exemption, amendment, or surrender application of a hydroelectric project pending with the Commission. The proposed rule also updates the term "certifying agency" to "certifying authority," incorporates the term "express" waiver to reflect the four ways a certifying authority may act on a request for certification and revises the requirements under part 7 to permit compliance with both EPA's and the Commission's regulations. Because this proposed rule is procedural in nature, preparation of an Environmental Assessment or an Environmental Impact Statement is not required.

C. Regulatory Flexibility Act

14. The Regulatory Flexibility Act of 1980 (RFA)²⁹ generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and minimize any significant economic impact on a substantial number of small entities.³⁰ In lieu of preparing a regulatory flexibility analysis, an agency may certify that a proposed rule will not have a significant economic impact on a substantial number of small entities.³¹ The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.³² The SBA size standard for hydroelectric power generation is based on the number of employees, including

²⁷ *Reguls. Implementing the Nat'l Env't Pol'y Act of 1969*, Order No. 486, 41 FERC ¶ 61,284 (1987).

²⁸ 18 CFR 380.4(a)(2)(ii).

²⁹ 5 U.S.C. 601-612.

³⁰ *Id.* 603(c).

³¹ *Id.* 605(b).

³² 13 CFR 121.101.

¹⁹ See also *supra* note 13.

²⁰ 88 FR 66662; 40 CFR 121.1(b). We note that there are other parts of the Commission's regulations that use the term "certifying agency" in the context of section 401 that this NOPR is not proposing to update. Therefore, we clarify in this proposed rule that these two terms will be used interchangeably throughout the Commission's regulations.

²¹ Section 121.7 of the EPA's regulations stipulates that a certifying authority may act on a request for certification in one of four ways: grant certification, grant certification with conditions, deny certification, or expressly waive certification.

²² 18 CFR 7.2(3).

affiliates.³³ Under SBA's size standards, a hydroelectric power generator is small if, including its affiliates, it employs 750 or fewer people.³⁴

15. If enacted, this proposed rule would apply to entities, a small number of which may be small businesses, with an application for a license, exemption, amendment, or surrender of a hydroelectric project pending with the Commission that requires a water quality certification under section 401(a)(1) of the CWA. However, the proposed rule would not have a significant economic impact on these entities, regardless of their status as a small entity or not, as the proposed rule (1) updates terminology and the timing of filing requirements to be consistent with EPA regulations; (2) clarifies what and when an exemption applicant must file if the proposed project triggers CWA section 401; and (3) establishes a categorical one year period of time for a certifying authority to act on a request for a water quality certification for hydroelectric proceedings in which the proposed activity may result in a discharge into waters of the United States triggering section 401(a)(1) of the CWA.

16. Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

D. Comment Procedures

17. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due July 8, 2024. Comments must refer to Docket No. RM24-5-000, and must include the commenter's name, the organization they represent, if applicable, and their address.

18. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at <http://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

19. Commenters that are not able to file comments electronically must send an original of their comments to: Secretary, Federal Energy Regulatory

Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

20. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

E. Document Availability

21. 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>).

22. From the Commission'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.

23. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's 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.referenceroom@ferc.gov.

List of Subjects

18 CFR Part 4

Administrative practice and procedure, Electric power, Reporting and recordkeeping requirements.

18 CFR Part 5

Administrative practice and procedure, Electric power, Reporting and recordkeeping requirements.

18 CFR Part 6

Electric power, Reporting and recordkeeping requirements.

18 CFR Part 7

Administrative practice and procedure, Electric power, Reporting and recordkeeping requirements.

By direction of the Commission.
Issued: May 23, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

In consideration of the foregoing, the Commission is proposing to amend Parts 4, 5, 6, and 7 Chapter I, Title 18, *Code of Federal Regulations*, as follows:

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 16 U.S.C. 791a–825r; 42 U.S.C. 7101–7352.

■ 2. Amend § 4.34 by revising paragraph (b)(5) to read as follows:

§ 4.34 Hearings on applications; consultation on terms and conditions; motions to intervene; alternative procedures.

* * * * *

(b) * * *

(5)(i) With regard to certification requirements under section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act) for an application for a license or exemption from licensing, an applicant shall file within 60 days from the date of issuance of the notice of ready for environmental analysis:

(A) A copy of the water quality certification or the certifying authority's express waiver;

(B) A copy of the request for certification, including proof of the date on which the certifying authority received the request; or

(C) Evidence of waiver of water quality certification as described in paragraph (b)(5)(iii) of this section.

(ii) In the case of an application process using the alternative procedures of paragraph 4.34(i), the filing requirement of paragraph (b)(5)(i) shall apply upon issuance of notice the Commission has accepted the application as provided for in paragraph 4.32(d) of this part.

(iii) A certifying authority is deemed to have waived the certification requirements of section 401(a)(1) of the Clean Water Act if the certifying authority has not denied, expressly waived, or granted certification by one year after the date the certifying authority received a written request for certification. If a certifying authority denies certification, the applicant must file a copy of the denial within 30 days after the applicant received it.

* * * * *

■ 3. Amend § 4.201 by adding paragraph (e) to read as follows:

§ 4.201 Contents of application.

* * * * *

(e) For any amendment that requires certification under section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), a certifying authority is deemed to have waived the certification requirements of section 401(a)(1) of the Clean Water Act if the certifying authority has not denied,

³³ *Id.* 121.201, subsection 221.

³⁴ *Id.*

expressly waived, or granted certification by one year after the date the certifying authority received a written request for certification.

PART 5—INTEGRATED LICENSE APPLICATION PROCESS

■ 4. The authority citation for part 5 continues to read as follows:

Authority: 16 U.S.C. 792–828c, 2601–2645; 42 U.S.C. 7101–7352.

■ 5. Amend § 5.23 by revising paragraph (b) to read as follows:

§ 5.23 Response to notice.

* * * * *

(b) *Water quality certification.*

(1) With regard to certification requirements under section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), the license applicant shall file within 60 days from the date of issuance of the notice of ready for environmental analysis:

(i) A copy of the water quality certification or the certifying authority's express waiver;

(ii) A copy of the request for certification, including proof of the date on which the certifying authority received the request; or

(iii) Evidence of waiver of water quality certification as described in paragraph (b)(2) of this section.

(2) A certifying authority is deemed to have waived the certification requirements of section 401(a)(1) of the Clean Water Act if the certifying authority has not denied, expressly waived, or granted certification by one year after the date the certifying authority received a written request for certification. If a certifying authority denies certification, the applicant must file a copy of the denial within 30 days after the applicant received it.

(3) Notwithstanding any other provision in 18 CFR part 4, subpart B, any application to amend an existing license, and any application to amend a pending application for a license, requires a new request for water quality certification pursuant to § 4.34(b)(5) of this chapter if the amendment would have a material adverse impact on the water quality in the discharge from the project or proposed project.

PART 6—SURRENDER OR TERMINATION OF LICENSE

■ 6. The authority citation for part 6 continues to read as follows:

Authority: Secs. 6, 10(i), 13, 41 Stat. 1067, 1068, 1071, as amended, sec. 309, 49 Stat. 858; 16 U.S.C. 799, 803(i), 806, 825h; Pub. L. 96–511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.), unless otherwise noted.

■ 7. Revise § 6.1 to read as follows:

§ 6.1 Application for surrender.

(a) Every application for surrender of a license shall state the reason therefor; and, except in the case of an application for surrender of a license for a minor project, or for a transmission line only, shall be executed by the licensee and filed in the same form and manner as the application for license, and shall be accompanied by the license and all amendments thereof. Public notice of such application shall be given at least 30 days prior to action upon the application.

(b) For any surrender that requires certification under section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), a certifying authority is deemed to have waived the certification requirements of section 401(a)(1) of the Clean Water Act if the certifying authority has not denied, expressly waived, or granted certification by one year after the date the certifying authority received a written request for certification.

PART 7—EXPEDITED LICENSING PROCESS FOR QUALIFYING NON-FEDERAL HYDROPOWER PROJECTS AT EXISTING NONPOWERED DAMS AND FOR CLOSED-LOOP PUMPED STORAGE PROJECTS

■ 8. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 791a–825r; Pub. L. 115–270, 132 Stat. 3765.

■ 9. Revise § 7.2 to read as follows:

§ 7.2 Use of expedited licensing process.

(a) In order to pursue the expedited licensing process, an applicant must request authorization for the expedited process, as provided for in paragraph (b) of this section. The licensing procedures in this part do not apply to an application for a new or subsequent license.

(b) Requirement to consult.

(1) Before it files any application for an original license for a qualifying non-federal hydropower project at an existing nonpowered dam or for a closed-loop pumped storage project pursuant to sections 34 and 35 of the Federal Power Act, a potential applicant must consult with the relevant Federal, State, and interstate resource agencies, including the National Marine Fisheries Service, the United States Fish and Wildlife Service, the National Park Service, the United States Environmental Protection Agency, the Federal agency administering any federal lands or facilities utilized or occupied by the project, the appropriate State fish and wildlife agencies, the appropriate State water resource

management agencies, the certifying authority under section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. 1341(c)(1), the agency that administers the Coastal Zone Management Act, 16 U.S.C. 1451–1465, any Indian Tribe that may be affected by the proposed project, and members of the public.

(2) The Director of the Office of Energy Projects will, upon request, provide a list of known appropriate Federal, state, and interstate resource agencies, and Indian tribes, and local, regional, or national non-governmental organizations likely to be interested in any license application proceeding.

(c) An application that accompanies a request for authorization to use the expedited licensing process must include the information specified below.

(1) Section 34 of the Federal Power Act qualification—projects at nonpowered dams. The application must demonstrate that the proposed facility meets the following qualifications pursuant to section 34(e) of the Federal Power Act:

(i) As of October 23, 2018, the proposed hydropower facility was not licensed under or exempted from the license requirements contained in Part I of the Federal Power Act;

(ii) The facility will be associated with a qualifying nonpowered dam;

(iii) The facility will be constructed, operated, and maintained for the generation of electric power;

(iv) The facility will use for such generation any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

(v) The operation of the facility will not result in any material change to the storage, release, or flow operations of the associated qualifying nonpowered dam.

(2) Section 35 of the Federal Power Act qualification—closed-loop pumped storage projects. The application must demonstrate that the proposed closed-loop pumped storage project meets the following qualifications pursuant to section 35(g)(2) of the Federal Power Act:

(i) The project will cause little to no change to existing surface and groundwater flows and uses; and

(ii) The project is unlikely to adversely affect species listed as a threatened species or endangered species, or designated critical habitat of such species, under the Endangered Species Act of 1973.

(3) Section 401 of the Clean Water Act. The license applicant shall file

within 60 days from the filing date of application:

(i) A copy of a request for certification under section 401(a)(1) of the Clean Water Act, including proof of the date on which the certifying authority received the request; or

(ii) A copy of water quality certification or the certifying authority's express waiver.

(4) Evidence of waiver of water quality certification. A certifying authority is deemed to have waived the certification requirements of section 401(a)(1) of the Clean Water Act if the certifying authority has not denied, expressly waived, or granted certification by one year after the date the certifying authority received a written request for certification. If a certifying authority denies certification, the applicant must file a copy of the denial within 30 days after the applicant receives it.

(5) Endangered Species Act (ESA). The application must include:

(i) A no-effect determination that includes documentation that no listed species or critical habitat are present in the action area;

(ii) Documentation of concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Service(s)), as necessary, that the action is not likely to adversely affect ESA-listed species or critical habitat; or

(iii) A draft Biological Assessment that includes documentation of consultation with the Service(s).

(6) Section 106 of the National Historic Preservation Act. Documentation that section 106 consultation has been initiated with the state historic preservation officer(s) and any Indian Tribes identified as having an interest in the project.

(7) Dam owner documentation. For projects to be located at existing nonpowered dams:

(i) Documentation of consultation with any nonfederal owner of the nonpowered dam if the applicant is not the owner and confirmation that the owner is not opposed to a hydropower development at the location; or

(ii) Documentation from the federal entity that non-federal hydropower development is not precluded at the proposed location and confirmation that the federal entity is not opposed to a hydropower development at the location.

(8) Public parks, recreation areas, and wildlife refuges. If the project would use any public park, recreation area, or wildlife refuge established under state or local law, documentation from the managing entity indicating it is not

opposed to the site's use for hydropower development.

■ 10. Amend § 7.7 by revising paragraph (a) to read as follows:

§ 7.7 Amendment of application.

(a) Any proposed amendments to the pending license application after issuance of the notice of acceptance and ready for environmental analysis under this section must include:

(1) An amended or new section 401 of the Clean Water Act water quality certification or a new certifying authority's express waiver, if the amendment would have a material adverse impact on the water quality in the discharge from the proposed project; and

(2) Updates to all other material submitted under § 7.2(c).

* * * * *

[FR Doc. 2024-11896 Filed 6-5-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[ED-2024-OPE-0073]

Transitioning Gang-Involved Youth to Higher Education Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Proposed priority and definition.

SUMMARY: The Department of Education (Department) proposes a priority and definition for use in the Transitioning Gang-Involved Youth to Higher Education Program, Assistance Listing Number 84.116Y. The Department may use the priority and definition for competitions in fiscal year (FY) 2024 and later years. We intend for this priority and definition to support projects for organizations that work directly with gang-involved youth to help such youth pursue higher education opportunities that will lead to postsecondary certification or credentials.

DATES: We must receive your comments on or before July 8, 2024.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at www.regulations.gov. However, if you require an accommodation or cannot otherwise submit your comments via www.regulations.gov, please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments submitted by fax or by email, or comments submitted

after the comment period closes. To ensure the Department does not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to www.regulations.gov to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ."

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

FOR FURTHER INFORMATION CONTACT:

Jymece Seward, U.S. Department of Education, 400 Maryland Avenue SW, Room 5C113, Washington, DC 20202-4260. Telephone: 202-453-6138. Email: Jymece.Seward@ed.gov.

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding the proposed priority and definition. To ensure that your comments have maximum effect in developing the final priority and definition, we urge you to identify clearly the specific section of the proposed priority and definition that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 14094 and their overall requirement of reducing regulatory burden that might result from this proposed priority and definition. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect public comments about the proposed priority and definition by accessing Regulations.gov. To inspect comments in person, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a

disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed priority and definition. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The purpose of the Transitioning Gang-Involved Youth to Higher Education Program (TGIY) is to provide a funding opportunity for organizations that work directly with gang-involved youth to help such youth pursue higher education opportunities that will lead to postsecondary certification or credentials.

Program Authority: 20 U.S.C. 1138–1138d; Explanatory Statement accompanying Division D of the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47).

Proposed Priority

Background: TGIY is funded under the Fund for the Improvement of Postsecondary Education (FIPSE) authority and was first authorized in FY 2021. Congress has directed the Department within the explanatory statement accompanying Division D of the Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47) to provide continued funding for this program. In order to fully implement this program in the manner that Congress has directed, and to ensure that the intended population is served, the Department is proposing a priority for organizations that work directly with gang-involved youth to help such youth pursue higher education opportunities.

Proposed Priority: Projects for Organizations to Work Directly with Gang-Involved Youth to Help Such Youth Pursue Higher Education Opportunities.

To meet this priority, an eligible applicant must demonstrate that the project will work directly with gang-involved youth to help such youth pursue higher education opportunities.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority,

we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Proposed Definition

The Department proposes the following definition of “gang-involved youth” for this program. We may apply this definition in any year in which this program is in effect. While there is no single definition of “gang,” we base the proposed definition on the commonly used criteria for classifying groups as “gangs” identified by the U.S. Department of Justice’s National Gang Center. Because this program is focused on preparing youth for postsecondary opportunities, we propose to address youth between the ages of 14 to 24. This age range aligns with the age range in the definition of “disconnected youth”—a population that may overlap with gang-involved youth—established by the Department for use in its discretionary grant programs.¹ Aligning these definitions would promote consistency in the administration of the Department’s discretionary grant programs.

Gang-involved youth means an individual, between the ages 14 and 24, who is or was involved in a group that meets the following criteria: the group has three or more members who share an identity, typically linked to a name and often other symbols; members view themselves as a gang and are recognized by others as a gang; the group has some permanence and a degree of organization; and the group is involved in an elevated level of criminal activity.

Final Priority and Definition

We will announce the final priority and definition in a document in the **Federal Register**. We will determine the final priority and definition after considering public comments on the proposed priority and definition and other information available to the Department. This document does not preclude us from proposing additional

¹ See the Secretary’s Supplemental Priorities and Definitions for Discretionary Grants Programs published in the **Federal Register** on December 10, 2021 (86 FR 70612).

priorities, requirements, definition, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This document does *not* solicit applications. In any year in which we choose to use this priority and definition, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 14094

Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget (OMB) determines whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866, as amended by Executive Order 14094, defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$200 million or more (adjusted every three years by the Administrator of Office of Information and Regulatory Affairs (OIRA) for changes in gross domestic product); or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise legal or policy issues for which centralized review would meaningfully further the President’s priorities, or the principles set forth in this Executive order, as specifically authorized in a timely manner by the Administrator of OIRA in each case.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866, as amended by Executive Order 14094.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definition governing regulatory review established in Executive Order 12866, as amended by Executive Order 14094. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs

(recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing this proposed priority and definition only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

The potential costs associated with this priority and definition would be minimal, while the potential benefits are significant. The Department believes that this proposed regulatory action would not impose significant costs on eligible entities. Participation in this program is voluntary, and the costs imposed on applicants by this regulatory action would be limited to paperwork burden related to preparing an application. The potential benefits of implementing the program would outweigh the costs incurred by applicants, and the costs of carrying out activities associated with the application would be paid for with program funds. For these reasons, we have determined that the costs of implementation would not be

burdensome for eligible applicants, including small entities.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department’s programs and activities.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum “Plain Language in Government Writing” require each agency to write regulations that are easy to understand. The Secretary invites comments on how to make this proposed priority and definition easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed priority and definition clearly stated?
- Does the proposed priority and definition contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed priority and definition (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed priority and definition be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed priority and definition in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed priority and definition easier to understand? If so, how?
- What else could we do to make the proposed priority and definition easier to understand?

To send any comments that concern how the Department could make this proposed priority and definition easier to understand, see the instructions in the **ADDRESSES** section.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for

coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed priority and definition would not have a significant economic impact on a substantial number of small entities.

The small entities that this proposed regulatory action would affect are institutions of higher education (IHEs) that meet the eligibility requirements in section 241(1) of the Higher Education Act of 1965, as amended, and public and private nonprofit organizations and agencies that partner with IHEs. The Secretary believes that the costs imposed on applicants by the proposed priority and definition would be limited to paperwork burden related to preparing an application and that the benefits would outweigh any costs incurred by applicants.

Participation in this program is voluntary. For this reason, the proposed priority and definition would impose no burden on small entities unless they applied for funding under the program. We expect that in determining whether to apply for TGIY funds, an eligible applicant would evaluate the requirements of preparing an application and any associated costs, and weigh them against the benefits likely to be achieved by receiving a TGIY grant. Eligible applicants most likely would apply only if they determine that the likely benefits exceed the costs of preparing an application. The likely benefits include the potential receipt of a grant as well as other benefits that may accrue to an entity through its development of an application, such as the use of that application to seek funding from other sources to work directly with gang-involved youth to help them pursue higher education opportunities that will lead to postsecondary certification or credentials.

This proposed regulatory action would not have a significant economic impact on a small entity once it receives a grant because it would be able to meet the costs of compliance using the funds provided under this program. We invite comments from eligible small entities as to whether they believe this proposed regulatory action would have a significant economic impact on them and, if so, request evidence to support that belief.

Paperwork Reduction Act of 1995

This proposed priority and definition do not contain any information collection requirements.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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

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

Nasser Paydar,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2024-12445 Filed 6-5-24; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. NHTSA-2024-0006]

RIN 2127-AM40

Federal Motor Vehicle Safety Standards; Fuel System Integrity of Hydrogen Vehicles, Compressed Hydrogen Storage System Integrity, Incorporation by Reference

AGENCY: National Highway Traffic Safety Administration (NHTSA); Department of Transportation (DOT).

ACTION: Proposed rule; extension of comment period.

SUMMARY: NHTSA received requests to extend the comment period for the

Notice of Proposed Rulemaking (NPRM) regarding fuel system integrity of hydrogen vehicles and compressed hydrogen storage system integrity that NHTSA published on April 17, 2024.

The comment period for the NPRM was scheduled to end on June 17, 2024. NHTSA is extending the comment period for the NPRM by 30 days.

DATES: The comment period for the NPRM published on April 17, 2024, at 89 FR 27502, is extended to July 17, 2024.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** 202-493-2251.

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 <http://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.

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.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you must submit your request directly to NHTSA's Office of the Chief Counsel. Requests for confidentiality are governed by 49 CFR part 512. NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under part 512. If you would like to submit a request for confidential treatment, you may email your submission to Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or you may contact him for a secure file transfer link. At this time, you should not send a duplicate hardcopy of your electronic CBI submissions to DOT headquarters. If you claim that any of the information or documents provided to the agency constitute confidential business information within the meaning of 5 U.S.C. 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with part 512, to the Office of the Chief Counsel. Your request must include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR 512.8) and a certificate, pursuant to § 512.4(b) and part 512, Appendix A. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to the Docket at the address given above.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Ian MacIntire, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590 (telephone) 202-493-0248, (email) Ian.MacIntire@dot.gov.

For legal issues: Paul Connet, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590, (telephone) 202-366-5547, (email) Paul.Connet@dot.gov.

SUPPLEMENTARY INFORMATION: On April 17, 2024, NHTSA published an NPRM proposing to establish two new Federal motor vehicle safety standards (FMVSSs) that would specify performance requirements for all motor vehicles that use hydrogen as a fuel

source. The proposed standards are based on Global Technical Regulation (GTR) No. 13, Hydrogen and fuel cell vehicles. FMVSS No. 307, “Fuel system integrity of hydrogen vehicles,” would specify requirements for the integrity of the fuel system in hydrogen vehicles during normal vehicle operations and after crashes. FMVSS No. 308, “Compressed hydrogen storage system integrity,” would specify requirements for the compressed hydrogen storage system to ensure the safe storage of hydrogen onboard vehicles. The two proposed standards would reduce deaths and injuries that could occur as a result of fires due to hydrogen fuel leakages and/or explosion of the hydrogen storage system. The comment period for the NPRM was scheduled to end on June 17, 2024.

Comment Period Extension Requests

On May 15, 2024, NHTSA received a request from the Alliance for Automotive Innovation to extend the comment period for the NPRM. The request stated that the current 60-day period does not allow adequate time for a thorough review and comprehensive comments due to the complexity of the proposed standards and the substantial amount of feedback requested by NHTSA. The request stated that several of the issues are highly complex and require careful consideration, particularly where there are differences in NHTSA’s approach as compared to GTR No. 13. The Alliance stated that responding to these queries may require detailed analysis and collaboration among stakeholders. Therefore, they

requested a 30-day extension of the comment period in order to provide more detailed comments to inform the rulemaking process.

On May 24, 2024, NHTSA received a second request for a 30-day extension of the comment period from OP Mobility. OP Mobility stated that the additional time is needed to conduct a proper analysis and confirm that the proposal will ensure safety, align with global norms, and allow for efficient development and innovation. They also stated that they are digging into the details of the proposal and working with others in the industry to harmonize the comments.

On May 28, 2024, NHTSA received two additional extension requests. One was from the Motor & Equipment Manufacturers Association (MEMA) requesting a 30-day extension to the comment period to enable them to develop more useful and actionable comments. The other request was from FORVIA North America. FORVIA North America described their experience and expertise in the hydrogen industry, as a developer of hydrogen containers for automotive applications. FORVIA also requested a 30-day extension to the comment period, stating that such an extension would provide sufficient time to extensively analyze the proposal and draft comprehensive comments. They stated they are comparing the proposals in the NPRM to GTR No. 13 and to the Economic Commission for Europe’s standard R134 “Uniform provisions concerning the approval of motor vehicles and their components with

regard to the safety-related performance of hydrogen fuelled vehicles (HFCV)”

Agency Decision

Pursuant to 49 CFR 553.19 and after thorough consideration of these requests, NHTSA has determined that the requestors have provided sufficient justification for an extension, and that the extension is consistent with the public interest. NHTSA acknowledges the importance of receiving thorough comments to improve the standards’ objectivity, efficiency, and effectiveness. NHTSA agrees that allowing additional time for the public and its stakeholders to provide robust and substantive comments on these complex issues will better inform NHTSA. A 30-day extension appropriately balances NHTSA’s interest in providing the public with sufficient time to review the docket and comment on the complex questions raised in the NPRM with its interest in obtaining specific feedback from stakeholders in a timely manner. The extension will also provide additional time for commenters to review the supplementary information that is available in the docket of the NPRM. Accordingly, NHTSA is granting the aforementioned requests and extending the comment period by 30 days.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95 and 501.8.

Raymond R. Posten,

Associate Administrator, Rulemaking.

[FR Doc. 2024–12333 Filed 6–5–24; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register

Vol. 89, No. 110

Thursday, June 6, 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

Forest Service

Proposed Recreation Fee Site

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Los Padres National Forest is proposing to establish a recreation fee site. Proposed recreation fees collected at the proposed recreation fee site would be used for operation, maintenance, and improvement of the site. An analysis of nearby recreation fee sites with similar amenities shows the proposed recreation fee that would be charged at the proposed recreation fee site are reasonable and typical of similar recreation fee sites in the area.

DATES: If approved, the proposed recreation fee site and proposed recreation fee would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Los Padres National Forest, 1980 Old Mission Drive, Solvang, California 93463.

FOR FURTHER INFORMATION CONTACT: Karina Medina, District Ranger, (661) 777-2141, karina.medina@usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(b)) requires the Forest Service to publish a six-month advance notice in the **Federal Register** of establishment of proposed recreation fee sites. In accordance with Forest Service Handbook 2309.13, Chapter 30, the Forest Service will publish the proposed recreation fee site and proposed recreation fee in local newspapers and other local publications for public comment. Most of the proposed recreation fees would be spent where they are collected to enhance the visitor experience at the proposed recreation fee site.

A special recreation permit recreation fee of \$5 per day per vehicle is proposed at the Frazier Mountain Trailhead.

Expenditures of proposed recreation fees collected at the proposed recreation fee site would enhance recreation opportunities, improve customer service, and address maintenance needs. Once public involvement is complete, the proposed recreation fee site and proposed recreation fee will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Dated: May 31, 2024.

Jacqueline Emanuel,

Associate Deputy Chief, National Forest System.

[FR Doc. 2024-12419 Filed 6-5-24; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Proposed New Recreation Fee Sites

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The George Washington and Jefferson National Forest is proposing to establish several new recreation fee sites. Recreation fee revenues collected at the new recreation fee sites would be used for operation, maintenance, and improvement of the sites. An analysis of nearby recreation fee sites with similar amenities shows the recreation fees that would be charged at the new recreation fee sites are reasonable and typical of similar recreation fee sites in the area.

DATES: If approved, the new recreation fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: George Washington and Jefferson National Forest, 5162 Valleypointe Parkway, Roanoke, VA 24019.

FOR FURTHER INFORMATION CONTACT: Jennifer Hummel, Public Affairs Specialist, by phone at (540) 520-7549 or by email at Jennifer.Hummel@usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(b)) requires the Forest Service to publish a six-month

advance notice in the **Federal Register** of establishment of new recreation fee sites. In accordance with Forest Service Handbook 2309.13, chapter 30, the Forest Service will publish the proposed new recreation fee sites in local newspapers and other local publications for public comment. Most of the new recreation fee revenues would be spent where they are collected to enhance the visitor experience at the new recreation fee sites.

An expanded amenity recreation fee of \$14 per night would be charged for Hawk, Little Fort, Wolf Gap, and Oronoco Campgrounds. An expanded amenity recreation fee of \$16 per night would be charged for Walnut Flats Campground. An expanded amenity recreation fee of \$30 per night for groups up to 10 people and \$50 per night for groups up to 25 people would be charged for Steel Bridge group campground. In addition, an expanded amenity recreation fee of \$100 per night would be charged for rental of North Creek Cabin, and an expanded amenity recreation fee of \$125 per night would be charged for rental of Glen Alton Cabin. A standard amenity recreation fee of \$5 per day per vehicle would be charged at Elizabeth Furnace, Glen Alton Interpretive Site, Hanging Rock, Interior Whistlestop, Lake Keokee, and Roaring Run Furnace developed recreation sites. The George Washington and Jefferson National Forest Day Use Pass and the America the Beautiful—the National Parks and Federal Recreational Lands Pass would be honored at these standard amenity recreation fee sites.

Expenditures from recreation fee revenues collected at the new recreation fee sites would enhance recreation opportunities, improve customer service, and address maintenance needs. Once public involvement is complete, these new recreation fees will be reviewed by a Resource Advisory Committee prior to a final decision and implementation. Reservations for campgrounds and cabins could be made online at www.recreation.gov or by calling 877-444-6777. Reservations would cost \$8.00 per reservation.

Dated: May 31, 2024.

Jacqueline Emanuel,

Associate Deputy Chief, National Forest System.

[FR Doc. 2024-12411 Filed 6-5-24; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE**Forest Service****Proposed Recreation Fee Sites**

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Francis Marion and Sumter National Forests are proposing to establish several recreation fee sites. Recreation fee revenues collected at the proposed recreation fee sites would be used for operation, maintenance, and improvement of the sites. An analysis of nearby recreation fee sites with similar amenities shows the proposed recreation fees that would be charged at the proposed recreation fee sites are reasonable and typical of similar recreation fee sites in the area.

DATES: If approved, the proposed recreation fees and proposed recreation fee sites would be established no earlier than six months following the publication of this notice in the **Federal Register**.

ADDRESSES: Francis Marion and Sumter National Forests, 4931 Broad River Road, Columbia, South Carolina 29212.

FOR FURTHER INFORMATION CONTACT: JaSal Morris, Forest Supervisor, (803) 561-4000 or *Andrew.Holliday@usda.gov*.

SUPPLEMENTARY INFORMATION: The Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(b)) requires the Forest Service to publish a six-month advance notice in the **Federal Register** of establishment of recreation fee sites. In accordance with Forest Service Handbook 2309.13, Chapter 30, the Forest Service will publish the proposed recreation fee sites and proposed recreation fees in local newspapers and other local publications for public comment. Most of the proposed recreation fees would be spent where they are collected to enhance the visitor experience at the proposed recreation fee sites.

A proposed expanded amenity recreation fee of \$35 per day for groups up to 40 people would be charged for Chattooga and Yellow Branch group picnic sites.

Expenditures of proposed recreation fees collected at the proposed recreation fee sites would enhance recreation opportunities, improve customer service, and address maintenance needs. Once public involvement is complete, these proposed recreation fee sites and proposed recreation fees will be reviewed by a Recreation Resource Advisory Committee prior to a final

decision and implementation. Reservations for campgrounds and cabins could be made online at www.recreation.gov or by calling 877-444-6777. Reservations would cost \$8.00 per reservation.

Dated: May 31, 2024.

Jacqueline Emanuel,
Associate Deputy Chief, National Forest System.

[FR Doc. 2024-12420 Filed 6-5-24; 8:45 am]

BILLING CODE 3411-15-P

COMMISSION ON CIVIL RIGHTS**Notice of Public Meeting of the California Advisory Committee**

AGENCY: Commission on Civil Rights.

ACTION: Announcement of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the California Advisory Committee (Committee) to the U.S. Commission on Civil Rights will convene by ZoomGov on Friday, June 21, 2024, for the purpose of discussing their project on the civil rights implications of AB5.

DATES: Friday, June 21, 2024, from 1:00 p.m.–2:30 p.m. PT.

Zoom Webinar Link to Join: https://www.zoomgov.com/webinar/register/WN_cM0AF4i_TcuxFAotCZapzQ

FOR FURTHER INFORMATION CONTACT:

Brooke Peery, Designated Federal Officer (DFO) at *bpeery@usccr.gov* or by phone at (202) 701-1376.

SUPPLEMENTARY INFORMATION:

Committee meetings are 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 Angelica Trevino, Support Services Specialist at *atrevino@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Brooke Peery (DFO) at *bpeery@usccr.gov*.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, California Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at *atrevino@usccr.gov*.

Agenda

- I. Welcome & Roll Call
- II. Committee Discussion
- III. Public Comment
- IV. Adjournment

Dated: June 3, 2024.

David Mussatt,
Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-12434 Filed 6-5-24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS**Notice of Public Meeting of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights**

AGENCY: Commission on Civil Rights.

ACTION: Notice of public 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, that the Minnesota Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 12:00 p.m. CT on Friday, June 14, 2024. The purpose of this meeting is to discuss and vote on the Committee's report, *Examining Fair Housing and Equal Access to Housing Opportunities in Minnesota*.

DATES: Friday, June 14, 2024, from 12:00 p.m.–1:15 p.m. Central Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual):
https://www.zoomgov.com/webinar/register/WN_PcQKl4tTT0iAKUvoxQLAHQ.

Join by Phone (Audio Only): (833) 435-1820 USA Toll-Free; Meeting ID: 160 716 3624.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer, at afortes@usccr.gov or (202) 519-2938.

SUPPLEMENTARY INFORMATION: 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 Liliana Schiller, Support Services Specialist, at lschiller@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 Ana Victoria Fortes at afortes@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (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, Minnesota 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 lschiller@usccr.gov.

Agenda

- I. Welcome & Roll Call
- II. Discussion: Vote on Report

- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: June 3, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024-12430 Filed 6-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Military Panel Topical 2 and Topical 3 Operations

On August 31, 2023, the Department of Commerce received clearance from the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 to conduct the Census Household Panel recruitment and first topical operation (OMB No. 0607-1027, Exp. 8/31/26). The Military Panel is designed to ensure availability of frequent data collection for nationwide estimates on a variety of topics for active-duty service members and spouses of active-duty service members.

Content for Topical 2 will consist of topics including housing, family readiness, voting, and harassment and discrimination. Data will be collected in July. Content for Topical 3 will consist of topics including finances, transition assistance, and combatting trafficking. Data will be collected in September. 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 July 3, 2023, during a 30-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Department of Commerce.

Title: Military Panel.

OMB Control Number: 0607-1027.

Form Number(s): Not yet determined.

Type of Request: Request for a Revision of a Currently Approved Collection.

Number of Respondents: 1,141 panel members.

Average Hours per Response: 2 hours per year (20 minutes for bi-monthly collection).

Burden Hours: 1,596.

Needs and Uses: The Census Military Panel is a national survey panel by the U.S. Census Bureau (Census) and the U.S. Department of Defense (DOD) consisting of active-duty service members and spouses of active-duty service members that have agreed to be contacted and invited to participate. The ultimate goal for the Military Panel project is to recruit at least 2,000 panel members (1,000 service members and 1,000 spouses) randomly selected directly from military administrative data.

Invitations to complete the bi-monthly surveys will be sent via email and SMS messages and questionnaires will be mainly internet self-response. The Panel will maintain representativeness by allowing respondents who do not use the internet to respond via computer-assisted telephone interviewing (CATI). All panelists will receive an incentive for each complete questionnaire. Periodic replenishment samples will maintain representativeness and panelists will be replaced after a period of three years.

Affected Public: Individuals or Households.

Frequency: Bi-monthly.

Respondent's Obligation: Voluntary.

Legal Authority: 10 U.S.C. 1782; Title 13 U.S.C. 8(b).

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 or the OMB Control Number 0607-1027.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-12447 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE**Census Bureau****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Quarterly Financial Report (QFR) Program**

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 January 26, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Department of Commerce.

Title: Quarterly Financial Report (QFR) Program.

OMB Control Number: 0607-0432.

Form Number(s): QFR 200 (MT), QFR 201 (MG), and QFR 300 (S).

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents:

Form QFR 200 (MT)—4,311 per quarter = 17,244 annually

Form QFR 201 (MG)—2,773 per quarter = 11,092 annually

Form QFR 300 (S)—1,488 per quarter = 5,952 annually

Total 34,288 annually

Average Hours per Response:

Form QFR 200 (MT)—Average hours 3.0

Form QFR 201 (MG)—Average hours 1.2

Form QFR 300 (S)—Average hours 3.0

Burden Hours: 82,898.

Needs and Uses: The U.S. Census Bureau requests an extension, without change, of the Quarterly Financial Report (QFR). The QFR program has published up-to-date aggregate statistics on the financial results and position of U.S. corporations since 1947. The program currently collects and publishes financial data for the manufacturing, mining, wholesale trade, retail trade, information, and professional and technical services (except legal) sectors. The survey is a principal economic indicator that provides financial data essential to

calculation of key U.S. government measures of national economic performance. The importance of this data collection is reflected by the granting of specific authority to conduct the program in title 13 of the United States Code, section 91, which requires that financial statistics of business operations be collected and published quarterly. Public Law 114-72, section 2 extended the authority of the Secretary of Commerce to conduct the QFR program through September 30, 2030.

The survey forms used to conduct the QFR are: QFR-200 (MT) Long Form (manufacturing, mining, wholesale trade, and retail trade); QFR-201 (MG) Short Form (manufacturing); and the QFR-300 (S) Long Form (services).

The primary purpose of the QFR is to provide timely, accurate data on business financial conditions for use by Government and private-sector organizations and individuals. The primary public users are listed below. These same organizations play a major role in providing guidance, advice, and support to the QFR program. The primary private-sector data users are a diverse group including universities, financial analysts, unions, trade associations, public libraries, banking institutions, and U.S. and foreign corporations.

The following is a listing of key governmental users and short descriptions of their respective uses of the QFR data:

Bureau of Economic Analysis (BEA)

The BEA uses QFR data as a primary source for current estimates of corporate profits, taxes, and dividends for the quarterly estimates of the Gross Domestic Income (GDI), a component of the National Income and Product Accounts (NIPA). Reports emanating from these measures are used widely by the public and private sectors. The GDI estimate, which must balance with the estimate of GDP, is critical to economic policymaking. In addition, QFR data are merged into BEA's database and used as a business cycle indicator in the "Survey of Current Business."

Federal Reserve Board (FRB)

The FRB uses QFR data as a major building block of the FRB's Flow of Funds accounts and its sole source of consolidated nonfinancial corporate data. The FRB uses QFR data in briefings on conditions of financial markets in various sectors of the economy; to provide current insight into sector borrowing changes; and as a primary input to econometrics models for industry and size analysis of corporate finance. FRB reports are used

widely by the Executive and Legislative Branches for economic policymaking. In addition, the FRB "Bulletin" regularly publishes data derived from the QFR.

Federal Trade Commission (FTC)

The FTC uses QFR data to study the impact and extent of ownership concentration in the manufacturing sector.

Small Business Administration (SBA)

The SBA uses QFR data to trace the financial performance of small businesses, and analyze and prepare reports for use in loan policy, Congressional testimony, and advice to the administration on small versus large company performance.

U.S. Treasury—Office of Tax Analysis

The Treasury Department's Office of Tax Analysis uses QFR data to extrapolate tax-based income, on a current basis, by industry, in order to estimate the effect of existing and contemplated tax law on the corporate sector. The data are also used as a reference source to respond to questions, usually Congressional, concerning industry profitability and financial position.

Joint Committee on Taxation (JCT)

The JCT uses QFR data to respond to congressional inquiries regarding corporate sales, profits, financial position, and rate of return by industry and asset size for the purpose of drafting or responding to proposed legislation.

Private Sector Users:

- ProQuest and Haver Analytics
- Natural Resources Defense Council
- National Retail Federation
- American Forest & Paper Association
- Oxford Information Technology
- Newspapers, trade magazines, and researchers

Frequency: Quarterly.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 of the United States Code, Section 91; Public Law 114-72, Section 2.

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 either the title of the collection or the OMB Control Number 0607–0432.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–12452 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Quarterly Survey of Public Pensions

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Quarterly Survey of Public Pensions prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 5, 2024.

ADDRESSES: Interested persons are invited to submit written comments by email to Thomas.J.Smith@census.gov. Please reference Quarterly Survey of Public Pensions in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2024–0015, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit

attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Phillip Vidal, Chief, Pensions Statistics Branch, Economy-Wide Statistics Division, U.S. Census Bureau, Headquarters, Washington, DC 20233; email: phillip.m.vidal@census.gov; 301.763.1749.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance for the form necessary to conduct the Quarterly Survey of Public Pensions. The quarterly survey was initiated by the Census Bureau in 1968 at the request of both the Council of Economic Advisers and the Federal Reserve Board.

The Quarterly Survey of Public Pensions currently provides national summary data on the asset holdings of the largest pension systems of state and local governments.

These data are used by the Federal Reserve Board to track the public sector portion of the Flow of Funds Accounts. Economists and public policy analysts use these data to assess general economic conditions and state and local government financial activities.

Data are collected from a panel of defined benefit plans of the 100 largest state and local government pension systems as determined by their total cash and security holdings reported in the 2012 Census of Governments. The defined benefit plans of these 100 largest pension systems comprise 87.2 percent of financial activity among such entities, based on the 2012 Census of Governments.

II. Method of Collection

Survey data are collected through the Census Bureau's web collection system that enables public entities to respond to the questionnaire via the internet. The questionnaire is available online for respondents to print when they choose to mail or fax. Most respondents choose to report their data online. In addition to reporting current quarter data, respondents may provide initial data for the previous seven quarters or submit revisions to their data submitted in the previous seven quarters.

Data are received each quarter from 70 to 80 percent of the systems canvassed. In those instances when we are not able to obtain a response, we conduct follow-up operations using email and phone calls. Imputations are developed for

each of the remaining nonresponse systems in the panel from the latest available data.

III. Data

OMB Control Number: 0607–0143.

Form Number(s): F–10.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: State and locally administered public pension plans.

Estimated Number of Respondents: 100.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 300.

Estimated Total Annual Cost to Public: \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 161 and 182.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-12453 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Services Surveys: BE-45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies With Foreign Persons

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 5, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Christopher Stein, Chief, Services Surveys Branch, Bureau of Economic Analysis, by email to christopher.stein@bea.gov or PRAcomments@bea.gov. Please reference OMB Control Number 0608-0066 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Christopher Stein, Chief, Services Surveys Branch, Bureau of Economic Analysis; 301-278-9189; or via email at christopher.stein@bea.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Quarterly Survey of Insurance Transactions by U.S. Insurance

Companies with Foreign Persons (Form BE-45) is an ongoing survey that collects data from U.S. persons who engage in covered insurance transactions. A U.S. person means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), resident in the United States or subject to the jurisdiction of the United States. A U.S. person must report if they had combined transactions in the covered insurance services with foreign persons that exceeded \$8 million (based on absolute value) for the previous calendar year or are expected to exceed that amount during the current calendar year.

The data are needed to monitor U.S. trade in insurance services, to analyze the impact of these cross-border services on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the trade in insurance services component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

The Bureau of Economic Analysis (BEA) is proposing a minor modification to the survey beginning with reporting for the first quarter of 2025 to further align BEA's statistics with international statistical guidelines and to further improve BEA's insurance services transactions statistics, increasing the quality and usefulness of BEA's statistics on trade in insurance services.

BEA proposes to modify question 4 on the BE-45 quarterly survey to collect the reporter's principal line of insurance using the same four categories that were added to and collected on question 11 of the 2023 BE-140 Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons. The BE-140 survey is a mandatory periodic survey, conducted every five years that collects data from all U.S. persons who engage in international trade in covered insurance transactions, covers the universe of transactions in insurance services with foreign persons, and is BEA's most comprehensive survey of such transactions. Survey responses are required from U.S. persons subject to the reporting requirements of the BE-140, whether or not they are contacted by BEA, to ensure complete coverage of transactions in insurance services between U.S. and foreign persons. A

screening question will also be added to the BE-45 survey to ensure only reporters of primary insurance respond to the modified question.

BEA estimates there will be no change in the average number of burden hours per response by the modification and addition of the checkbox questions as this information is readily available to respondents. BEA does not plan to change the exemption levels used for the current quarterly survey. The language in the instructions and definitions will be reviewed and adjusted as necessary to clarify survey requirements.

II. Method of Collection

BEA contacts potential respondents by mail at the end of each quarter. Respondents would be required to file the completed BE-45 forms within 30 days after the end of each calendar quarter and within 45 days after the close of the calendar year. Reports would be required from each U.S. person that had combined transactions in the covered insurance services with foreign persons that exceeded \$8 million (based on absolute value), for the previous calendar year or are expected to exceed that amount during the current calendar year. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

BEA offers its electronic filing option, the eFile system, for use in reporting on Form BE-45. For more information about eFile, go to www.bea.gov/efile. In addition, BEA posts all its survey forms and reporting instructions on its website, www.bea.gov/ssb. These may be downloaded, completed, printed, and submitted via fax or mail.

III. Data

OMB Control Number: 0608-0066.

Form Number(s): BE-45.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,200 annually (550 filed each quarter; 515 reporting mandatory data, and 35 that would file exemption claims or voluntary responses).

Estimated Time per Response: 9 hours is the average for the 515 respondents filing mandatory data and 1 hour for those filing an exemption claim or other response. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 18,680.

Estimated Total Annual Cost to Public: \$0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94-472, 22 U.S.C. 3101-3108, as amended).

IV. Request for Comments

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-12458 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Services Surveys: BE-125, Quarterly Survey of Transactions in Selected Services and Intellectual Property With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 5, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Christopher Stein, Chief, Services Surveys Branch, Bureau of Economic Analysis, by email to christopher.stein@bea.gov or PRAComments@doc.gov. Please reference OMB Control Number 0608-0067 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Christopher Stein, Chief, Services Surveys Branch, Bureau of Economic Analysis; 301-278-9189; or via email at christopher.stein@bea.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons (Form BE-125) is an ongoing survey that collects data from U.S. persons who engage in covered transactions in selected services or intellectual property with foreign persons. A U.S. person means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), resident in the United States or subject to the jurisdiction of the United States. A U.S. person must report if they had combined sales of covered services or intellectual property to foreign persons that exceeded \$6 million for the previous fiscal year, or are expected to exceed that amount during the current fiscal year, or if they had combined purchases of covered services or intellectual property from foreign persons that exceeded \$4 million for the previous fiscal year, or are expected to exceed that amount during the current fiscal year.

The data are needed to monitor U.S. trade in services, to analyze the impact of these cross-border services on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the trade in services component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

The Bureau of Economic Analysis (BEA) is proposing a minor modification to the survey beginning with reporting for the first quarter of 2025 to further align BEA's statistics with international guidelines and to collect additional information that can be used to improve the current estimation methodologies for published services transactions, increasing the quality and usefulness of BEA's statistics on trade in services.

BEA proposes to separately collect space passenger and space freight services to better measure space transport services. Currently, the BE-125 Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons collects transactions for "Space transport services" (transaction code 38) as a single category on the survey. The transactions would be collected separately as 38.1 (passenger) and 38.2 (freight). Collecting separate categories for space passenger and space freight transport services would improve BEA's measurement for these growing economic activities, which are currently based on publicly available reports.

BEA estimates there will be no change in the average number of burden hours per response because of the small number of reporters who will be impacted by the change. Furthermore, the affected reporters should not experience a noticeable impact to burden because the data are already collected by BEA as a combined transaction category, and it is believed this additional level of detail is readily available in their accounting records.

BEA does not plan to change the exemption levels used for the current quarterly survey. The language in the instructions and definitions will be reviewed and adjusted as necessary to clarify survey requirements.

II. Method of Collection

BEA contacts potential respondents by mail at the end of each quarter. Respondents would be required to file the completed BE-125 forms within 30 days after the end of each fiscal quarter

that is not the final fiscal quarter of the year and within 45 days after the close of the final fiscal quarter of the year. Reports would be required from each U.S. person that had combined sales of covered services or intellectual property to foreign persons that exceeded \$6 million for the previous fiscal year, or are expected to exceed that amount during the current fiscal year, or that had combined purchases of covered services or intellectual property from foreign persons that exceeded \$4 million for the previous fiscal year, or that are expected to exceed that amount during the current fiscal year. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

BEA offers its electronic filing option, the eFile system, for use in reporting on Form BE-125. For more information about eFile, go to www.bea.gov/efile. In addition, BEA posts all its survey forms and reporting instructions on its website, www.bea.gov/ssb. These may be downloaded, completed, printed, and submitted via fax or mail.

III. Data

OMB Control Number: 0608-0067.

Form Number(s): BE-125.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 11,200 annually (2,800 filed each quarter; 2,200 reporting mandatory data by country and affiliation, and 600 that would file exemption claims or voluntary responses).

Estimated Time per Response: 21 hours is the average for the 2,200 respondents filing data by country and affiliation and 1 hour for those filing an exemption claim or voluntary response. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 187,200.

Estimated Total Annual Cost to Public: \$0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Public Law 94-472, 22 U.S.C. 3101-3108, as amended).

IV. Request for Comments

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2024-12450 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S-60-2024]

Approval of Subzone Status; Hardware Plus, Inc.; Caguas, Puerto Rico

On April 2, 2024, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Puerto Rico Industrial Development Company, grantee of FTZ 7, requesting subzone status subject to the existing activation limit of FTZ 7, on behalf of Hardware Plus, Inc., in Caguas, Puerto Rico.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (89 FR 24427, April 8, 2024). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 7T was approved on June 3, 2024, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 7's 2,000-acre activation limit.

Dated: June 3, 2024.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2024-12412 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-828]

Certain Carbon and Alloy Steel Cut-to-Length Plate From France: Preliminary Results and Rescission, in Part, of the Antidumping Administrative Review; 2022-23

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain carbon and alloy steel cut-to-length plate (CTL plate) from France was not sold at prices below normal value (NV) during the period of review (POR) May 1, 2022, through April 30, 2023. In addition, Commerce is rescinding the review, in part, with respect to four companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Samuel Evans, 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) 482-2420.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2017, Commerce published in the **Federal Register** an antidumping duty order on CTL plate from France.¹ On July 12, 2023, based on timely requests for review, we initiated an administrative review of the Order covering five companies, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).² On January 11, 2024, we extended the deadline for the preliminary results of this administrative review to no later

¹ See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea, and Taiwan, and Antidumping Duty Orders*, 82 FR 24096, 24098 (May 25, 2017) (Order).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023).

than May 30, 2024.³ For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁴

Scope of the Order

The merchandise covered by the Order is CTL plate from France. For a complete description of the scope of the Order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. We calculated export price and constructed export price in accordance with section 772 of the Act. We calculated NV in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of the topics included in the Preliminary Decision Memorandum is attached as an appendix to this notice.

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 a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation. On October 10, 2023, the Domestic Interested Parties timely withdrew their review requests with respect to four companies.⁵ Because the withdrawal request was timely, and no other party requested a review of these companies, in accordance with 19 CFR 251.213(d)(1), Commerce is rescinding

this review with respect to Entrepouse Industries; Formica S.A.; Industeel France S.A.S.; and Laminoirs des Landes.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for the period May 1, 2022, through April 30, 2023:

Producer or exporter	Weighted-average dumping margin (percent)
Dillinger France S.A	0.00

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.⁶ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.⁷

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior segments of this proceeding, Commerce has encouraged interested parties to provide an executive summary of their briefs 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.⁸ 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 public 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).⁹

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. 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. Oral presentations at the hearing will be limited to issues raised in the case and rebuttal briefs.¹⁰ If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.¹¹ All submissions must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Pursuant to 19 CFR 351.212(b)(1), because Dillinger reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those sales. Where either Dillinger's weighted-average dumping margin is zero or *de minimis*, within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced Dillinger for which the company did not know that the merchandise it sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate

³ See Memorandum, "Extension of Deadline for Preliminary Results of 2022–2023 Antidumping Duty Administrative Review," dated January 11, 2024.

⁴ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Carbon and Alloy Steel Cut-To-Length Plate from France; 2022–2023," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁵ The domestic interested parties in this review are Cleveland-Cliffs Inc., Nucor Corporation, and SSAB Enterprises, LLC. See Domestic Interested Parties' Letter, "Partial Withdrawal of Request for Administrative Review," dated October 10, 2023.

⁶ 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 Final Rule).

⁷ See 19 CFR 351.309(c)(2) and (d)(2); *see also* 19 CFR 351.303 (for general filing requirements).

⁸ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

⁹ See APO and Service Final Rule, 88 FR at 67077.

¹⁰ See 19 CFR 351.310.

¹¹ See 19 CFR 351.310(d).

company(ies) involved in the transaction.¹²

Commerce intends 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).

For those companies for which we are rescinding this administrative review, Commerce will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period May 1, 2022, through April 30, 2023, in accordance with 19 CFR 351.212(c)(1)(i).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate Dillinger will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a previous review, or the less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the company-specific cash deposit rate established for the most recently completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 6.15 percent, the all-others rate established in the LTFV investigation.¹³ These cash deposit requirements, when

imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy 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
- IV. Discussion of the Methodology
- V. Recommendation

[FR Doc. 2024–12407 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration [A–570–126]

Non-Refillable Steel Cylinders From the People's Republic of China: Preliminary Results, Partial Rescission, and Intent To Rescind, in Part, of the Antidumping Duty Administrative Review; 2022–2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain producers and/or exporters made sales of non-refillable steel cylinders (non-refillable cylinders) at less than normal value (NV) during

the period of review (POR) May 1, 2022, through April 30, 2023. Additionally, Commerce is rescinding this administrative review with respect to certain companies, and Commerce intends to rescind the review, in part, with respect to one company. Interested parties are invited to comment on the preliminary results of this review.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Alex Cipolla, 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) 482–4956.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 2023, in response to review requests from multiple parties, Commerce published the notice of initiation of an administrative review of the antidumping duty order on non-refillable cylinders from China,¹ covering four companies.² On September 22, 2023, we selected Wuyi Xilinde Machinery Manufacture Co., Ltd. (Wuyi Xilinde) and Sanjiang Kai Yuan Co. Ltd. (SKY) as mandatory respondents.³ On September 26, 2023, Worthing Industries (the petitioner) timely withdrew the sole review request for SKY.⁴ On January 10, 2024, we extended the deadline for these preliminary results of review until May 30, 2024.⁵

For a summary of the events that occurred since the initiation of this review and the analysis for these preliminary results, *see* the Preliminary Decision Memorandum.⁶ The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and

¹ *See Certain Non-Refillable Steel Cylinders from the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty and Countervailing Duty Orders*, 86 FR 25839 (May 11, 2021) (*Order*).

² *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023) (*Initiation Notice*).

³ *See* Memorandum, "Respondent Selection," dated September 22, 2023.

⁴ *See* Petitioner's Letter, "Withdrawal of Request for 2022–2023 Antidumping Administrative Review," dated September 26, 2023 (Petitioner's Withdrawal of Review Request).

⁵ *See* Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated January 10, 2024.

⁶ *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Non-Refillable Steel Cylinders from the People's Republic of China; 2022–2023," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

¹² For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹³ *See Order*, 82 FR at 24098.

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 Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice.

Scope of the Order

The products covered by this *Order* are certain seamed (welded or brazed), non-refillable steel cylinders meeting the requirements of, or produced to meet the requirements of, U.S. Department of Transportation (USDOT) Specification 39, TransportCanada Specification 39M, or United Nations pressure receptacle standard ISO 11118. A full description of the scope of the *Order* is provided in the Preliminary Decision Memorandum.⁷

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated export prices for Wuyi Xilinde Machinery Manufacture Co., Ltd. (Wuyi Xilinde) in accordance with section 772(a) of the Act. Because China is a non-market economy (NME) country within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Rescission of Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. The sole request for an administrative review of SKY was timely withdrawn within 90 days of the publication of the *Initiation Notice*.⁸ As a result, Commerce is rescinding this review with respect to SKY in accordance with 19 CFR 351.213(d)(1).

Additionally, pursuant to section 751(a)(2)(C) of the Act, there must be a suspended POR entry on which duties may be assessed. On July 25, 2023, Commerce placed U.S. Customs and Border Protection (CBP) entry data during the POR on the record for

respondent selection purposes.⁹ On May 11, 2024, Commerce notified interested parties of its intent to rescind this review with respect to Zhejiang Kin-Shine Technology Co., Ltd. (Kin-Shine), as it did not have suspended entries during the POR.¹⁰ No parties commented on our intent to rescind. As such, Commerce is rescinding this review with respect to Kin-Shine in accordance with 19 CFR 351.213(d)(3).

Intent To Rescind, in Part

As noted above, pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order where it determines that there were no suspended entries of subject merchandise during the POR.¹¹ Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate for the review period.¹² Therefore, for an administrative review to be conducted, there must be a suspended entry that Commerce can instruct CBP to liquidate at the calculated antidumping duty assessment rate for the review period.¹³

As discussed in greater detail in the Preliminary Decision Memorandum, the POR entry totals reflected in the data query provided at Attachment 1 of the CBP Data Memorandum reflected no POR entries of subject merchandise from Ningbo Eagle Machinery & Technology Co., Ltd. (Ningbo Eagle). In the absence of any suspended entries of subject merchandise from Ningbo Eagle during the POR, Commerce hereby

⁹ See Memorandum, "Release of U.S. Customs and Border Protection Data," dated July 25, 2023 (CBP Data Memorandum).

¹⁰ See Memorandum, "Notice of Intent to Rescind Review, In Part," dated May 13, 2024.

¹¹ See, e.g., *Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4157 (January 24, 2023).

¹² See 19 CFR 351.212(b)(1).

¹³ See, e.g., *Shanghai Sunbeauty Trading Co. v. United States*, 380 F. Supp. 3d 1328, 1335–36 (CIT 2019), at 12 (referring to section 751(a) of the Act, the U.S. Court of International Trade held that: "While the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended . . ." see also *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019*, 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review*, 77 FR 65532 (October 29, 2012) (noting that "for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate").

notifies all interested parties of its intent to rescind this administrative review with respect to this company. Commerce is providing interested parties with an opportunity to submit comments on this preliminary decision, including factual information. Comments, including factual information, from interested parties are due to Commerce no later than 5:00 p.m. Eastern Time (ET) on June 7, 2024. Rebuttal comments, including rebuttal factual information, are due seven days thereafter, by 5:00 p.m. ET on June 14, 2024. All submissions must be filed electronically at <https://access.trade.gov> in accordance with 19 CFR 351.303.

China-Wide Entity

Under Commerce's policy regarding the conditional review of the China-wide entity,¹⁴ the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate (*i.e.*, 112.21 percent) is not subject to change.¹⁵

Preliminary Results of Review

Commerce preliminarily determines that the following estimated weighted-average dumping margin exists for the period May 1, 2022, through April 30, 2023:

Exporter	Weighted-average dumping margin (percent)
Wuyi Xilinde Machinery Manufacture Co., Ltd	178.51

Disclosure

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs or other written comments to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of this notice.

¹⁴ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

¹⁵ See *Order*.

⁷ *Id.*

⁸ See Petitioner's Withdrawal of Review Request.

Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁶ Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs.¹⁷ Parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁸

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 administrative 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.¹⁹ 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 of this administrative review. We request that interested parties include footnotes for relevant citations in the public 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).²⁰

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the publication of this notice. Requests should contain the party's name, address, telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm

by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed via ACCESS.²¹ An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Final Results of Review

Unless extended, Commerce intends to issue the final results of this review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon issuing the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.²² Commerce intends 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).

We will calculate importer/customer-specific assessment rates equal to the ratio of the total amount of dumping calculated for examined sales to a particular importer/customer to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).²³ Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer/customer by the total entered value of the merchandise sold to the importer/customer.²⁴ Where the respondent did not report entered values, Commerce will calculate importer/customer-specific assessment rates by dividing the total amount of dumping calculated for all reviewed

U.S. sales to the importer/customer by the total quantity of those sales.

Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis*; however, Commerce will use the per-unit assessment rate where entered values were not reported.²⁵ Where an importer/customer-specific *ad valorem* assessment rate is not zero or *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis*, or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis*,²⁶ Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Pursuant to Commerce's refinement to its practice, for sales that were not reported in the U.S. sales database submitted by a respondent individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping margin assigned to the China-wide entity.²⁷

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for the subject merchandise exported by the company listed above that has a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this administrative review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be

¹⁶ 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 Final Rule*).

¹⁷ See 19 CFR 351.309; see also 19 CFR 351.303 (for general filing requirements).

¹⁸ See 19 CFR 351.309(c)(2) and (d)(2); see also 19 CFR 351.303 (for general filing requirements).

¹⁹ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

²⁰ See *APO and Service Final Rule*.

²¹ See 19 CFR 351.303.

²² See 19 CFR 351.212(b)(1).

²³ In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

²⁴ See 19 CFR 351.212(b)(1).

²⁵ *Id.*

²⁶ See 19 CFR 351.106(c)(2).

²⁷ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during these PORs. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

Commerce is issuing and publishing the preliminary results of this review in accordance with sections 751(a)(1)(B), 751(a)(3) and 777(i) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy 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
- IV. Rescission of the Review, in Part
- V. Intent To Rescind Review, in Part
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

[FR Doc. 2024-12347 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-831]

Fresh Garlic From the People's Republic of China: Final Results and Rescission of Antidumping Duty Administrative Review; 2021-2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Jining Huahui International Co., Ltd. (Huahui) did not make a *bona fide* sale of fresh garlic during the period of review (POR) November 1, 2021 through October 31, 2022. Therefore, we are rescinding this administrative review.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Charles DeFilippo or Jacob Saude, 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) 482-3797 or 202-482-0981, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 2023, Commerce published its *Preliminary Results* in the **Federal Register** and invited interested parties to comment.¹ On January 12, 2024, Huahui timely submitted its case brief.² On January 29, 2024, the petitioners³ timely submitted their rebuttal brief.⁴ On April 2, 2024, Commerce extended the deadline for these final results until May 31, 2024.⁵

Scope of the Order

The product covered by the order is fresh garlic from China. For a full description of the scope, see the Issues and Decision Memorandum.⁶

¹ See *Fresh Garlic from the People's Republic of China: Preliminary Results, Partial Rescission, and Preliminary Intent To Rescind Antidumping Duty Administrative Review; 2021-2022*, 88 FR 84782 (December 6, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM) and Preliminary *Bona Fide* Analysis Memo.

² See Huahui's Letter, "Case Brief of Jining Huahui International Co., Ltd.," dated January 12, 2024 (Huahui's Case Brief).

³ The petitioners are the Fresh Garlic Producers Association and its individual members Christopher Ranch, LLC, The Garlic Company, and Valley Garlic, Inc.

⁴ See Petitioners' Letter, "Petitioners' Rebuttal Case Brief," dated January 29, 2024 (Petitioners' Rebuttal Brief).

⁵ See Memorandum, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated April 2, 2024.

⁶ See Memorandum, "Decision Memorandum for the Final Results of the Administrative Review of

Analysis of Comments Received

All issues addressed in case and rebuttal briefs are listed in the appendix to this notice and are addressed in the Issues and Decision Memorandum. 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 is available at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Bona Fides Analysis and Rescission of Review

In the *Preliminary Results*, Commerce found that Huahui's sales of subject merchandise to the United States during the POR were not *bona fide* sales. Based on an analysis of the interested parties' comments, we continue to find that Huahui did not have a *bona fide* sale during the POR. Commerce reached this conclusion based on its consideration of the totality of circumstances, including, but not limited to: (1) the value and unit price of the sales; (2) the fact that the goods were not resold at a profit; (3) the questionable arm's-length basis of the sales; (4) and other relevant issues such as the circumstances surrounding payment and likelihood of future sales. Consequently, we are rescinding this administrative review with respect to Huahui and Jining Huahui International Trade Co.

Assessment Rates

Because Commerce is rescinding this administrative review, we have not calculated a company-specific dumping margin for Huahui. Huahui remains part of the China-wide entity and the entry of its subject merchandise during the POR will be assessed antidumping duties at the China-wide entity rate. The China-wide entity rate is \$4.71 per kilogram.⁷

Cash Deposit Requirements

As noted above, Commerce is rescinding this administrative review. Thus, we have not calculated a company-specific dumping margin for Huahui. Therefore, entries of Huahui's subject merchandise continue to be

the Antidumping Duty Order on Fresh Garlic from the People's Republic of China; 2021-2022," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁷ See *Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of the 14th Antidumping Duty Administrative Review*, 75 FR 34976 (June 21, 2010).

subject to the China-wide entity cash deposit rate of \$4.71 per kilogram. This cash deposit requirement shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(3).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issues
 - Comment 1: Whether Commerce's Price Analysis Ignores Distortions in the U.S. Customs and Border Protection Data
 - Comment 2: Whether Commerce's Analysis of Goods Resold at a Profit Ignores Commercial Realities
 - Comment 3: Whether Commerce's Arm's Length Analysis Ignores Huahui and Evaluates the Wrong Commercial Relationship
 - Comment 4: Whether Commerce's Analysis of Payments Ignores Commerce's Established Practice
 - Comment 5: Whether Commerce's Analysis of Likelihood of Future Sales Ignores Commercial Realities

V. Recommendation

[FR Doc. 2024–12351 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–501]

Circular Welded Carbon Steel Standard Pipe and Tube Products From Türkiye: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the sole mandatory respondent in this administrative review, Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. (collectively, Borusan), an exporter subject to this administrative review, made sales of subject merchandise at less than normal value (NV) during the period of review (POR) May 1, 2022, through April 30, 2023. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: 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) 482–2254.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 2023, based on timely request for a review, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated this administrative review of the antidumping duty order on circular welded carbon steel standard pipe and tube products from Türkiye, covering one company, Borusan Mannesmann Boru Sanayi ve Ticaret A.S.¹

On January 4, 2024, Commerce extended the preliminary results of this review by 120 days, until May 30, 2024.² For a complete description of the events that followed the initiation of

this review, see the Preliminary Decision Memorandum.³

Scope of the Order⁴

The merchandise covered by the *Order* is circular welded carbon steel standard pipe and tube products. The products covered by this *Order* are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this *Order* is dispositive. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.⁵

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.⁶ A list of topics discussed in the Preliminary Decision Memorandum is included at 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 <https://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>.

Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margin exists for the period May 1, 2022, through April 30, 2023:

³ See Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Circular Welded Carbon Steel Standard Pipe and Tube Products from Türkiye; 2022–2023" dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See *Order*.

⁵ See Preliminary Decision Memorandum.

⁶ *Id.*

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023); see also *Antidumping Duty Order; Welded Carbon Steel Standard Pipe and Tube Products from Turkey*, 51 FR 17784 (May 15, 1986) (*Order*).

² See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated January 4, 2024.

Exporter or producer	Weighted-average dumping margin (percent)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S./ Borusan Istikbal Ticaret T.A.S. ⁷	5.67

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.⁸ The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.⁹

Commerce intends 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).

Pursuant to 19 CFR 351.212(b)(1), where an examined respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we will calculate an importer-specific *ad valorem* duty assessment rate based on the ratio of the total amount of dumping calculated for the U.S. sales for a given importer to the total entered value of those sales. Where a mandatory respondent did not report entered value, we calculate the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by Borusan for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate such unreviewed entries pursuant to the reseller policy,¹⁰ *i.e.*, the assessment rate for such entries will be equal to the all-others rate established in the investigation (*i.e.*, 14.74 percent *ad valorem*),¹¹ if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for subject merchandise exported by Borusan will be equal to this company's weighted-average dumping margin established in the final results of this review, (except if the *ad valorem* rate is *de minimis* within the meaning of 19 CFR 351.106(C)(1), in which case the cash deposit rate will be zero); (2) for subject merchandise exported by previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or a previous segment of this proceeding, but the producer is, then the cash deposit rate will be the company-specific rate established for the most recently completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 14.74 percent, the all-others rate established in the underlying investigation.¹²

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose under administrative protective order the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.¹³ 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.¹⁴ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁵ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

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.¹⁶ 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 determination in this review. We request that interested parties include footnotes for relevant citations in the public 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).¹⁷

Pursuant to 19 CFR 351.310(c), an interested party who wishes to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of publication of this notice. 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 issues raised in the case and rebuttal briefs. If a request for

⁷ In prior segments of this proceeding, we treated Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. as a single entity. See, e.g., *Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2013–2014*, 80 FR 76674 (December 10, 2015). We determine that there is no evidence on the record of this review for altering our treatment of Borusan Mannesmann Boru Sanayi ve Ticaret A.S. and Borusan Istikbal Ticaret T.A.S. as a single entity.

⁸ See 19 CFR 351.212(b)(1).

⁹ See section 751(a)(2)(C) of the Act.

¹⁰ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹¹ See Order, 51 FR at 17784.

¹² *Id.*

¹³ See 19 CFR 351.303 (for general filing requirements).

¹⁴ 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 Final Rule*).

¹⁵ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁶ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁷ See *APO and Service Final Rule*.

a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.¹⁸ Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions to Commerce must be filed electronically using ACCESS¹⁹ and must also be served on interested parties.²⁰ An electronically filed document must be received successfully in its entirety by ACCESS, by 5 p.m. Eastern Time (ET) on the date that the document is due. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.²¹

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy 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
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2024–12403 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–075]

Certain Plastic Decorative Ribbon From the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on certain plastic decorative ribbon (plastic ribbon) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping. The magnitude of the dumping margins likely to prevail are indicated in the "Final Results of Sunset Review" section of this notice.

DATES: June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, 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) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On March 22, 2019, Commerce published the AD order on plastic ribbon from China.¹ On February 1, 2024, Commerce published the notice of initiation of the first five-year sunset review of the *Order*.² On February 14, 2024, Commerce received a timely notice of intent to participate from Berwick Offray, LLC (Berwick Offray), a domestic interested party, within the deadline specified in 19 CFR 351.218(d)(1)(i).³ On March 1, 2024, Commerce received adequate

substantive responses from Berwick Offray within the 30-day period specified in 19 CFR 351.218(d)(3)(i).⁴ Berwick Offray claimed interested party status under section 771(9)(C) of the Tariff Act of 1930, as amended (the Act).⁵ We received no substantive responses from any respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.

Scope of the Order

The product covered by this *Order* is plastic ribbon from China. For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.⁶

Analysis of Comments Received

All issues raised for the final results of this sunset review are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* on plastic decorative ribbons from China would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the margins of dumping likely to prevail if the *Order* is revoked are as follows:

¹⁸ See 19 CFR 351.310(c).

¹⁹ See 19 CFR 351.303.

²⁰ See 19 CFR 351.303(f).

²¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to Covid-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

¹ See *Certain Plastic Decorative Ribbon from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and*

Antidumping Duty Order; and Countervailing Duty Order, 84 FR 10786 (March 22, 2019) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 84 FR 6499 (February 1, 2024).

³ See Berwick Offray's Letter, "Plastic Decorative Ribbons from China: Notice of Intent to Participate in Sunset Review," dated February 14, 2024.

⁴ See Berwick Offray's Letter, "Plastic Decorative Ribbons from China: Substantive Response to

Notice of Initiation of Sunset Review," dated March 1, 2024.

⁵ *Id.*

⁶ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Antidumping Duty Order on Certain Plastic Decorative Ribbons from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Exporter/producer	Weighted-average dumping margin (percent)
Ningbo Junlong Craft Gift Co., Ltd	132.07
Dongguan Ricai Plastic Technology Co., Ltd	61.99
Kai Feng Decoration (Hui Zhou) Co., Ltd	105.33
Sheng Yi Decoration (Dong Guan) Co., Ltd	105.33
Joynice Gifts & Crafts Co., Ltd	105.33
Nan Mei (Huizhou) Ribbon Art Factory Ltd	105.33
Shantou Longhu YingXin Art Craft Factory Co. Ltd	105.33
Colorart Industrial Limited	105.33
Santa's Collection Shaoxing Co. Ltd	105.33
Zhejiang Shaoxing Royal Arts & Crafts Co., Ltd	105.33
Wingo Gift & Crafts (Shenzhen) Co., Ltd	105.33
Xin Seng San Handicraft (ShenZhen) Co., Ltd	105.33
Xiangxin Decoration Factory	105.33
Xinghui Packaging Co., Ltd	105.33
Shenzhen SHS Technology R&D Co., Ltd	105.33
China-Wide Entity	370.04

Administrative Protective Order

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results of this expedited sunset review in accordance with sections 751(c), 752(c), and 777(i) of the Act, and 19 CFR 351.218.

Dated: May 31, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. History of the Order
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margin Likely to Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2024-12353 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-937]

Citric Acid and Certain Citrate Salts From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2022-2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that RZBC Group Co., Ltd., RZBC Co., Ltd., RZBC Import & Export Co., Ltd., and RZBC (Juxian) Co., Ltd. (collectively, RZBC) did not make sales of citric acid and certain citrate salts (citric acid) from the People's Republic of China (China) at less than normal value during the period of review (POR) May 1, 2022, through April 30, 2023. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Maisha Cryor, 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) 482-5831.

SUPPLEMENTARY INFORMATION:

Background

On May 29, 2009, Commerce published in the **Federal Register** the antidumping duty order on citric acid from China.¹ On May 2, 2023,

¹ See *Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders*, 74 FR 25703 (May 29, 2009) (*Order*).

Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.² On July 12, 2023, based on a timely request for an administrative review, Commerce initiated the administrative review of the *Order*.³ The administrative review covers a single mandatory respondent, RZBC.⁴

On January 4, 2024, Commerce extended the deadline for these preliminary results until May 30, 2024.⁵ For a complete description of the events that occurred since the initiation of this review, see the Preliminary Decision Memorandum.⁶ 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 <https://access.trade.gov>. A list of topics discussed in the Preliminary Decision Memorandum is included in an appendix to this notice. In addition, a complete version of the Preliminary Decision Memorandum can be found at <https://access.trade.gov/public/FRNotices/ListLayout.aspx>.

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 88 FR 27445 (May 2, 2023).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023) (*Initiation Notice*).

⁴ See Memorandum, "Respondent Selection," dated July 28, 2023.

⁵ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated January 4, 2024.

⁶ See Memorandum, "Decision Memorandum for Preliminary Results of the Antidumping Duty Administrative Review of Citric Acid and Certain Citrate Salts from the People's Republic of China; 2022-2023," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Order

The product covered by this *Order* is citric acid from China. A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.⁷

China-Wide Entity

Commerce’s policy regarding the conditional review of the China-wide entity applies to this administrative review.⁸ Under this policy, the China-wide entity will not be under review

unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity’s assessment rate (*i.e.*, 156.87 percent) is not subject to change.⁹

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) Tariff Act of 1930, as amended (the Act).

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Administrative Review

Commerce preliminarily determines that the following estimated weighted-average dumping margin exists for the administrative review covering the period May 1, 2022, through April 30, 2023:

Exporter	Weighted-average dumping margin (percent)
RZBC Group Co., Ltd., RZBC Co., Ltd., RZBC Import & Export Co., Ltd., and RZBC (Juxian) Co., Ltd	0.00

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).¹⁰

As stated below, Commerce intends to verify the information upon which it will rely in making its final determination. Interested parties may submit case briefs within seven days after issuance of the verification report. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹¹ Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs.¹² Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) table of contents listing each issue; and (2) a table of authorities.¹³

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.¹⁴ 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 public 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).¹⁵

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the publication of this notice. Requests should contain the party’s name, address, telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce will announce the date and time of the hearing.

Verification

As provided in section 782(i)(3) of the Act, we intend to verify the information upon which we will rely in determining

our final results of review with respect to the mandatory respondent, RZBC.

Final Results of Review

Unless extended, Commerce intends to issue the final results of this review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon issuing the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.¹⁶

For each individually examined respondent in this review whose weighted-average dumping margin in the final results of review is not zero or *de minimis* (*i.e.*, less than 0.5 percent), Commerce intends to calculate importer/customer-specific assessment rates.¹⁷ Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer/customer and dividing this amount by the total entered value of the merchandise sold to the importer/customer.¹⁸ Where the respondent did not report entered values, Commerce

⁷ *Id.*
⁸ *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).
⁹ *See Order.*
¹⁰ *See* 19 CFR 351.224(b)
¹¹ *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 Final Rule*).
¹² *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).
¹³ *See* 19 CFR 351.309(c)(2) and (d)(2); *see also* 19 CFR 351.303 (for general filing requirements).
¹⁴ We use the term “issue” here to describe an argument that Commerce would normally address

in a comment of the Issues and Decision Memorandum.
¹⁵ *See APO and Service Final Rule.*
¹⁶ *See* 19 CFR 351.212(b)(1).
¹⁷ *See Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification*).
¹⁸ *See* 19 CFR 351.212(b)(1).

will calculate importer/customer-specific assessment rates by dividing the amount of dumping for reviewed sales to the importer/customer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis*; however, Commerce will use the per-unit assessment rate where entered values were not reported.¹⁹ Where an importer/customer-specific *ad valorem* assessment rate is not zero or *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis*, or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²⁰

Commerce intends 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). In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for the subject merchandise exported by the company listed above that has a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this administrative review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate

in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these preliminary results of this review in accordance with sections 751(a)(1)(B), 751(a)(3) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy 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
- IV. Discussions of the Methodology
- V. Adjustment Under Section 777A(f) of the Act
- VI. Currency Conversion
- VII. Recommendation

[FR Doc. 2024–12349 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–834]

Large Diameter Welded Pipe From the Republic of Türkiye: Preliminary Results and Rescission, in Part, 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 large diameter welded pipe (welded pipe) from the Republic of Türkiye (Türkiye) during the period of review (POR) January 1, 2022, through December 31, 2022. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Ajay Menon, 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) 482–0208.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2019, Commerce published in the **Federal Register** a countervailing duty (CVD) order on welded pipe from Türkiye.¹ On May 2, 2023, Commerce published the notice of the opportunity to request a review of the Order.² On July 12, 2023, Commerce published the notice of the initiation of this administrative review in the **Federal Register**.³ For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁴ A list of topics included in the Preliminary Decision Memorandum is provided in Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically

¹ *Large Diameter Welded Pipe from the Republic of Türkiye: Countervailing Duty Orders*, 84 FR 18771 (May 2, 2019) (Order).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 88 FR 27445 (May 2, 2023).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023).

⁴ See Memorandum, “Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Large Diameter Welded Pipe from the Republic of Türkiye; 2022,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

¹⁹ *Id.*

²⁰ See *Final Modification*, 77 FR at 8103.

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 Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The product covered by the Order is welded pipe from Türkiye. 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 751(a)(1)(A) of Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce preliminarily 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.⁵

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), Commerce’s practice is to rescind an administrative review of a CVD order when it concludes that there are no suspended entries of subject merchandise during the POR.⁶ Normally, upon completion of an administrative review, the suspended entries are liquidated at the CVD assessment rate calculated for the review period.⁷ Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the CVD assessment rate calculated for the POR.⁸

According to the CBP import data, the 10 companies listed in Appendix II had no entries of subject merchandise during the POR.⁹ Therefore, we notified

parties that we intend to rescind this administrative review with respect to these 10 companies and provided parties an opportunity to submit comments, including factual information to demonstrate whether there were reviewable entries during the POR for these companies.¹⁰ We received no comments. Therefore, in the absence of suspended entries of subject merchandise during the POR, in accordance with 19 CFR 351.213(d)(3), we are rescinding the administrative review with respect to the companies listed in Appendix II.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following net countervailable subsidy rates for the period January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent <i>ad valorem</i>)
Çimtaş Boru Imalatari Ticaret Ltd HDM Çelik Boru Sanayi Ve Ticaret A.S. ¹¹	2.18 6.31

Disclosure and Public Comment

Commerce intends to disclose its calculations 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 the Federal Register in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce 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 not later than five days after the date for filing case briefs. Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹² All briefs must be

filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

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.¹³ 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 public 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).¹⁴

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 by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party’s name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.

Final Results of Administrative Review

Unless extended, pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised by parties in their comments, within 120 days after the date of publication of these preliminary results.

Antidumping and Countervailing Duty Proceedings, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹³ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁴ See *APO and Service Procedures*.

⁵ 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.

⁶ See, e.g., *Lightweight Thermal Paper from the People’s Republic of China: Notice of Rescission of Countervailing Duty Administrative Review*; 2015, 82 FR 14349 (March 20, 2017); see also *Circular Welded Carbon Quality Steel Pipe from the People’s Republic of China: Rescission of Countervailing Duty Administrative Review*; 2017, 84 FR 14650 (April 11, 2019).

⁷ See 19 CFR 351.212(b)(2).

⁸ See 19 CFR 351.213(d)(3).

⁹ See Memorandum, “U.S. Customs and Border Protection Data Query,” dated July 14, 2023.

¹⁰ See Memorandum, “Notice of Intent to Rescind Review, in Part,” dated August 28, 2023.

¹¹ Commerce initiated this review on both HDM and HDM Spiral Kaynaklı Çelik Boru A.S. (HDM Spiral). See *Initiation Notice*, 88 FR at 44273. However, in the LTFV investigation, we found that HDM acquired HDM Spiral on October 31, 2017, and HDM Spiral ceased to exist. See *Large Diameter Welded Pipe from the Republic of Turkey: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 83 FR 43646, 43647 (August 27, 2018), unchanged in *Large Diameter Welded Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value*, 84 FR 6362 (February 27, 2019).

¹² See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in*

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce will determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue 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).

For the companies listed in Appendix II for which we are rescinding this administrative review, Commerce 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). Commerce intends to issue appropriate assessment instructions directly to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

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 CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above with regard to shipments of 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.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Diversification of Türkiye's Economy
- V. Subsidies Valuation
- VI. Benchmarks and Interest Rates
- VII. Analysis of Programs
- VIII. Recommendation

Appendix II—Companies for Which the Review Is Rescinded

1. Cagil Makina San ve Tic A.S.
2. Emek Boru Makina Sanayi ve Ticaret A.S.
3. Erciyas Celik Boru Sanayi A.S.
4. Mazlum Mangtay Boru Son. Ins. Tar.Urn.San.ve Tic. A.S.
5. Noksel Celik Boru Sanayi A.S.
6. Ozbal Celik Boru San. Tic. Ve TAAH A.S.
7. Spirally Welded Steel Pipe Inc.
8. Toscelik Profil ve Sac End. A.S.
9. Toscelik Spiral Boru Uretim A.S.
10. Umran Celik Boru Sanayii A.S.

[FR Doc. 2024–12439 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–078]

Large Diameter Welded Pipe From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on large diameter welded pipe from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Review” section of this notice.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Galantucci, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2923.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 2019, Commerce published in the **Federal Register** the

CVD order on large diameter welded pipe from China.¹ On February 1, 2024, Commerce published the notice of initiation of a sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² On February 16, 2024, Commerce received a notice of intent to participate from the American Line Pipe Producers Association Trade Committee (ALPPA Trade Committee) within the deadline specified in 19 CFR 351.218(d)(1)(i).³ The ALPPA Trade Committee claimed interested party status under section 771(9)(F) of the Act as a trade or business association of which a majority of the members are producers of domestic like product.

Commerce received an adequate substantive response to the notice of initiation from the ALPPA Trade Committee within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁴ We received no substantive responses from any respondent interested parties, including the Government of China, nor was a hearing requested. On March 22, 2024, consistent with 19 CFR 351.218(e)(1)(ii)(B)(2) and (e)(1)(ii)(C)(2), Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.⁵ As a result, pursuant to 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.

Scope of the Order

The product covered by the *Order* is large diameter welded pipe. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.⁶

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum.⁷ A list of topics

¹ See *Large Diameter Welded Pipe from the People's Republic of China: Countervailing Duty Order*, 84 FR 8075 (March 6, 2019) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 6499 (February 1, 2024).

³ See ALPPA Trade Committee's Letter, “Notice of Intent to Participate in Sunset Review,” dated February 16, 2024.

⁴ See ALPPA Trade Committee's Letter, “Substantive Response to Notice of Initiation,” dated March 4, 2024.

⁵ See Commerce's Letter, “Sunset Reviews for February 2024,” dated March 22, 2024.

⁶ See Memorandum, “Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Large Diameter Welded Pipe from the People's Republic of China,” dated concurrently with this notice (Issues and Decision Memorandum).

⁷ *Id.*

discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services 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>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would likely lead to continuation or recurrence of countervailable subsidies at the rates below:

Company	Subsidy rate (percent <i>ad valorem</i>)
Hefei Zijin Steel Tube Manufacturing Co	198.49
Hefei Ziking Steel Pipe	198.49
Panyu Chu Kong Steel Pipe Co. Ltd	198.49
All Others	198.49

Administrative Protective Order

This notice serves as the only 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. 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

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: May 31, 2024.
Abdelali Elouaradia,
Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues

- 1. Likelihood of Continuation or Recurrence of Countervailable Subsidies
- 2. Net Countervailable Subsidy Rates That Are Likely To Prevail
- 3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2024–12409 Filed 6–5–24; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–898]

Large Diameter Welded Pipe From the Republic of Korea: Preliminary Results and Partial Rescission of the 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 are being provided to producers and exporters of large diameter welded pipe (welded pipe) from the Republic of Korea (Korea). The period of review (POR) is January 1, 2022, through December 31, 2022. Additionally, we are rescinding this review with respect to 17 companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Faris Montgomery or Jonathan Schueler, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1537 or (202) 482–9175, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 2023, Commerce initiated an administrative review of the countervailing duty order on welded pipe from Korea.¹ Commerce selected Hyundai RB Co., Ltd. (Hyundai RB) and SeAH Steel Corporation (SeAH Steel) as the mandatory respondents in this administrative review.² On December 20, 2023, Commerce extended the

deadline for these preliminary results to no later than May 30, 2024.³

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁴ A list of topics discussed in the Preliminary Decision Memorandum is included at Appendix I 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 <https://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 welded pipe. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

On September 14, 2023, Commerce notified interested parties that it intended to rescind this administrative review with respect to the companies listed in Appendix II because they had no entries of subject merchandise during the POR.⁵ No party commented on the notification of intent to rescind the review with respect to the 17 companies listed in Appendix II. Therefore, we determine that there were no entries of subject merchandise during the POR by these companies. As a result, we are rescinding this review, in part, with respect to the 17 companies listed in Appendix II, pursuant to 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a government-provided financial contribution that confers a

³ See Memorandum, “Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,” dated December 20, 2023.

⁴ See Memorandum, “Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Large Diameter Welded Pipe from the Republic of Korea; 2022,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁵ See Memorandum, “Notice of Intent to Rescind Review, In Part,” dated September 14, 2023.

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023); *see also Large Diameter Welded Pipe from the Republic of Korea: Countervailing Duty Order*, 84 FR 18773 (May 2, 2019).

² See Memorandum, “Respondent Selection,” dated August 9, 2023.

benefit to the recipient, and that the subsidy is specific.⁶ For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Rate for Non-Selected Companies

The statute and Commerce's regulations do not directly address the countervailing duty rates to be applied to companies not selected for individual examination where Commerce limited its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation. Section 777A(e)(2) of the Act provides that "the individual countervailable subsidy rates determined under subparagraph (A)

shall be used to determine the all-others rate under section 705(c)(5) {of the Act}." Section 705(c)(5)(A) of the Act states that for companies not investigated, in general, we will determine an all-others rate by weight averaging the countervailable subsidy rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based solely on the facts available.

Commerce initiated this administrative review with respect to 25 producers/exporters. We are rescinding the review with respect to the 17 companies listed in Appendix II. Commerce selected two mandatory respondents, Hyundai RB and SeAH Steel, for individual examination. For the remaining non-selected companies subject to this review, *i.e.*, Chang Won Bending Co., Ltd.; Dong Yang Steel Pipe Co., Ltd.; EEW Korea Co., Ltd.; HiSteel Co., Ltd.; Husteel Co., Ltd.; and Kumsoo

Connecting Co., Ltd., because the rates calculated for mandatory respondents Hyundai RB and SeAH Steel are above *de minimis* and not based entirely on facts available, we are applying a preliminary subsidy rate based on a weighted average of the rates calculated for the two mandatory respondents using the publicly-ranked sales data they submitted on the record.⁷ This methodology is consistent with our practice for establishing an all-others subsidy rate pursuant to section 705(c)(5)(A) of the Act.

Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual net countervailable subsidy rate for Hyundai RB and SeAH. Commerce preliminarily finds that, during the POR, the net countervailable subsidy rates for the producers/exporters under review are as follows:

Company	Subsidy rate (percent <i>ad valorem</i>)
Hyundai RB Co., Ltd.; and Shinchang Construction Co., Ltd. ⁸	0.72
SeAH Steel Corporation; and SeAH Steel Holdings Corporation ⁹	0.54

Review-Specific Average Rate Applicable to the Following Companies¹⁰

Chang Won Bending Co., Ltd	0.57
Dong Yang Steel Pipe Co., Ltd	0.57
EEW Korea Co., Ltd	0.57
HiSteel Co., Ltd	0.57
Husteel Co., Ltd. ¹¹	0.57
Kumsoo Connecting Co., Ltd	0.57

Disclosure and Public Comment

We intend to disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days after public announcement of the preliminary results or, if there is no public announcement, within five days of the date of publication of this notice.¹²

Interested parties may submit case briefs no later than 30 days after the publication of this notice.¹³ Rebuttal briefs, limited to issues raised in case

briefs, may be filed no later than five days after the date for filing case briefs.¹⁴ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹⁵

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 briefs 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.¹⁶ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this

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 See Memorandum, "Calculation of the Non-Selected Company Rate for the Preliminary Results," dated concurrently with this notice.

⁸ Commerce previously found Shinchang Construction Co., Ltd. to be cross-owned with Hyundai RB. *See Large Diameter Welded Pipe from the Republic of Korea: Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review*, 2021, 88 FR 37200 (June 7, 2023), and accompanying Preliminary Decision Memorandum at 6–7, unchanged in *Large Diameter Welded Pipe from the Republic of Korea: Final*

Results of Countervailing Duty Administrative Review, 2021, 88 FR 85236 (December 7, 2023), and accompanying Issues and Decision Memorandum.

⁹ Commerce finds SeAH Steel Holdings Corporation to be cross-owned with SeAH Steel. *See Preliminary Decision Memorandum* at 7–8.

¹⁰ This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis*, or based entirely on facts available. *See* section 735(c)(5)(A) of the Act.

¹¹ Subject merchandise both produced and exported by Husteel Co., Ltd. (Husteel) is excluded from the order. *See Large Diameter Welded Pipe from the Republic of Korea: Countervailing Duty Order*, 84 FR 18773 (May 2, 2019). Thus, Husteel's

inclusion in this administrative review is limited to entries for which Husteel was not both the producer and exporter of the subject merchandise.

¹² *See* 19 CFR 351.224(b).

¹³ *See* 19 CFR 351.309(c).

¹⁴ *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 Final Rule*).

¹⁵ *See* 19 CFR 351.309(c)(2) and (d)(2).

¹⁶ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

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).¹⁷

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. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. A 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 the deadline is 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).

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producers/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review.

For the companies for which this review is rescinded, 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). We intend to issue assessment instructions to CBP for these companies no earlier than 35 days

after the date of publication of the preliminary results of this review in the **Federal Register**.

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).

Cash Deposit Rate

In accordance with section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts calculated in the final results for each of the reviewed companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, except, where the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all-others rate as established in the *Order* (*i.e.*, 9.29 percent)¹⁸ or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results of review are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Final Rescission of Administrative Review, In Part
- V. Diversification of Korea's Economy
- VI. Subsidies Valuation Information
- VII. Benchmarks and Interest Rates

- VIII. Analysis of Programs
- IX. Recommendation

Appendix II

Companies Rescinded From Review

1. AJU Besteel Co., Ltd
2. Daiduck Piping Co., Ltd.
3. Dongbu Incheon Steel Co., Ltd.
4. EEW KHPC Co., Ltd.
5. Hansol Metal Co. Ltd.
6. Hyundai Steel Company¹⁹
7. Il Jin Nts Co. Ltd.
8. Kem Solutions Co., Ltd.
9. Kiduck Industries Co., Ltd.
10. Kum Kang Kind. Co., Ltd.
11. Nexteel Co., Ltd.
12. POSCO International Corporation
13. Samkang M&T Co., Ltd.
14. Seonghwa Industrial Co., Ltd
15. SIN-E B&P Co., Ltd.
16. Steel Flower Co., Ltd.
17. WELTECH Co., Ltd

[FR Doc. 2024–12352 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–808]

Stainless Steel Plate in Coils From Belgium: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2022–2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that Aperam Steel Belgium N.V. (ASB) made sales of stainless steel plate in coils from Belgium at less than normal value (NV) during the period of review (POR), May 1, 2022, through April 30, 2023. Additionally, Commerce is rescinding this administrative review with respect to certain companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, 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) 482–7851.

¹⁹ Subject merchandise both produced and exported by Hyundai Steel Company (Hyundai Steel) and subject merchandise produced by Hyundai Steel and exported by Hyundai Corporation are excluded from the countervailing duty order. *See Order*, 84 FR 18773. Thus, Hyundai Steel's inclusion in this administrative review is limited to entries for which Hyundai Steel was not the producer and exporter of the subject merchandise and for which Hyundai Steel was not the producer and Hyundai Corporation was not the exporter of subject merchandise.

¹⁷ See *APO and Service Final Rule*.

¹⁸ See *Order*, 84 FR at 18775.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1999, Commerce published in the **Federal Register** the antidumping duty (AD) order on stainless steel plate in coils from Belgium.¹ On May 2, 2023, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.² On July 12, 2023, based on timely requests for review and in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the *Order* covering four exporters and/or producers.³ Pursuant to section 751(a)(3)(A) of the Act, Commerce extended the deadline for the preliminary results until May 30, 2024.⁴

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁵ A list of the topics included in the Preliminary Decision Memorandum is included as 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 <https://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 this *Order* is stainless steel plate in coils from Belgium. For a complete description of the scope of the *Order*,

see the Preliminary Decision Memorandum.⁶

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. Constructed Export price was calculated in accordance with section 772 of the Act. NV was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum.

Rescission of Review, In Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.⁷ Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.⁸ Therefore, for an administrative review to be conducted, there must be at least one reviewable, suspended entry that Commerce can instruct CBP to liquidate at the AD assessment rate calculated for the review period.⁹ There were no entries of subject merchandise during the POR for the following companies subject to the review: ArcelorMittal Genk, Helaxa BVBA, and Industeel Belgium. As a result, on April 1, 2024, Commerce notified all interested parties of its intent to rescind this review, in part, with respect to these companies and received no comments.¹⁰ Accordingly, Commerce is rescinding this review, in part, with respect to these three companies. The administrative review remains active with respect to the mandatory respondent, ASB.

Preliminary Results of the Review

We preliminarily determine that the following estimated weighted-average dumping margin exists for the period May 1, 2022, through April 30, 2023:

⁶ See Preliminary Decision Memorandum at "Scope of the Order."

⁷ See, e.g., *Diocetyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022*, 88 FR 24758 (April 24, 2023); see also *Certain Carbon and Alloy Steel Cut- to Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4157 (January 24, 2023).

⁸ See 19 CFR 351.212(b)(1).

⁹ See 19 CFR 351.213(d)(3).

¹⁰ See Memorandum, "Notice of Intent to Rescind Review, in Part," dated April 1, 2024.

Exporter/producer	Weighted-average dumping margin (percent)
Aperam Stainless Belgium N.V ..	0.78

Disclosure and Public Comment

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce 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 not later than five days after the date for filing case briefs.¹¹ 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.¹²

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.¹³ 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 public 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).¹⁴

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

¹¹ 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 Final Rule*).

¹² See 19 CFR 351.309(c)(2) and (d)(2).

¹³ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁴ See *APO and Service Final Rule*.

¹ See *Antidumping Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 64 FR 27756 (May 21, 1999) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 88 FR 27445 (May 2, 2023).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262, 44263 (July 12, 2023); see also *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List*, 88 FR 27445, 27446 (May 2, 2023).

⁴ See Memorandum, "Extension of Deadline for Preliminary Results," dated January 18, 2024.

⁵ See Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Plate in Coils from Belgium; 2022–2023," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of 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 via ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised in any the written briefs, no later than 120 days after the date of publication of this notice, unless otherwise extended.¹⁵

Assessment Rates

Upon issuance of the final results of this review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.¹⁶

With respect to the companies for which we have rescinded this review, in part, Commerce intends to instruct CBP to assess antidumping duties on all appropriate entries at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR, in accordance with 19 CFR 351.212(c)(1)(i).

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).

If ASB's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.50 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). If the respondent has not reported entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by

the total quantity associated with those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we intend to instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹⁷

For entries of subject merchandise during the POR produced by ASB for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate (*i.e.*, 9.86 percent) if there is no rate for the intermediate company(ies) involved in the transaction.¹⁸

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for ASB will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or in the less-than-fair-value investigation (LTFV) but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 9.86 percent, the rate established in the LTFV

¹⁷ See 19 CFR 351.106(c)(2); see also *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

¹⁸ See *Order*, 64 FR at 27757; see also *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

investigation of this proceeding.¹⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 19 CFR 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy 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
- IV. Rescission of Administrative Review, In Part
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

[FR Doc. 2024–12350 Filed 6–5–24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–833]

Large Diameter Welded Pipe From the Republic of Türkiye: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2022–2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that large diameter welded pipe (welded pipe) from the Republic of Türkiye (Türkiye) is not being sold in the United States at less than normal value (NV) during the period of review

¹⁹ See *Order*, 64 FR at 27757.

¹⁵ See section 751(a)(3)(A) of the Act; and 19 CFR 351.213(h).

¹⁶ See 19 CFR 351.212(b)(1).

(POR), May 1, 2022, through April 30, 2023. We are also partially rescinding this review with respect to nine companies which had no entries in the U.S. Customs and Border Protection data. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT:

Benito Ballesteros, 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) 482-7425.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2019, Commerce published in the **Federal Register** the antidumping duty (AD) order on welded pipe from Türkiye.¹ On July 12, 2023, Commerce initiated an administrative review of the *Order* covering 12 companies, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).² On January 10, 2024, we extended the deadline for the preliminary results of this review to May 30, 2024.³

For details regarding the events that occurred subsequent to the initiation of this review, *see* the Preliminary Decision Memorandum.⁴ A list of topics discussed in the Preliminary Decision Memorandum is included in as Appendix I 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 <https://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 welded pipe from Türkiye. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(3), Commerce will rescind an administrative review when there are no entries of subject merchandise during the POR for which liquidation is suspended.⁵ Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.⁶ Therefore, for an administrative review of a company to be conducted, there must be a suspended entry that Commerce can instruct and U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.⁷

On January 26, 2024, we notified parties of our intent to rescind this administrative review, in part, with respect to the nine companies listed in Appendix II because there were no suspended entries of subject merchandise produced or exported by these companies during the POR and invited interested parties to comment.⁸ No parties commented on our intent to rescind the review, in part. In the absence of any suspended entries of subject merchandise from these companies during the POR, we are rescinding the administrative review for the companies listed in Appendix II, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1) and (2) of the Act. We calculated constructed export price in accordance with section 772(b) of the Act. We calculated NV in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

⁵ *See, e.g., Large Diameter Welded Pipe from Greece: Rescission of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 4274 (January 23, 2024).

⁶ *See* 19 CFR 351.212(b)(2).

⁷ *See* 19 CFR 351.213(d)(3).

⁸ *See* Memorandum, “Notice of Intent to Rescind Review, In Part,” dated January 26, 2024.

Rate for Company Not Selected for Individual Examination

The Act and Commerce's regulations do not address the rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair value (LTFV) investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely on the basis of facts available.

Where the weighted-average dumping margins for individually examined respondents are zero, *de minimis*, or determined based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use “any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated . . .” In this review, Commerce preliminarily calculated a weighted-average dumping margin of zero percent for HDM Celik Boru Sanyai Ve Ticaret A.S (HDM).⁹ Therefore, we are preliminarily assigning a rate of zero percent to Emek Boru Makine Sanayi ve Ticaret A.S. (Emek Boru), the company not selected for individual examination in this review, in accordance with section 735(c)(5)(B) of the Act.

Preliminary Results of the Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period of May 1, 2022, through April 30, 2023:

Producer or exporter	Weighted-average dumping margin (percent)
HDM Celik Boru Sanyai Ve Ticaret A.S. ¹⁰	0.00
Cimtas Boru Imalatlari ve Ticaret, Ltd	0.00

⁹ We note that we preliminarily assigned HDM's weighted-average dumping margin to Cimtas Boru Imalatlari ve Ticaret, Ltd. (Cimtas) pursuant to section 773(e) of the Act. For further discussion, *see* the Preliminary Decision Memorandum at “Cimtas' Further Manufactured U.S. Sales.”

¹ *See Large Diameter Welded Pipe from the Republic of Turkey: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order*, 84 FR 18799 (May 2, 2019); and *Large Diameter Welded Pipe from the Republic of Turkey: Notice of Court Decision Not in Harmony With Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination Pursuant to Court Decision; and Notice of Revocation of Antidumping Duty Order*, in Part, 85 FR 35262 (June 9, 2020) (*Amended Final Determination*) (collectively, *Order*).

² *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023) (*Initiation Notice*).

³ *See* Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2022–2023,” dated January 10, 2024.

⁴ *See* Memorandum, “Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Large Diameter Welded Pipe from the Republic of Türkiye; 2022–2023,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Producer or exporter	Weighted-average dumping margin (percent)
Emek Boru Makine Sanayi ve Ticaret A.S	0.00

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). Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.¹¹ Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the date for filing case briefs.¹² Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.¹³ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

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.¹⁴ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, no

¹⁰ Commerce initiated this review on both HDM and HDM Spiral Kaynaklı Celik Boru A.S. (HDM Spiral). See *Initiation Notice*, 88 FR at 44269. However, in the LTFV investigation, we found that HDM acquired HDM Spiral on October 31, 2017, and HDM Spiral ceased to exist. See *Large Diameter Welded Pipe from the Republic of Turkey: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 83 FR 43646, 43647 (August 27, 2018), unchanged in *Large Diameter Welded Pipe from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value*, 84 FR 6362 (February 27, 2019).

¹¹ See 19 CFR 351.309(c)(1)(ii).

¹² 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 Final Rule*).

¹³ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁴ We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

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 public 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).¹⁵

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain: (1) party’s name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.¹⁶

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.¹⁷ Commerce intends 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).

Pursuant to 19 CFR 351.212(b)(1), because HDM reported the entered value for its U.S. sales, we calculated importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer’s examined sales to the total entered value of those same sales. Where either HDM’s weighted-average dumping margin is zero or *de minimis* within the

meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(2), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce’s “automatic assessment” practice will apply to entries of subject merchandise during the POR produced by HDM for which it did not know that the merchandise it sold to an intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate those entries at the all-others rate (*i.e.*, 1.57 percent)¹⁸ if there is no rate for the intermediate company(ies) involved in the transaction.¹⁹

For both Emek Boru, the company that was not selected for individual examination, and Cimtas, we intend to assign an assessment rate equal to the weighted-average dumping margin calculated in the final results of this review for HDM.

For the companies listed in Appendix II for which we are rescinding this review, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue these rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is *de minimis* (*i.e.*, less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered by this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in

¹⁸ See *Amended Final Determination*, 85 FR at 35263.

¹⁹ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

which they were examined; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the producer is, the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 1.57 percent, the all-others rate established in the *Amended Final Determination*.²⁰

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review including the results of its analysis of issues raised in written briefs, no later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213, and 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Cintas' Further Manufactured U.S. Sales
- V. Discussion of the Methodology
- VI. Currency Conversion

²⁰ See *Amended Final Determination*, 85 FR at 35263.

VII. Recommendation

Appendix II

Companies for Which Commerce Is Rescinding This Review

1. Cagil Makina San ve Tic A.S.
2. Erciyas Celik Boru Sanayi A.S.
3. Mazlum Mangtay Boru Son. Ins. Tar. Urn. San. ve Tic. A.S.
4. Noksel Celik Boru Sanayi A.S.
5. Ozbal Celik Boru San. Tic. Ve TAAH A.S.
6. Spirally Welded Steel Pipe Inc.
7. Toscelik Profil ve Sac End. A.S.
8. Toscelik Spiral Boru Uretim A.S.
9. Umran Celik Boru Sanayii A.S.

[FR Doc. 2024-12406 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-887]

Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2022-2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on certain carbon and alloy steel cut-to-length plate (CTL plate) from the Republic of Korea (Korea). The period of review (POR) is May 1, 2022, through April 30, 2023. The review covers one producer and/or exporter of the subject merchandise, POSCO, POSCO International Corporation, and its affiliated companies (collectively, the POSCO single entity). We preliminarily determine that sales of subject merchandise by the POSCO single entity were not made at prices below normal value (NV). Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT:

Jaron Moore or William Horn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3640 or (202) 482-4868, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 2023, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we published

the initiation of an administrative review of the antidumping duty order on CTL plate from Korea¹ produced and/or exported by POSCO.² Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), on we extended the deadline for the preliminary results of this review until no later than May 30, 2024.³

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁴ A list of the topics discussed in the Preliminary Decision Memorandum is attached as an 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 <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise subject to the *Order* is CTL plate. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the *Order* may also enter under the following HTSUS subheadings: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000,

¹ See *Certain Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders*, 82 FR 24096 (May 25, 2017) (*Order*).

² See *Initiation of Antidumping and Countervailing Duty Administration Reviews*, 88 FR 44262 (July 12, 2023).

³ See Memorandum, "Extension of Deadline for the Preliminary Results of the 2022-2023 Antidumping Duty Administrative Review," dated January 10, 2024.

⁴ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Carbon and Alloy Steel Cut-To-Length Plate from the Republic of Korea; 2022-2023," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7206.11.1000, 7226.11.9060, 7229.19.1000, 7226.19.9000, 7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the *Order* is dispositive.

For a complete description of the merchandise subject to the *Order*, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) and (2) of the Act. Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Results of the Review

We are assigning the following weighted-average dumping margin to the company listed below for the period May 1, 2022, through April 30, 2023:

Exporter/producer	Weighted-average dumping margin (percent)
POSCO single entity ⁵	* 0.00

De minimis.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties with an administrative protective order within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant

Secretary for Enforcement and Compliance.⁶ A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.⁷ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.⁸ Case and rebuttal briefs should be filed using ACCESS.

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 briefs 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.⁹ 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 public 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).¹⁰

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. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of 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 of Review

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written comments, not later than 120 days after the date of publication of this notice.

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon for the final results.

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative 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).

Commerce will calculate importer-specific antidumping duty assessment rates when a respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent). Pursuant to 19 CFR 351.212(b)(1), where the respondent reported the entered value of its U.S. sales, we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to each importer to the total entered value of those sales. Where the respondent did not report entered value, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the examined sales to each importer to the total quantity of those sales.¹¹ We will also calculate an estimated *ad valorem* importer-specific assessment rate with which to assess

⁵ Commerce continues to find that POSCO, POSCO International Corporation, POSCO MS, and certain distributors and service centers (*i.e.*, Taechang Steel Co., Ltd. and Winsteel Co., Ltd.) are affiliated pursuant to section 771(33)(E) of the Act, and further that these companies should be treated as a single entity (collectively, the POSCO single entity) pursuant to 19 CFR 351.401(f). See Preliminary Results PDM at 1.

⁶ See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 for general filing requirements.
⁷ 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 Final Rule*).
⁸ See 19 CFR 351.309(c)(2) and (d)(2).
⁹ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.
¹⁰ See *APO and Service Final Rule*.

¹¹ In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

whether the per-unit assessment rate is *de minimis*. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis*. Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*,¹² we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by the POSCO single entity for which the POSCO single entity did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.¹³

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future cash deposits of estimated antidumping duties, where applicable.¹⁴

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the POSCO single entity will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (i.e., less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the producer is, the cash deposit rate will be the rate

established for the most recently-completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 7.10 percent, the all-others rate established in the less-than-fair-value investigation.¹⁵

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of the antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy 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
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2024-12348 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-579]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this expedited second sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China (China) would likely lead to continuation or recurrence of dumping at the level indicated in the "Final Results of Sunset Review" section of this notice.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Howard Smith, 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) 482-5193.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2024, Commerce published the initiation of this sunset review¹ of the Order,² pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). After initiation, a domestic interested party³ timely submitted a notice of intent to participate in,⁴ and an adequate substantive response regarding, the review.⁵ The Alliance claimed domestic interested party status under section 771(9)(C) of the Act as producers of the domestic like product in the United

¹ See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 6499 (February 1, 2024).

² See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012) (Order).

³ The domestic interested party is the American Alliance for Solar Manufacturing (the Alliance), whose individual members are First Solar, Inc., Hanwha Q CELLS USA, Inc., Heliene USA, Inc., Suniva, Inc., and Mission Solar Energy LLC.

⁴ See Alliance's Letter, "Notice of Intent to Participate in Sunset Review," dated February 16, 2024.

⁵ See Alliance's Letter, "Substantive Response to Notice of Initiation of Sunset Review," dated March 4, 2024.

¹² See 19 CFR 351.106(c)(2).

¹³ For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁴ See section 751(a)(2)(C) of the Act.

¹⁵ See Order.

States.⁶ Commerce did not receive a substantive response from any respondent interested party, nor was a hearing requested. Consequently, on March 22, 2024, Commerce notified the International Trade Commission that it did not receive an adequate substantive response from any respondent interested parties.⁷ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.

Scope of the Order

The merchandise covered by the *Order* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

Merchandise covered by this Order is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.71.0000, 8501.72.1000, 8501.72.2000, 8501.72.3000, 8501.72.9000, 8501.80.1000, 8501.80.2000, 8501.80.3000, 8501.80.9000, 8507.20.8010, 8507.20.8031, 8507.20.8041, 8507.20.8061, 8507.20.8091, 8541.42.0010, and 8541.43.0010. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Order* is dispositive. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.⁸

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>.

⁶ *Id.*

⁷ See Commerce's Letter, "Sunset Reviews for February 1, 2024," dated March 22, 2024; see also 19 CFR 351.218(e)(1)(ii)(C)(1).

⁸ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

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>.

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would likely lead to continuation or recurrence of dumping, and that the magnitude of the dumping margin likely to prevail are weighted-average dumping margins up to 249.96 percent.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). 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 terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: May 31, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. History of the Order
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margins of Dumping Likely to Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2024–12417 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–812]

Certain Carbon and Alloy Steel Cut-To-Length Plate From Belgium: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2022–2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that certain carbon and alloy steel cut-to-length plate (CTL plate) from Belgium was sold at less than normal value (NV) during the period of review (POR) May 1, 2022, through April 30, 2023. Additionally, Commerce is rescinding this review in part, with respect to certain companies. We invite interested parties to comment on these preliminary results of review.

DATES: Applicable June 6, 2024.

FOR FURTHER INFORMATION CONTACT: Steven Seifert, 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) 482–3350.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2017, Commerce published in the **Federal Register** the antidumping duty (AD) order on CTL plate from Belgium.¹ On May 2, 2023, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.² On July 12, 2023, based on timely requests for review in accordance with 19 CFR 351.221(c)(1)(i), we initiated an AD administrative review.³ This review covers 20 producers and/or exporters of the subject merchandise.⁴

¹ See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea, and Taiwan, and Antidumping Duty Orders*, 82 FR 24096 (May 25, 2017) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 88 FR 27445 (May 2, 2023) (*Initiation Notice*).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023).

⁴ We note that the *Initiation Notice* listed 24 companies, including five companies that Commerce previously collapsed. Commerce collapsed the following companies in the less-than-fair-value investigation: NLMK Clabecq S.A., NLMK

Commerce selected Industeel Belgium S.A. (Industeel) for individual examination.

On July 12, 2023, we placed on the record U.S. Customs and Border Protection (CBP) data for entries of CTL plate from Belgium during the POR, showing no suspended entries during the POR for certain companies and invited interested parties to comment.⁵ No interested party submitted comments regarding the CBP data.

On January 11, 2024, Commerce extended the deadline to issue the preliminary results of this review until May 31, 2024.⁶ For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁷

Scope of the Order

The product covered by the *Order* is CTL plate from Belgium. For a full description of the scope of the *Order*, *see* Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order when there are no suspended entries of subject merchandise during the POR.⁸ Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.⁹ Therefore, for an administrative review to be conducted, there must be a suspended entry that Commerce can instruct CBP to liquidate at the AD assessment rate calculated for the review period.¹⁰

Plate Sales S.A., NLMK Sales Europe S.A., NLMK Manage Steel Center S.A., and NLMK La Louviere S.A. as a single entity (collectively, NLMK Belgium). *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Final Determination of Sales at Less Than Fair Value and Final Determination of Critical Circumstances, in Part*, 82 FR 16378 (April 4, 2017).

⁵ *See* Memorandum, "Release of U.S. Customs and Border Protection Entry Data," dated July 12, 2023.

⁶ *See* Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated January 11, 2024.

⁷ *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: 2022–2023," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁸ *See, e.g., Diocetyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022*, 88 FR 24758 (April 24, 2023); *see also Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020–2021*, 88 FR 4157 (January 24, 2023).

⁹ *See* 19 CFR 351.212(b)(1).

¹⁰ *See* 19 CFR 351.213(d)(3).

As noted above, there were no suspended entries of subject merchandise for the following companies: C.A. Picard GmbH; Dörrenberg Edelstahl GmbH;¹¹ Edgen Murray; EEW Steel Trading LLC; Fike Europe B.A.; Macsteel International; NLMK Belgium; NLMK Dansteel A.S.; NLMK Verona SpA; NobelClad Europe GmbH & Co. KG; RP Technik GmbH Profilsysteme; Salzgitter Mannesmann International GmbH; Stahlo Stahl Service GmbH & Co. KG; Stemcor USA;¹² Thyssenkrupp Steel Europe; TWF Treuhandgesellschaft Werbefilm mbH; Tranter Service Centers; Válcovny Trub Chomutov A.S.; and voestalpine Grobblech GmbH. On May 9, 2024, Commerce notified all interested parties of its intent to rescind the administrative review in part, with respect to these companies because there were no suspended entries of subject merchandise during the POR and invited interested parties to comment.¹³ No interested party submitted comments in response to this notice. Accordingly, in the absence of suspended entries of subject merchandise during the POR for these companies for which this review was initiated, we are hereby rescinding this administrative review, in part, with respect to these 19 companies, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our

¹¹ In the *Initiation Notice*, this company was inadvertently listed as Doerrenberg Edelstahl GmbH. The correct name is Dörrenberg Edelstahl GmbH. *See* Dörrenberg Edelstahl GmbH's Letter, "Certification of No Sales, Shipments, or Entries," dated August 9, 2023.

¹² Although Commerce received a request for review of this company, Commerce should not have included this company in the *Initiation Notice* because it is a company located in the United States and is, therefore, neither a producer nor an exporter under section 19 CFR 351.213. Similarly, Commerce inadvertently initiated a review of this company in the prior review and assigned it the rate for companies not selected for individual examination. *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020*, 87 FR 7116 (February 8, 2022). Commerce intends to issue rescission instructions with respect to this company and, for the final results, notify CBP that it will deactivate the number assigned to this company in the Automated Commercial Environment (ACE).

¹³ *See* Memorandum, "Notice of Intent to Rescind Review, in Part," dated May 9, 2024.

conclusions, *see* the Preliminary Decision Memorandum. 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>.

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margin exists for the period May 1, 2022, through April 30, 2023:

Producer or exporter	Weighted-average dumping margin (percent)
Industeel Belgium S.A	2.52

Disclosure and Public Comment

Commerce intends to disclose the calculations performed for these preliminary results to interested parties within five days after public announcement, or if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**.¹⁴ Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.¹⁵ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.¹⁶ 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.¹⁷

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 administrative review, we instead request that interested parties provide at

¹⁴ *See* 19 CFR 351.224(b).

¹⁵ *See* 19 CFR 351.303 (for general filing requirements).

¹⁶ *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).

¹⁷ *See* 19 CFR 351.309(c)(2) and (d)(2).

the beginning of their briefs a public, executive summary for each issue raised in their briefs.¹⁸ 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 public 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).¹⁹

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. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of 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 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. If a request for a hearing is made, Commerce intends to hold a hearing at a time and date to be determined and will notify the parties through ACCESS.²⁰ Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

All submissions, including case and rebuttal briefs, as well as hearing requests, should be filed using ACCESS.²¹ An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).²²

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, upon completion of the final results

of this administrative review, Commerce shall determine, and CBP shall assess, ADs on all appropriate entries of subject merchandise covered by this review.²³ If the weighted-average dumping margin for Industeel is not zero or *de minimis* (i.e., less than 0.5 percent) in the final results of this review, and because Industeel reported entered values for all of its sales, Commerce intends to calculate importer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1). We intend to instruct CBP to assess ADs on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (i.e., 0.50 percent). If Industeel's overall weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of review, we intend to instruct CBP to liquidate the appropriate entries without regard to ADs.²⁴ The final results of this administrative review shall be the basis for the assessment of ADs on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.²⁵

For entries of subject merchandise during the POR produced by Industeel for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate unreviewed entries at the all-others rate (i.e., 5.40 percent) in the original less-than-fair-value (LTFV) investigation²⁶ if there is no rate for the intermediate company(ies) involved in the transaction.²⁷

Commerce intends 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).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication in the **Federal Register** of the notice of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Industeel will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by a company not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific cash deposit rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, or a previous segment, but the producer is, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 5.40 percent, the all-others rate established in the LTFV investigation.²⁸ These deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless the deadline is otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised by interested parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**.²⁹

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of ADs prior to liquidation of the relevant

²³ See 19 CFR 351.212(b)(1).

²⁴ See 19 CFR 351.106(c)(2); see also *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

²⁵ See section 751(a)(2)(C) of the Act.

²⁶ See Order, 82 FR 24096.

²⁷ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

²⁸ See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders*, 82 FR 24096, 24098 (May 25, 2017).

²⁹ See section 751(a)(3)(A) of the Act; see also 19 CFR 351.213(h).

¹⁸ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹⁹ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

²⁰ See 19 CFR 351.310(d).

²¹ See 19 CFR 351.303.

²² See *APO and Final Service Rule*.

entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of ADs occurred and the subsequent assessment of double ADs.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: May 30, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Partial Rescission of Administrative Review
- IV. Scope of the Order
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

[FR Doc. 2024-12358 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE008]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of hybrid meeting open to the public offering both in-person and virtual options for participation.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a four-day meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will convene Monday, June 24 through Thursday, June 27, 2024. Daily schedule is as follows: Monday through Thursday, from 8:30 a.m. to 5 p.m., CDT.

ADDRESSES: The meeting will take place at the Omni Hotel, located at 4 Riverway, Houston, TX 77056. If you prefer to "listen in", you may access the log-on information by visiting our website at www.gulfcouncil.org.

Council address: Gulf of Mexico Fishery Management Council, 4107 W

Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

FOR FURTHER INFORMATION CONTACT: Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Monday, June 24, 2024; 8:30 a.m.–5:30 p.m., CDT

The meeting will begin with the Administrative/Budget Committee reviewing modifications to Council's Statement of Organization Practices and Procedures (SOPPS), Reporting Requirement for Council Compensation, Considerations for Anti-Harassment Training for Advisory Panel Members, Documentation of Participation Requirements for Advisory Panel Members and Status Update on Inflation Reduction Act Funding for the Regional Management Councils.

The Data Collection Committee will discuss draft options for the For-hire Data Collection Program and National Oceanic Atmospheric Administration's (NOAA) Fisheries Guidance on Marine Recreational Information Program-Fishing Effort Survey (MRIP-FES) Transition Document.

The Sustainable Fisheries Committee will review Scientific and Statistical Committee (SSC) Recommendations and SEDAR Steering Committee Meeting Summary from both May 2024 meetings.

Approximately 2:45 p.m. until 5:30 p.m., the Council will convene the Full Council in a Closed Session to finalize appointments for Ad Hoc Commercial *Red Snapper/Grouper-Tilefish, Reef Fish and Shrimp* Advisory Panels, and selection of the Special Standing Scientific and Statistical Committee (SSC) members for the June 2024–2027 term.

Tuesday, June 25, 2024; 8:30 a.m.–5 p.m., CDT

The *Reef Fish* Committee will convene to discuss *Reef Fish* Amendment 60: Individual Fishing Quota Programmatic Distributional Issues, draft options for *Reef Fish* Amendment 59: Requirements for Participation in Individual Fishing Quota Programs, receive presentation on 20-Fathom Recreational Seasonal Closure for *Shallow-water Grouper* and *Reef Fish* Advisory Panel (AP) recommendations. The committee will discuss National Marine Fisheries Service (NMFS) Letter to the Gulf Council on *Lane Snapper* Overfishing and *Reef Fish* AP Recommendations, review *Reef Fish* Advisory Panel Charter For-hire Buffer and Fishing Season for *Red Snapper*, and other business. The

committee will receive an update and next steps for Recreational Initiative and discuss Other Business: 2024 Recreational Season for Gag.

Wednesday, June 26, 2024; 8:30 a.m.–5 p.m., CDT

The Mackerel Committee will review Draft Framework Amendment 14: Modifications to Gulf Migratory Group *Spanish Mackerel* Catch Limits including Coastal Migratory Pelagics (CMP) Advisory Panel Recommendations and Draft Framework Amendment 15: Gulf Migratory Group *King Mackerel* Management Measures Recommendations.

The Migratory Species Committee will review scoping document on Gear Considerations in Atlantic Highly Migratory Species.

The Council will reconvene at approximately 10:45 a.m., CDT with a Call to Order, Announcements and Introductions, Adoption of Agenda and Approval of Minutes.

The Council will receive a presentation update from Bureau of Ocean Energy Management (BOEM) on Wind Energy Development in the Gulf of Mexico and Texas Law Enforcement Efforts. The Council will hold public testimony beginning at 1:30 p.m. to 5 p.m., CDT for comments on Scoping Document: Gear Consideration in Atlantic Highly Migratory Species, comments on the Status of the Coastal Migratory Pelagics Fisheries, and open testimony on other fishery issues or concerns. Public comment may begin earlier than 1:30 p.m. CDT but will not conclude before that time. Persons wishing to give public testimony in-person must register at the registration kiosk in the meeting room. Persons wishing to give public testimony virtually must sign up on the Council website on the day of public testimony. Registration for virtual testimony closes one hour (12:30 p.m. CDT) before public testimony begins.

Thursday, June 27, 2024; 8:30 a.m.–5 p.m., CDT

The Council will receive a presentation on Flower Garden Banks Management Considerations for Wahoo and an Overview of Regulatory Options for Management of Wahoo. Next, Committee reports will be received from Administrative/Budget, Data Collection, Closed Session, *Reef Fish*, *Mackerel* and Migratory Species Committee. The Council will receive updates from the following supporting agencies: South Atlantic Fishery Management Council Liaison; NOAA Office of Law Enforcement (OLE); Gulf States Marine Fisheries Commission; U.S. Coast

Guard; U.S. Fish and Wildlife Service; and Department of State.

Lastly, the Council will hold a discussion for Council Planning and Primary Activities; and Other Business items: Litigation Update and Briefing Book Deadlines.

—Meeting Adjourns

The meeting will be a hybrid meeting; both in-person and virtual participation available. You may register for the webinar to listen-in only by visiting www.gulfcouncil.org and click on the Council meeting on the calendar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on the website as they become available.

Although other non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions 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 that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid or accommodations should be directed to Kathy Pereira, (813) 348-1630, at least 15 days prior to the meeting date.

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

Dated: June 3, 2024.

Key Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-12440 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE013]

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, NEFMC) will hold a four-day hybrid meeting with both in-person and remote participation to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, Tuesday, Wednesday, and Thursday, June 24–27, 2024, beginning at 1 p.m. on Monday and 9 a.m. on Tuesday, Wednesday, and Thursday.

ADDRESSES: The meeting will take place at the Hilton Garden Inn, 5 Park Street, Freeport, ME 04032; telephone: (207) 865-1433; online at <https://www.hilton.com/en/hotels/pwmfdgi-hilton-garden-inn-freeport-downtown/>. Join the webinar at <https://register.goto-webinar.com/register/7044747360305110105>.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465-0492; www.nefmc.org.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, June 24, 2024

The Council will begin this meeting with brief announcements, followed by reports on recent activities from the Council's Chair and Executive Director, the GARFO Regional Administrator, the NOAA Office of General Counsel, the Northeast Fisheries Science Center (NEFSC) Director, the Mid-Atlantic Fishery Management Council liaison, and representatives from the Atlantic States Marine Fisheries Commission (ASMFC), the U.S. Coast Guard, NOAA's Office of Law Enforcement, the Highly Migratory Species Advisory Panel, and the Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The Council then will receive a brief report on the status of the On-Demand Fishing Gear Conflict Working Group's activities. As the last order of business for the day, the Council will hear from its Atlantic Herring Committee, which will: (1) provide a summary of public comments received during scoping meetings conducted for Amendment 10 to the Atlantic Herring Fishery Management Plan; and (2) enter into an initial discussion on specifications for the 2025, 2026, and 2027 fishing years for Atlantic herring.

Tuesday, June 25, 2024

The Council will begin the second day of its meeting by considering updates to its 2022–26 Research Priorities and determining a schedule for future updates. The Council's Scientific and Statistical Committee (SSC) will provide input on the research priorities. Next, the Council will receive an overview of the day's climate/ecosystem-related discussion items, which will begin with: (1) a presentation on projects funded under the Inflation Reduction Act (IRA), coupled with a broad overview of the initial draft workplan; and (2) a report from the May 2024 East Coast Climate Coordination Group meeting, including further details regarding IRA-funded climate/ecosystem projects. The Council then will receive a presentation on NOAA's Climate, Ecosystems, and Fisheries Initiative (CEFI) and discuss how this initiative can be integrated into fishery management.

Following the lunch break, the Council will receive a presentation on the 2024 State of the Ecosystem Report for New England, followed by SSC input on the report and overall discussion. Next, the Council will hear from its Risk Policy Working Group. The Council will review and provide feedback on a draft revised Risk Policy and provide further direction to the working group. The SSC also will provide input on the draft Risk Policy. Following the adjournment of official business, the Council will host a public outreach session to foster open lines of communication among Council members, staff, industry, and all meeting attendees. This event will be held in the same hotel as the meeting itself—the Hilton Garden Inn in Freeport, ME—in the lobby area.

Wednesday, June 26, 2024

The Council will lead off the third day of its meeting with an overarching discussion of ecosystem-based fishery management (EBFM) and ecosystem approaches to fishery management (EAFM). The Council will: (1) discuss the path forward to consider EAFM for incremental action across all Council fishery management plans; (2) consider the structure of its current Ecosystem-Based Fishery Management Committee and EBFM Plan Development Team; and (3) discuss alternatives to the current committee/PDT structure given other ongoing ecosystem/climate activities. The Council then will hear about fishery independent surveys and survey mitigation, beginning with an update on the Northeast Fisheries Science Center's fishery independent surveys. The Science Center's update will cover: (1)

NOAA Ship Henry B. Bigelow contingency plans; and (2) industry-based surveys. The Council then will receive comments from a subpanel of its SSC regarding a peer review of NEFSC's draft survey mitigation plans relative to offshore wind. An opportunity for Council questions and comments will follow. The Habitat Committee then will provide an offshore wind update, which will cover the proposed lease sale in the Gulf of Maine Wind Energy Area and other offshore wind developments. The committee also will provide other habitat updates, including a brief status report on the Essential Fish Habitat Review.

Following the lunch break, members of the public will have the opportunity to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3–5 minutes. These comments will be received both in person and through the webinar. A guide for how to publicly comment through the webinar is available on the Council website at <https://s3.amazonaws.com/nefmc.org/NEFMC-meeting-remote-participation-generic.pdf>. The Council then will receive a presentation on: (1) adopted changes to the U.S./Canada Transboundary Resources Assessment Committee and Transboundary Management Guidance Committee process—known as the TRAC/TMGC process; and (2) next steps for addressing assessment updates for shared U.S./Canada fishery resources on Georges Bank. The Council then will hear from NOAA General Counsel on Council and National Marine Fisheries Service procedural differences for fishery management plans, amendments, framework adjustments, and specifications. The Groundfish Committee will be up next. The Council will review public input and a draft report from three public workshops conducted this spring on the Atlantic Cod Management Transition Plan. A discussion on next steps will follow. The Council also will receive a progress report on Amendment 25, which is an action to incorporate four new Atlantic cod stock units into the Northeast Multispecies (Groundfish) Fishery Management Plan. Finally, the Council will initiate Framework Adjustment 69 to set specifications for several groundfish stocks for fishing years 2025–27, U.S./Canada total allowable catches (TACs) for 2025–26, and incorporate revisions to flatfish sub-annual catch limits (sub-ACLs) and

accountability measures (AMs). The Council then will adjourn for the day.

Thursday, June 27, 2024

The Council will lead off the final day of its meeting with the Scallop Committee report. First, the Council will discuss and act on three items related to the Scallop Research Set-Aside (RSA) Program. These are: (1) RSA updates for inclusion in Council Operations Handbook; (2) shifting to a two-year RSA priority-setting schedule versus annual priority-setting; and (3) 2025 and 2026 scallop RSA priorities. The Council then will receive several other scallop-related updates, including: (1) a progress report on changes to flatfish accountability measures for the scallop fishery; (2) a brief update on the five-year review of the Limited Access General Category Individual Fishing Quota Program; and (3) an overview of ongoing scallop survey work. The Council also will initiate Framework Adjustment 39 to the Atlantic Sea Scallop Fishery Management Plan. This framework will include 2025 fishery specifications, 2026 defaults, flatfish AM changes, and other measures. Next, the Council will discuss developments to an omnibus framework adjustment to potentially authorize scallop fishery access to the Closed Area II Habitat Management Area on the Northern Edge of Georges Bank. The Council will take action or provide further direction on the preparation of management alternatives for the omnibus framework. Following this discussion, the Council may receive a presentation from NOAA Fisheries on a proposed rule for updating National Standard Guidelines 4, 8, and 9. If so, the Council will have an opportunity to ask questions and provide comments. This agenda item is dependent on publication of the proposed rule prior to the meeting and may be postponed to a later date if the proposed rule is not available. The Council then will close out the meeting with other business.

Although non-emergency issues not contained on this agenda may come before the 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 Fishery Conservation and Management 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 Executive Director Cate O'Keefe (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: June 3, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–12438 Filed 6–5–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Western and Central Pacific Fisheries Convention Vessel Information Family of Forms

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 5, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648-0595 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Katrina Poremba, Fishery Policy Analyst, NOAA Fisheries, 1845 Wasp Blvd., Bldg. #176 Honolulu, HI 96818, (808) 725-5096, katrina.poremba@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

This request is for an extension of a currently approved information collection. National Marine Fisheries Service (NMFS) has issued regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA; 16 U.S.C. 6901 *et seq.*) to carry out the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), including implementing the decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission). The regulations include requirements for the owners or operators of U.S. vessels to: (1) apply for and obtain a WCPFC Area Endorsement if the vessel is used for fishing for highly migratory species on the high seas in the Convention Area (50 CFR 300.212), (2) complete and submit a Foreign Exclusive Economic Zone (EEZ) Form if the vessel is used for fishing for highly migratory species in the Convention Area in areas under the jurisdiction of any nation other than the United States (50 CFR 300.213), and (3) request and obtain an IMO number if the vessel is used for fishing for highly migratory species on the high seas or in areas under the jurisdiction of any nation other than the United States (50 CFR 300.217(c)). An IMO number is the unique number issued for a vessel under the ship identification number scheme established by the International Maritime Organization or, for vessels that are not strictly subject to that scheme, the unique number issued by the administrator of that scheme using the scheme's numbering format, sometimes known as a Lloyd's Register number or LR number.

The application for WCPFC Area Endorsements calls for specified information about the vessel and its operator that is not already collected via the application for high seas fishing permits issued under 50 CFR 300.333. The Foreign EEZ Form calls for specified information about the vessel, its owners and operators and any fishing

authorizations issued by other nations. The information required to obtain an IMO number is not submitted to NMFS directly, but to a third party and serves to ensure that IMO numbers are issued for certain categories of vessels. This information collected under the three requirements is used by NOAA, the U.S. Coast Guard, and the Commission to monitor the size and composition of the HMS fleets in the Convention Area for compliance-related and scientific purposes and to ensure that IMO numbers are issued for certain categories of vessels.

II. Method of Collection

All information is to be submitted in hard copy via mail or through electronic reporting.

III. Data

OMB Control Number: 0648-0595.

Form Number(s): None.

Type of Review: Regular submission [extension of a current information collection].

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 44.

Estimated Time per response: WCPFC Area Endorsement Application: 60 minutes; Foreign EEZ Form: 90 minutes; IMO number application: 30 minutes.

Estimated Total Annual Burden Hours: 43

Estimated Total Annual Cost to Public: \$3,048.60

Respondent's Obligation: Mandatory.

Legal Authority: WCPFCIA; 16 U.S.C. 6901 *et seq.*

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number,

email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-12446 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Permits for Incidental Taking of Endangered or Threatened Species

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, in addition, continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 5, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648-0230 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

specific questions related to collection activities should be directed to Celeste Stout, Fisheries Management Specialist, NMFS, Office of Protected Resources, (301) 427-8436, and Celeste.Stout@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection. The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) imposed prohibitions against the taking of endangered species. In 1982, Congress revised the ESA to allow permits authorizing the taking of endangered species incidental to otherwise lawful activities. The corresponding regulations (50 CFR part 222.222) established procedures for persons to apply for such a permit. In addition, the regulations set forth specific reporting requirements for such permit holders.

The regulations contain three sets of information collections: (1) applications for incidental take permits, (2) applications for certificates of inclusion, and (3) reporting requirements for permits issued. Certificates of inclusion are only required if a general permit is issued to a representative of a group of potential permit applicants, rather than requiring each entity to apply for and receive a permit.

The required information is used to evaluate the impacts of the proposed activity on endangered species, to make the determinations required by the ESA prior to issuing a permit, and to establish appropriate permit conditions.

When a species is listed as threatened, section 4(d) of the ESA requires the Secretary to issue whatever regulations are deemed necessary or advisable to provide for conservation of the species. In many cases those regulations reflect blanket application of the section 9 take prohibition. However, the National Marine Fisheries Service (NMFS) recognizes certain exceptions to that prohibition, including habitat restoration actions taken in accord with approved state watershed action plans. While watershed plans are prepared for other purposes in coordination with or fulfillment of various state programs, a watershed group wishing to take advantage of the exception for restoration activities (rather than obtaining a section 10 permit) would have to submit the plan for NMFS review.

II. Method of Collection

Currently, most information is collected through email, but in some

instances, there are paper applications mailed in.

III. Data

OMB Control Number: 0648-0230.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Individuals or households, business or other for-profit, not-for-profit institutions, and state, local, or tribal government.

Estimated Number of Respondents: 37.

Estimated Time per Response: 80 hours for a permit application (including Habitat Conservation Plans), 40 minutes for transfer of an incidental take permit; 8 hours for a permit report, 30 minutes for a Certificate of Inclusion and 10 hours for a watershed plan.

Estimated Total Annual Burden Hours: 424.

Estimated Total Annual Cost to Public: \$0; we now collect everything digitally.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: ESA; 16 U.S.C. 1531 *et seq.*

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024-12449 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO-P-2023-0043]

Inventorship Guidance for AI-Assisted Inventions

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Examination guidance; reopening of comment period.

SUMMARY: The United States Patent and Trademark Office (USPTO) is reopening the comment period, which ended on May 13, 2024, for the guidance titled "Inventorship Guidance for AI-Assisted Inventions" that was published in the *Federal Register* on February 13, 2024.

DATES: The comment period for the guidance published on February 13, 2024, at 89 FR 10043, is reopened until June 20, 2024. Written comments must be received on or before June 20, 2024. The USPTO will also treat as timely any comments received between May 13, 2024, and the publication date of this notice.

ADDRESSES: Comments must be submitted through the Federal eRulemaking Portal at www.regulations.gov. To submit comments via the portal, enter docket number PTO-P-2023-0043 on the homepage and select "Search." The site will provide a search results page listing all documents associated with this docket. Find a reference to this document and select the "Comment" icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in Adobe® portable document format (PDF) and Microsoft Word® format. Because comments will be made available for public inspection, information the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the

USPTO using the contact information at the **FOR FURTHER INFORMATION CONTACT** section for special instructions.

FOR FURTHER INFORMATION CONTACT: Matthew Sked, Senior Legal Advisor, at 571-272-7627; or Nalini Mummalaneni, Senior Legal Advisor, at 571-270-1647, both with the Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents.

SUPPLEMENTARY INFORMATION: On February 13, 2024, the USPTO published guidance titled “Inventorship Guidance for AI-Assisted Inventions,” to provide clarity for USPTO stakeholders and personnel, including the Central Reexamination Unit and the Patent Trial and Appeal Board, on how the USPTO will analyze inventorship issues now that artificial intelligence (AI) systems, including generative AI, are playing a greater role in the innovation process (89 FR 10043, February 13, 2024). After the comment period for the guidance closed, the USPTO became aware of some continued stakeholder interest in submitting comments on the guidance. Therefore, the USPTO is reopening the written comment period for the guidance to ensure that all stakeholders have a sufficient opportunity to submit comments. The USPTO will also treat as timely any comments received between the original comment period deadline of May 13, 2024, and the publication date of this notice.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2024-12429 Filed 6-5-24; 8:45 am]

BILLING CODE 3510-16-P

CONSUMER FINANCIAL PROTECTION BUREAU

[Docket No. CFPB-2024-0021]

Request for Information Regarding Fees Imposed in Residential Mortgage Transactions

AGENCY: Consumer Financial Protection Bureau.

ACTION: Request for information.

SUMMARY: The Consumer Financial Protection Bureau (Bureau or CFPB) is seeking information and comments from the public related to fees charged by providers of mortgages and related settlement services.

DATES: Comments must be received on or before August 2, 2024.

ADDRESSES: You may submit information or comments, identified by

Docket No. CFPB-2024-0021, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* 2024-RFI-ResidentialMortgageFees@CFPB.gov. Include Docket No. CFPB-2024-0021 in the subject line of the message.

- *Mail/Hand Delivery/Courier:* Comment Intake—Residential Mortgage Fees Assessment, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions should include document title and docket number. Please note the number of the topic on which you are commenting at the top of each response (you do not need to address all topics). Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to <https://www.regulations.gov>.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT:

George Karithanom, Regulatory Implementation & Guidance Program Analyst, Office of Regulations, at (202) 435-7700 or <https://reginquiries.consumerfinance.gov/>. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

People rely on mortgage loans to buy their homes, tap home equity at key life moments, and refinance those loans when interest rates decline. Mortgages come with many associated fees and costs, referred to as “closing costs,” that are due by the time the loan closes or when the borrower signs the loan agreement. These closing costs, and particularly the costs the lender imposes on the borrower as part of the cost of getting the loan, have recently risen sharply.¹ From 2021 to 2023, median total loan costs increased by over 36%

¹ <https://www.consumerfinance.gov/about-us/blog/junk-fees-are-driving-up-housing-costs-the-cfpb-wants-to-hear-from-you/>.

on home purchase loans. The median dollar amount paid by borrowers in 2022 was nearly \$6,000 in these costs and fees. This, along with increased home prices and interest rates, have placed increased pressure on borrowers’ budgets, contributing to a lack of access to credit and decreased home affordability. Many of these costs are fixed and do not change based on the size of the loan, resulting in an outsized impact on borrowers with smaller mortgages, such as lower income or first-time homebuyers.²

Lenders are also impacted by rising closing costs. The cost for credit scores, credit reports, and employment verification, for example, have all increased markedly over the last few years. Dominant market players have driven up costs through annual price increases that significantly outpace inflation, leaving lenders with little choice but to pay these higher rates. These higher costs are passed on to the consumer or eat into lenders’ bottom lines, in a market where mortgage originators are already facing financial challenges.³ Lenders facing higher costs for evaluating applicants due to increasing costs for the basic information in credit reports may rationally choose to evaluate fewer applicants, potentially resulting in decreased access to credit.

Under Federal law and CFPB regulations,⁴ borrowers receive disclosures of closing costs through the Loan Estimate and Closing Disclosure.⁵ These standardized disclosures list out the closing costs and divide them into loan costs and other costs.⁶ Loan costs are further divided into required services that the consumer can shop for (such as lender’s title insurance) and required services that cannot be shopped for (such as credit reporting costs). The largest disclosed closing costs are origination fees paid to the lender (including discount points). Title fees (including title insurance, title search, and settlement fees) are the next largest category of closing costs (and loan costs).⁷

² <https://www.fanniemae.com/research-and-insights/publications/barriers-entry-closing-costs-first-time-and-low-income-homebuyers>.

³ Lenders keep losing money on every loan produced, MBA says √ National Mortgage News.

⁴ Truth in Lending Act, 15 U.S.C. 1601 *et seq.*, 12 CFR part 1026 (regulation Z).

⁵ <https://www.consumerfinance.gov/compliance/compliance-resources/mortgage-resources/tila-respa-integrated-disclosures/forms-samples/>.

⁶ Other costs include items such as recording fees, homeowners’ insurance, and property taxes.

⁷ <https://www.fanniemae.com/research-and-insights/publications/barriers-entry-closing-costs-first-time-and-low-income-homebuyers>.

Borrowers may encounter dozens of different fees, all of which can impact the overall cost of a mortgage. The Mortgage Industry Standards Maintenance Organization (MISMO) lists more than 200 fees that have been found on closing disclosures.⁸ This complex set of fees may result in borrowers paying more. A recent study performed by the CFPB suggests that consumers pay more when prices are separated into multiple fees.⁹ Other research has demonstrated that mortgage borrowers underreact to closing cost pricing.¹⁰ The financial impact of these closing costs can be amplified when they are financed and included in the loan amounts.

Credit reports are an example of a cost that impacts both lenders and consumers and which has risen steeply over the last two years.¹¹ The credit reporting industry is highly concentrated, with a handful of dominant players dictating the price of credit reports and scores. Credit reports play a critical role in the mortgage origination process. They help lenders price loans, and investors gauge credit risk. However, lenders have few options due to a lack of competition.¹²

Lenders typically pull credit reports at least twice, once at the initial application stage (a “soft pull”) and once when they are finalizing the loan terms (a “hard pull”). Lenders report that “soft pulls,” often used to prescreen applicants, were significantly discounted until recently and now cost the same as the “hard pull.” Smaller recent increases in the cost of the “hard pull” may have an outsized effect because the Government Sponsored Enterprises (GSEs) Fannie Mae and Freddie Mac, as well as Federal Housing Administration (FHA), United States Department of Agriculture (USDA), and Veterans Affairs (VA), currently require that mortgage lenders use credit reports from the three national credit report companies, known as “tri-merge”

reports, for loans that are purchased or insured by them.¹³ While a consumer can obtain their own consumer report file by law for free the first time and \$15.50 thereafter, a lender pulling such a report on their behalf can pay twice that.¹⁴ One midsize lender reported an increase for the hard-pull tri-merge report from \$50 to \$110 in the last two years, and a large lender reported an increase from under \$30 to over \$60. The CFPB is interested in learning more about what is driving the increase and variability in the fees lenders pay for credit reports and the extent to which these costs are passed on to consumers.

Origination fees are charges from the lender to the borrower for making the mortgage loan. Mortgage origination services may include processing the application, underwriting and funding the loan, and other administrative services. Lenders can vary in which costs they include in the interest rate or origination charge and which they charge borrowers separately, further complicating borrowers’ ability to compare costs across loan products. For example, advertisements and initial price quotes often include discount points in the fine print, which can make interest rates appear more competitive.¹⁵

Settlement services are the next largest component of loan costs. These include fees for title insurance, the preparation and notarization of the documents, and the physical processing of the settlement, as well as other fees. Appraisal fees and related valuation fees, including payments to appraisal management companies, also contribute to the total loan costs. Many of the fees are charged to cover the lenders’ costs associated with closing a loan.

Title insurance is one of the costliest settlement services at closing. Title insurance is meant to protect against someone else laying claim to a borrower’s property. In the current market, consumers are forced to pay for the lender’s insurance premiums in a one-time payment at closing. Borrowers need to purchase a separate owner’s policy to cover losses not covered by the lender’s policy. Title insurance premiums can be significant, and

typically range from 0.5%–1.0% of the purchase price.

II. Request for Information

This request for information seeks input from the public on the impact closing costs have on borrowers and the mortgage market, including the degree to which they add overall costs or otherwise cause borrower harm, and any impact such fees may have on the ability to purchase a home, anticipate and afford monthly payments, or refinance an existing mortgage. In addition to hearing from the general public, the CFPB is particularly interested in hearing from consumers, industry participants, social services organizations, small business owners, consumer rights and advocacy organizations, legal aid attorneys, academics and researchers, and State and local government officials.

The CFPB welcomes stakeholders to submit stories, data, and information about mortgage closing costs. To assist commenters in developing responses, the CFPB has crafted the below questions that commenters may answer. However, the CFPB is interested in receiving any comments relating to mortgage closing costs.

1. Are there particular fees that are concerning or cause hardships for consumers?

2. Are there any fees charged that are not or should not be necessary to close the loan?

3. Provide data or evidence on the degree to which consumers compare closing costs across lenders.

4. Provide data or evidence on the degree to which consumers shop for closing costs across settlement providers.

5. How are fees currently set? Who profits from the various fees? Who benefits from the service provided? What leverage or oversight do lenders have over third-party costs that are passed onto the consumer?

6. Which closing costs have increased the most over the past several years? What is the cause of such increases? Do they differ for purchase or refinance? Please provide data to support if possible.

7. What is driving the recent price increases of credit reports and credit scores? How are different parts of the credit report chain (credit score provider, national credit reporting agencies, reseller) contributing to this increase in costs? What competitive forces are or can be brought to bear on these costs? What are the impacts on consumers of the increased costs?

8. Would lenders be more effective at negotiating closing costs than

⁸ <https://www.fanniemae.com/research-and-insights/publications/barriers-entry-closing-costs-first-time-and-low-income-homebuyers>.

⁹ <https://www.consumerfinance.gov/about-us/newsroom/cfpb-publishes-research-finding-higher-price-complexity-leads-consumers-to-pay-more/>.

¹⁰ <https://www.bankofengland.co.uk/-/media/boefiles/working-paper/2019/non-salient-fees-in-the-mortgage-market.pdf>.

¹¹ Lenders have reported to CFPB that their cost to obtain credit reports have increased 25 to 400 percent in recent years.

¹² FICO is the only credit score used for mortgage originations, however FHFA announced the GSEs will begin requiring VantageScore for loans purchased by the GSEs in addition to FICO in the future. Each credit report for a borrower includes credit scores. Additionally, there are only three national credit reporting agencies that collect the data used to produce credit reports.

¹³ FHFA announced that the GSEs will move from a tri-merge report to a bi-merge report in the future which should foster competition and in turn, reduce credit report pricing.

¹⁴ <https://www.consumerfinance.gov/ask-cfpb/how-do-i-get-a-free-copy-of-my-credit-reports-en-5/#:~:text=By%20law%2C%20a%20credit%20reporting,reports%20at%20no%20cost%2C%20online>.

¹⁵ <https://www.consumerfinance.gov/data-research/research-reports/data-spotlight-trends-in-discount-points-amid-rising-interest-rates/>.

consumers? Are there reports or evidence that are relevant to the topic?

9. What studies or data are available to measure the potential impact closing costs may have on overall costs, housing affordability, access to homeownership, or home equity?

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2024–12443 Filed 6–5–24; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2024–HQ–0002]

Submission for OMB Review; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by July 8, 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:

Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Experiences of Junior Soldiers in Alaska; OMB Control Number 0702–ALSK.

Type of Request: New.

Number of Respondents: 400.

Responses per Respondent: 1.

Annual Responses: 400.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 200.

Needs and Uses: At the direction of the Vice Chief of Staff of the Army and the Assistant Secretary for Manpower & Reserve Affairs (ASA M&RA), the Army Research Institute for the Behavioral and Social Sciences is completing a

longitudinal examination of performance, attitudes, and behaviors of Soldiers who select to come to Alaska as their first duty station at time of enlistment, also known as Option 20 Soldiers. The U.S. Army has initiated a variety of actions aimed at improving quality of life for Soldiers in Alaska in order to reduce rates of harmful behaviors and increase the ability for Soldiers to thrive. This survey collection will collect data from a sample of Army junior enlisted Soldiers in Alaska to investigate the impacts of living and working in Alaska on effectiveness, quality of life, cohesion, leadership, recruiting and retention. ARI is also investigating potential differences between Option 20 Soldiers and Non-Option 20 Soldiers.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: May 30, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–12380 Filed 6–5–24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2024–HQ–0004]

Submission for OMB Review; Comment Request

AGENCY: U.S. Army Corps of Engineers (USACE), Department of the Army, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by July 8, 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:

Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: USACE Regulatory Program General Forms; ENG Forms 4336, 4345, 6082, 6233, 6284–6287, 6294, and 6295; OMB Control Number 0710–0003.

Type of Request: Revision.

Number of Respondents: 240,444.

Responses per Respondent: 1.

Annual Responses: 240,444.

Average Burden per Response: 2.04 hours.

Annual Burden Hours: 490,506.

Needs and Uses: The USACE (Corps), through its Regulatory Program, regulates certain activities in waters of the United States (WOTUS), pursuant to section 404 of the Clean Water Act (CWA). WOTUS are defined under 33 CFR part 328. The Corps also regulates certain activities in “navigable waters of the United States” pursuant to Sections 9 and 10 of the Rivers and Harbors Act (RHA) of 1899. The information collected is used to evaluate, as required by law, proposed construction or filling in WOTUS that result in impacts to the aquatic environment and nearby properties, and to determine which type of permit would be required if one was needed. Respondents are private landowners, businesses, nonprofit

organizations, and government agencies. Respondents also include sponsors of proposed and approved mitigation banks and in-lieu fee programs.

The USACE is required by three Federal laws, passed by Congress, to regulate construction-related activities in waters of the United States. This is accomplished through the review of applications for permits to do this work. There are five types of permits that may be used. The ENG 4345 form used for standard permit applications has been in use since the 1970s and the request to extend the expiration date is being provided in this notice. The ENG 6082 used for Nationwide Permits (NWP) pre-construction notifications has been in use for several years. NWPs are one type of permit authorization that involves a streamlined review process to ensure that no more than minimal individual or cumulative adverse environmental effect result from construction of the proposed activity. NWPs authorize discharges of dredged or fill material into waters of the United States pursuant to section 404 of the CWA and structures or work in navigable waters under section 10 of the RHA of 1899. With the exception of the ENG 4345, use of the forms is optional, but allows the Corps to collect the information needed to evaluate the applicants' proposal to determine eligibility for authorization. The Corps will provide outreach materials to guide the public in which of the forms should be used and how using the form and providing the information requested can reduce the time it takes to review whether an application is complete. The information collected is used to evaluate, as required by law, proposed construction or filling in WOTUS that result in impacts to the aquatic environment and nearby properties, and to determine which type of permit would be required if one was needed.

In addition to the renewal of the ENG 4345 and ENG 6082, the Corps is also proposing seven new enterprise-level collections for (1) Notice of USACE Permit (ENG 4336), (2) Regulatory Violation Complaint (ENG 6284), (3) Certification of Compliance with Department of the Army Permit (ENG 6285), (4) Request for Pre-Application Meeting (ENG 6286), (5) Notification of Administrative Appeal Options and Process and Request for Appeal (ENG 6287), (6) Right of Entry (ENG 6294), and (7) Authorization to Act as an Agent (ENG 6295). The Corps is proposing to add these seven new forms to the collection to facilitate common requests from the public in a streamlined and standardized fashion that will be common across Corps districts. This

collection would include new forms to certify compliance with Corps permits, request a pre-application meeting, request an administrative appeal, and/or report a violation. The Corps also proposes to incorporate its Customer Service Survey (ENG 6233) into this collection.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; farms; Federal Government; State; local or Tribal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Matthew Oreska.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: May 30, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12386 Filed 6-5-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees—Inland Waterways Users Board

AGENCY: Department of Defense (DoD).

ACTION: Federal advisory committee renewal.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the charter of the Inland Waterways Users Board (IWUB).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703-692-5952.

SUPPLEMENTARY INFORMATION: The IWUB charter is being renewed in accordance with chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the "Federal Advisory Committee Act" or "FACA"). The charter and contact information for the IWUB's Designated Federal Officer (DFO) are found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

The IWUB, required by 33 U.S.C. 2251(a), is to provide the Secretary of Defense and Congress with independent advice and recommendations on matters relating to the U.S. inland waterways and inland harbors. For commercial navigation features and components of U.S. inland waterways and inland harbors, the IWUB shall provide: (a) prior to the development of the budget proposal of the President of the United States for a given fiscal year, advice and recommendations to the Secretary of the Army regarding construction and rehabilitation priorities and spending levels; (b) advice and recommendations to Congress regarding any feasibility report for a project on the inland waterway system that has been submitted to Congress pursuant to 33 U.S.C. 2282d; (c) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components; (d) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and (e) advice and recommendations on the development of a long-term capital investment program in accordance with 33 U.S.C. 2251(d), to include not later than 5 years after June 10, 2014, and not less frequently than once every 5 years thereafter, the Secretary of the Army, in coordination with the IWUB, (1) submit to Congress and make publicly available a strategic review for the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations; and (2) make revisions to the program, as appropriate.

Pursuant to 33 U.S.C. 2251(a) and (f)(2), the IWUB shall be composed of 11 members appointed to serve as representative members. The members shall be selected to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration shall be given to

assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland waterways.

Commercial users and shippers invited to serve on the IWUB shall designate an individual to represent the organization's interests. Based upon the Secretary of the Army's recommendation of the organizations and their proposed representatives, the Secretary of Defense or the Deputy Secretary of Defense ("the DoD Appointing Authority") shall approve the appointment of the representative members to the IWUB pursuant to title 41 Code of Federal Regulations (CFR) section 102-3.130(a) for a two-year term of service. No representative member, unless approved by the DoD Appointing Authority, may serve more than two consecutive terms of service, or serve on more than two DoD Federal Advisory Committees at one time. Except for reimbursement of official IWUB-related travel and per diem, IWUB members serve without compensation.

In addition, the Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation, and Commerce may each designate, a representative to act as an observer of the IWUB. These observers, who have no voting rights, shall each be a full-time or permanent part-time Federal civilian officer or employee, or active-duty member of the Uniformed Services, of his or her respective agency and shall serve as a regular government employee member appointed pursuant to 41 CFR 102-3.130(a).

The public or interested organizations may submit written statements to the IWUB membership about the IWUB's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the IWUB. All written statements shall be submitted to the DFO for the IWUB, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 30, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12381 Filed 6-5-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Military Family Readiness Council; Notice of Federal Advisory Committee Meeting; Cancellation

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

ACTION: Notice of cancellation of Federal advisory committee meeting.

SUMMARY: On May 21, 2024, the DoD published a notice in the **Federal Register** announcing the next meeting of the DoD Military Family Readiness Council (MFRC) on Thursday, May 30, 2024, from 1:00 p.m. to 3:30 p.m. (EST). DoD is publishing this notice to announce that this Federal Advisory Committee meeting of the DoD MFRC is cancelled and will be rescheduled at a later date. The rescheduled meeting will be announced in the **Federal Register**.

DATES: Thursday, May 30, 2024, from 1 p.m. to 3:30 p.m.—CANCELLED.

FOR FURTHER INFORMATION CONTACT:

Vesen L. Thompson, (703) 571-2360 (voice), OSD Pentagon OUSD P-R Mailbox Family Readiness Council, osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil (Email). Mailing address: Office of the Deputy Assistant Secretary of Defense (Military Community & Family Policy), 1500 Defense Pentagon, Washington, DC 20301-1500, Room 5A726. Website: <http://www.militaryonesource.mil/those-who-support-mfrc>.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the DoD and the Designated Federal Officer,

the DoD MFRC, was unable to provide public notification required by 41 CFR 102-3.150(a) concerning the cancellation of its May 30, 2024, meeting. Accordingly, the Advisory Committee Management Officer for Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

Dated: June 2, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12387 Filed 6-5-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-42]

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 22-42 with attached Policy Justification and Sensitivity of Technology.

Dated: June 2, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001-FR-P



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

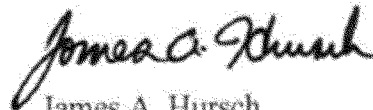
July 15, 2022

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. 22-42, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost \$950 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. 22-42

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 Norway

(ii) *Total Estimated Value:*

Major Defense Equipment * .. \$800 million

Other \$150 million

TOTAL \$950 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two hundred five (205) AIM-120 D-series Advanced Medium-Range Air-to-Air Missiles (AMRAAMs)

Sixty (60) AIM-120 C-8 or D-series AMRAAMs

Four (4) AIM-120D AMRAAM Guidance Sections

Non-MDE:

Also included are AIM-120 Control Sections, Captive Air Training Missiles, (CATMs) and missile containers; weapon system support equipment; integration support and test equipment; transportation; repair and return support and

equipment; warranties; classified and unclassified software delivery and support; spare and repair parts, consumables, and accessories; publications and technical documentation; maintenance and maintenance support; personnel training and training equipment; U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (NO–D–YAE, NO–D–YAG)
(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:* July 15, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Norway—AIM–120 C–8 or D Advanced Medium-Range Air-to-Air Missiles

The Government of Norway has requested to buy two hundred five (205) AIM–120 D-series Advanced Medium-Range Air-to-Air Missiles (AMRAAMs); sixty (60) AIM–120 C–8 or D-series AMRAAMs; and four (4) AIM–120D AMRAAM Guidance Sections. Also included are AIM–120 Control Sections, CATMs, and missile containers; weapon system support equipment; integration support and test equipment; transportation; repair and return support and equipment; warranties; classified and unclassified software delivery and support; spare and repair parts, consumables, and accessories; publications and technical documentation; maintenance and maintenance support; personnel training and training equipment; U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistical and program support. The estimated total cost is \$950 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a North Atlantic Treaty Organization (NATO) ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve Norway's capability to meet current and

future threats by providing advanced air-to-air capability for its F–35A fleet, enabling it to fulfill NATO missions and meet U.S. European Command's goal of combined air operations interoperability and standardization between Norwegian and U.S. forces. Norway will have no difficulty absorbing these weapons into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems Company, Tucson, Arizona. 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 Norway.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–42

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 AIM–120C–8 and D-series AMRAAM are supersonic, air-launched, aerial intercept, guided missiles featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. State-of-the-art technology is used in the missile to provide it with beyond-visual-range capability.

a. The increase in capability from the AIM–120C–8 to AIM–120D consists of a two-way data link, a more accurate navigation unit with Global Positioning System updates, improved high-off boresight capability, and enhanced aircraft-to-missile position handoff.

b. The AIM–120D features a quadrangle target detection device and an electronics unit within the guidance section that performs all radar signal processing, mid-course and terminal guidance, flight control, target detection, and warhead detonation. The AIM–120D–3 is a form, fit, function refresh of the AIM–120D and is the next generation to be produced.

c. The potential sale will include Captive Air Training Missiles and AMRAAM Guidance Section spares. It

is the AMRAAM's advanced guidance section and mature seeker design that allow it to find targets quickly in the most challenging environments.

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 Norway can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed 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 Norway.

[FR Doc. 2024–12392 Filed 6–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–43]

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 22–43 with attached Policy Justification and Sensitivity of Technology.

Dated: June 2, 2024.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
 2800 Defense Pentagon
 Washington, DC 20301-2800

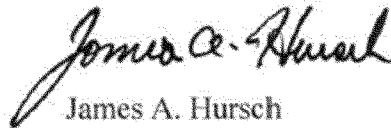
July 15, 2022

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. 22-43, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost \$130 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. 22-43

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:* Republic of Korea

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 44 million
Other	\$ 86 million
TOTAL	\$130 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Thirty-one (31) MK 54 All Up Round Lightweight Torpedoes

Non-MDE:

Also included is Recoverable Exercise Torpedo (REXTORP); Storage and Issue (S&I) facility; air launch accessories for rotary wing; classified and unclassified torpedo spare parts; torpedo containers; torpedo support equipment to

include test equipment and tools; torpedo support services; classified and unclassified books and other publications; other technical assistance to include technical support, technical program management, infrastructure support, test equipment sustainment, exercise firing assistance, contract management, and initial Follow-on-Technical Support (FOTS); return and repair support; torpedo training; and other related elements of logistical and

program support.

(iv) *Military Department*: Navy (KS–P–ANF)

(v) *Prior Related Cases, if any*: None

(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*: July 15, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Korea—MK 54 Lightweight Torpedoes

The Republic of Korea (ROK) requests to buy thirty-one (31) MK 54 All Up Round Lightweight Torpedoes. Also included is REXTORP; S&I facility; air launch accessories for rotary wing; classified and unclassified torpedo spare parts; torpedo containers; torpedo support equipment to include test equipment and tools; torpedo support services; classified and unclassified books and other publications; other technical assistance to include technical support, technical program management, infrastructure support, test equipment sustainment, exercise firing assistance, contract management, and initial Follow-on-Technical Support FOTS; return and repair support; torpedo training; and other related elements of logistical and program support. The estimated total program cost is \$130 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Indo-Pacific region.

The proposed sale will improve the ROK's capability to meet current and future threats by defending its homeland and U.S. personnel stationed there. The ROK will have no difficulty absorbing this equipment into its armed forces. Korea intends to utilize the MK 54 Lightweight Torpedoes on their MH-60R aircraft.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be determined upon contract award.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea; however, U.S. Government Engineering and Technical Services may be required on an interim basis for training and technical assistance.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–43

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 MK 54 Torpedo is a conventional torpedo that can be launched from surface ships, rotary and fixed wing aircrafts. The MK 54 is an upgrade to the MK 46 Torpedo. The upgrade to the MK 54 entails replacement of the torpedo's sonar and guidance and control systems with modern technology. The new guidance and control system uses a mixture of commercial-off-the-shelf and custom-built electronics. The warhead, fuel tank and propulsion system from the MK 46 torpedo are re-used in the MK 54 configuration with minor modifications.

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 hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Republic of Korea 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 Republic of Korea.

[FR Doc. 2024–12383 Filed 6–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees—Board of Visitors, Marine Corps University

AGENCY: Department of Defense (DoD).

ACTION: Federal Advisory Committee charter renewal.

SUMMARY: The DoD is publishing this notice to announce that it is renewing the charter for the Board of Visitors, Marine Corps University (BoV MCU).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, DoD Advisory Committee Management Officer, 703–692–5952.

SUPPLEMENTARY INFORMATION: The BoV MCU charter is being renewed pursuant to title 10 United States Code (U.S.C.) section 8592(d) and in accordance with 5 U.S.C. chapter 10 (commonly known as the “Federal Advisory Committee Act” or “FACA”) and title 41 Code of Federal Regulations (CFR) section 102–3.50(a). The charter and contact information for the BoV MCU's Designated Federal Officer (DFO) are found at <https://www.facadatabase.gov/FACA/apex/FACAPublicAgencyNavigation>.

Pursuant to 10 U.S.C. 8592(d), the BoV MCU was established so as to meet all requirements of the appropriate regional academic accrediting association. Additionally, the BoV MCU provides the Secretary of Defense with independent advice and recommendations on matters pertaining to the Marine Corps University (MCU) and U.S. Marine Corps professional military education programs. The BoV MCU shall provide advice and recommendations on academic and administrative matters critical to the full accreditation and successful operation of the MCU. The BoV MCU shall be composed of at least seven and not more than 11 members who are eminent authorities in the fields of defense, academic administration, international affairs and/or leadership. Individual members will be appointed in accordance with DoD policy and procedures, and members will serve a term of service of one-to-four years with annual renewals.

One member, according to DoD policy and procedures, will be appointed as Chair of the BoV MCU. No member, unless approved according to DoD policy and procedures, may serve more than two consecutive terms of service on the BoV MCU, to include its subcommittees, or serve on more than two DoD Federal Advisory Committees at one time. Members of the BoV MCU who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee members. BoV MCU members who are full-time or permanent part-time Federal officers or employees will be appointed, pursuant to 41 CFR 102–3.130(a), to serve as regular government employee members.

All members of the BoV MCU are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official BoV MCU-related travel and per diem expenses, members serve without compensation. The public or interested organizations may submit written statements to the BoV MCU membership about the BoV MCU's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the BoV MCU. All written statements shall be submitted to the DFO for the BoV MCU, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 31, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12394 Filed 6-5-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2024-HA-0021]

Submission for OMB Review; Comment Request

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

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by July 8, 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:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Reserve Component Health Coverage Request; DD Form 2896-1; OMB Control Number 0720-RCHC.

Type of Request: New.

Number of Respondents: 98,887.

Responses per Respondent: 2.

Annual Responses: 197,774.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 49,444.

Needs and Uses: DD Form 2896-1 is used by certain Reserve Component members and retired members to purchase or make changes to coverage under the TRICARE Reserve Select and TRICARE Retired Reserve (TRR) health plan. Eligible beneficiaries must complete this form using the online Beneficiary Web Enrollment (BWE) portal. Each respondent (eligible Reserve Component members and retired members) is required to use the BWE portal to enroll, disenroll or change their enrollment. The information collected ensures a beneficiary is eligible for TRICARE and his/her TRICARE enrollment is correctly updated to reflect their TRICARE plan of choice, address, etc. If the beneficiary does use the form or BWE portal to enroll in a TRICARE plan option, the TRICARE beneficiary is defaulted into direct care only, limiting their health care options to only military hospitals and clinics.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Matt Eliseo.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket

ID number, and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: May 30, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12393 Filed 6-5-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-35]

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 22-35 with attached Policy Justification and Sensitivity of Technology.

Dated: June 2, 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

July 15, 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. 22-35, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Estonia for defense articles and services estimated to cost \$500 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. 22-35

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 Estonia

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$455 million
Other	\$ 45 million
Total	\$500 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Six (6) M142 High Mobility Artillery Rocket System (HIMARS) Launchers
Thirty-six (36) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) Missile Pods with Insensitive Munitions Propulsion System (IMPS) and Frequency Modulated Continuous Wave—Directional Doppler Ranging (FMCW-DDR) Proximity Height-of-Burst (HOB)

Sensor Capability
Thirty-six (36) M31A2 GMLRS Unitary High Explosive (HE) Missile Pods with IMPS and FMCW-DDR Proximity HOB Sensor Capability
Thirty-six (36) XM403 Extended Range GMLRS (ER GMLRS) Alternative Warhead AW Missile Pods with IMPS and Side Mounted Proximity Sensor (SMPS) HOB Capability
Thirty-six (36) XM404 Extended Range GMLRS ER GMLRS Unitary Pods with IMPS and SMPS HOB Capability
Eighteen (18) M57 Army Tactical

Missile System (ATACMS) Missile Pods

Non-MDE:

Also included are M28A2 Low Cost Reduced Range Practice Rocket (LCRRPR) pods; ruggedized laptops; training equipment; publications for HIMARS and munitions/missiles; and other related elements of program and logistic support.

(iv) *Military Department:* Army (EN-B-UFG)

(v) *Prior Related Cases, if any:* EN-B-PAY

(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:* July 15, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Estonia—M142 High Mobility Artillery Rocket System (HIMARS)

The Government of Estonia has requested to purchase six (6) M142 HIMARS Launchers; thirty-six (36) M30A2 GMLRS Alternative Warhead AW Missile Pods with IMPS and Frequency Modulated Continuous Wave—Directional Doppler Ranging (FMCW-DDR) Proximity Height-of-Burst (HOB) Sensor Capability; thirty-six (36) M31A2 GMLRS Unitary High Explosive (HE) Missile Pods with IMPS and FMCW-DDR Proximity HOB Sensor Capability; thirty-six (36) XM403 ER GMLRS Alternative Warhead AW Missile Pods with IMPS and Side Mounted Proximity Sensor (SMPS) HOB Capability; thirty-six (36) XM404 ER GMLRS Unitary Pods with IMPS and SMPS HOB Capability; and eighteen (18) M57 ATACMS Missile Pods. Also included are M28A2 LCRRPR pods; ruggedized laptops; training equipment; publications for HIMARS and munitions/missiles; and other related elements of program and logistic support. The total estimated cost is \$500 million.

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. This sale is consistent with U.S. initiatives to provide key allies in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

The proposed sale will contribute to Estonia's military goals of updating

capability while further enhancing interoperability with the United States and other allies. Estonia intends to use these defense articles and services to modernize its armed forces and expand its capability to strengthen its homeland defense and deter regional threats. Estonia 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 contractor will be Lockheed Martin, Grand Prairie, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale may require the assignment of approximately fifteen (15) U.S.

Government representatives and up to fifteen (15) contractor representatives to Estonia at any given time, during the delivery, training, integration, and testing of the HIMARS capability.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–35

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(vii) *Sensitivity of Technology*

1. The M142 HIMARS is a C–130 transportable wheeled launcher mounted on a 5-ton Family of Medium Tactical Vehicles truck chassis. HIMARS is the modern Army-fielded version of the M270 Multiple Launch Rocket System (MLRS) launcher, and can fire all of the MLRS Family of Munitions/Missiles (FOM) that includes GMLRS, ER GMLRS, and the ATACMS. Utilizing the FOM, the HIMARS can engage targets between 15 and 300 kilometers with Global Positioning System/Precise Positioning Service (GPS/PPS)-aided precision accuracy.

2. The GMLRS M31A2 Unitary is the Army's primary munition for units fielding the M142 HIMARS and M270A1 MLRS Launchers. The M31A2 Unitary is a solid propellant artillery rocket that uses GPS/PPS-aided inertial guidance to accurately and quickly deliver a single high-explosive blast fragmentation warhead to targets at ranges from 15–70 kilometers. The rockets are fired from a launch pod container that also serves as the storage and transportation container for the rockets. Each rocket pod holds six (6) total rockets.

3. The M30A2 GMLRS Alternative Warhead AW shares a greater than 90% commonality with the M31A1/A2 Unitary. The primary difference between the GMLRS Unitary and

GMLRS AW is the replacement of the Unitary high explosive warhead with a 200-pound fragmentation warhead of pre-formed tungsten penetrators which is optimized for effectiveness against a large area and imprecisely located targets. The munitions otherwise share a common motor, GPS/PPS-aided inertial guidance and control system, a multi-option fuzing height of burst capability, and effective range of 15–70 km.

4. The M57 ATACMS Unitary is a conventional, semi-ballistic missile that utilizes a 500-pound high explosive warhead. It has an effective range of between 70 and 300 kilometers, and has increased lethality and accuracy over previous versions of the ATACMS due to a GPS/PPS aided navigation system.

5. The ER GMLRS missiles provide a persistent, responsive, all-weather, rapidly deployed, long range, surface-to-surface, area- and point-precision strike capability. The XM403 AW, like GMLRS M30A1/A2, carries a 200-pound fragmentation assembly filled with high explosives which, upon detonation, accelerates two layers of preformed penetrators optimized for effectiveness against large area and imprecisely located targets. The XM404 Unitary, like GMLRS M31A1/A2, has a 200-pound class unitary with a steel blast-fragmentation case, designed for low collateral damage against point targets. Both variants of the ER GMLRS missiles maintain the accuracy and effectiveness demonstrated by the baseline GMLRS out to a maximum range of 150 km (double that of the GMLRS capability) while also including a new HOB capability referred to as the Side Mounted Proximity Sensor (SMPS) HOB capability.

6. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

7. 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.

8. A determination has been made that Estonia 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.

9. All defense articles and services listed in this transmittal have been

authorized for release and export to the Government of Estonia.

[FR Doc. 2024–12391 Filed 6–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0022]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by July 8, 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: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Federal Background Investigation and Personnel Vetting Investigative Request Forms; INV 40–44; OMB Control Number 0705–0003.

Type of Request: Revision.

Number of Respondents: 2,850,071.

Responses per Respondent: 1.

Annual Responses: 2,850,071.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 237,506.

Needs and Uses: The INV 40, 41, 42, 43, and 44 are used to collect information from a multitude of record sources to support federal background investigation and personnel vetting processes such as: investigations and determinations of eligibility for access to classified national security information, and for access to special access programs; suitability for federal employment; fitness of contractor personnel to perform work for or on behalf of the U. S. Government. The INV 40 is used to collect records from a Federal or State record repository or a credit bureau. The INV 44 is used to collect law enforcement data from a criminal justice agency. The INV 41, 42, and 43 are sent to employment references, associates, and educational institutions. The INV 40, 41, 43, and 44 contain the individual’s full name, date of birth (DOB), and full Social Security Number (SSN). The INV 42 (Personal Information) does not include the subject’s SSN or DOB.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent’s Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Dated: May 30, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–12385 Filed 6–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21–45]

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 21–45 with attached Policy Justification.

Dated, June 2, 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

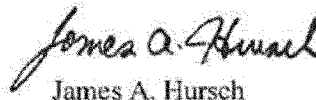
JUL 19 2022

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. 21-45 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the United Arab Emirates for defense articles and services estimated to cost \$980.4 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. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 21-45

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 the United Arab Emirates

(ii) *Total Estimated Value:*

Major Defense Equipment	\$	0 million
Other	\$	\$980.4 million

TOTAL	\$	\$980.4 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:

Follow-on sustainment and support of C-17 fleet to include aircraft hardware and software modifications and support; Joint Mission Planning System software; classified software support for Electronic Warfare (EW) self-protection; aircraft and engine support equipment, components, consumables, spare parts and repair/return; publications and technical documentation; heavy maintenance support; participation in the C-17 Virtual Fleet for Total System Sustainment (TSS) contractor logistics support and Material Improvement Program (MIP); other U.S. Government and contractor engineering, technical, and logistical support services; and

other related elements of program support.

(iv) *Military Department:* Air Force (AE-D-QAN)

(v) *Prior Related Cases, if any:* AE-D-QAC

(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:* July 19, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION*United Arab Emirates—C-17 Aircraft Sustainment*

The Government of the United Arab Emirates (UAE) has requested to buy follow-on sustainment and support of C-17 fleet to include aircraft hardware and software modifications and support; Joint Mission Planning System software; classified software support for EW self-protection; aircraft and engine support equipment, components, consumables, spare parts and repair/return; publications and technical documentation; heavy maintenance support; participation in the C-17 Virtual Fleet for TSS contractor logistics support and MIP; other U.S. Government and contractor engineering, technical, and logistical support services; and other related elements of program support. The total estimated cost is \$980.4 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of an important regional partner. The UAE has been, and continues to be, a vital U.S. partner for political stability and economic progress in the Middle East.

The proposed renewal of C-17 aircraft support will provide the Government of the UAE with a credible defense capability, provide strategic and humanitarian airlift, and ensure interoperability with U.S. forces. The UAE already operates the C-17 and will have no difficulty absorbing the additional sustainment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be The Boeing Company, Chicago, IL. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale may require the assignment of up to twelve (12) U.S. Government or contractor representatives to the UAE. Implementation of this proposed sale will require periodic Program Management Reviews in the United States or in the UAE.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024-12389 Filed 6-5-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE**Office of the Secretary****Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces; Notice of Federal Advisory Committee Meeting**

AGENCY: General Counsel of the Department of Defense, Department of Defense (DoD).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces will take place.

DATES: Tuesday, June 11, 2024—Open to the public from 1:30 p.m. to 4:45 p.m. EST and Wednesday, June 12, 2024—Open to the public from 9:30 a.m. to 4:00 p.m. EST.

ADDRESSES: Convene, 600 14th Street NW, Washington, DC. For virtual access to the meeting, email your request along with your name and contact information to the DAC-IPAD public email at whs.pentagon.em.mbx.dacipad@mail.mil.

FOR FURTHER INFORMATION CONTACT: Dwight Sullivan, 703-695-1055 (Voice), dwight.h.sullivan.civ@mail.mil (Email). Mailing address is DAC-IPAD, One Liberty Center, 875 N Randolph Street, Suite 150, Arlington, Virginia 22203. Website: <https://dacipad.whs.mil/>. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5 United States Code (U.S.C.) (commonly known as the Federal Advisory Committee Act of 1972 (5 U.S.C. App.) or “FACA”), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 Code of Federal Regulations (CFR) 102-3.140 and 102-3.50.

Due to circumstances beyond the control of the Designated Federal Officer, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces was unable to provide public notification required by 41 CFR 102-3.150(a) concerning its June 11-12, 2024 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

Purpose of the Meeting: In section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113-291), as modified by section 537 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114-92), Congress tasked the DAC-IPAD to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, sexual assault, and other sexual misconduct involving members of the Armed Forces. This will be the thirty-fifth public meeting held by the DAC-IPAD. On Day 1, the Committee will receive testimony from military justice appellate practitioners on Article 6b victims' rights and procedures for post-conviction review of courts-martial; and will hear from victims' rights experts on Military Rule of Evidence 513 litigation and Article 6b victims' rights litigation. On Day 2, the Committee will receive staff briefings on conviction integrity units; courts-martial panel member demographics; and updates from the Policy Subcommittee, and the Special Projects Subcommittee. Prior to adjournment, the Committee will hear comments from the public.

Agenda: Day 1: 1:30 p.m.–1:35 p.m. Welcome and Introduction to Public Meeting; 1:35 p.m.–2:35 p.m. Government Appellate Counsel from each Military Department; 2:35 p.m.–2:45 p.m. Break; 2:45 p.m.–3:45 p.m. Defense Appellate Counsel from each Military Department; 3:45 p.m.–4:45 p.m. Comparative Perspectives on Victims' Rights Litigation; 4:45 p.m. Public Meeting Day 1 Adjourned. Day 2: 9:30 a.m.–9:35 a.m. Welcome and Overview of Day 2; 9:35 a.m.–11:00 a.m. Conviction Integrity Units: Best Practices in Sexual Assault Cases; 11:00 a.m.–12:40 p.m. Demographics of Courts-Martial Panel Members for Fiscal Year 2022: Presentation and Deliberations; 12:40 p.m.–1:40 p.m. Lunch; 1:40 p.m.–2:40 p.m. Committee Deliberations; 2:40 p.m.–2:50 p.m. Special Projects Subcommittee Update; 2:50 p.m.–3:00 p.m. Policy Subcommittee Update; 3:00 p.m.–3:15 p.m. Break; 3:15 p.m.–3:45 p.m. Public Comment; 3:45 p.m.–4:00 p.m. Meeting Wrap-Up/Preview of Next Meeting; 4:00 p.m. Public Meeting Day 2 Adjourned.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102-3.140 through 102-3.165, this meeting is open to the public from 1:30 p.m. to 4:45 p.m. on June 11, 2024 and 9:30 a.m. to 4:00 p.m. on June 12, 2024. All members of the public who wish to participate virtually must register by contacting DAC-IPAD at whs.pentagon.em.mbx.dacipad@mail.mil or by contacting Mr. Pete Yob at (703) 693-3857 no later than Monday,

June 10, 2024. Once registered, the web address and/or audio number will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Mr. Pete Yob at (703) 693-3857 no later than Friday, June 7, 2024 so that appropriate arrangements can be made.

Written Statements: Pursuant to 41 CFR 102-3.140 and 10(a)(3) of the FACA, the public or interested organizations may submit written comments to the Committee about its mission and topics pertaining to this public session. Written comments must be received by the DAC-IPAD at least five (5) business days prior to the meeting date so that they may be made available to the Committee members for their consideration prior to the meeting. Written comments not received by the DAC-IPAD at least five (5) business days prior to the meeting date, or after, will be provided to the Chair of the DAC-IPAD for consideration. Written comments may be submitted via email to the DAC-IPAD at whs.pentagon.em.mbx.dacipad@mail.mil in the following formats: Adobe Acrobat or Microsoft Word. Written comments may also be mailed to the address listed in **FOR FURTHER INFORMATION CONTACT**. Please note that since the DAC-IPAD operates under the provisions of the FACA, all written comments received will be treated as public documents and will be made available for public inspection.

Oral public comments: Individuals may submit a request to make an oral public comment at the June 12, 2024, meeting. Advance copy of oral public comments must be sent via email at whs.pentagon.em.mbx.dacipad@mail.mil with the subject line "DAC-IPAD: Request to Speak <insert the issue and question>" no later than 11:59 p.m. ET on Friday, June 7, 2024. Submissions received after the deadline will not be considered for oral public comment but will be provided to the Chair of the DAC-IPAD for consideration. All submitted oral comments become government property and may be published as part of the meeting record.

Registration for oral public comment is on a first-come, first-served basis. Comments are limited to two (2) minutes or less per person. After the maximum number of speakers is exceeded, individuals registered to provide oral comment will be placed on a wait list and notified should an opening become available. Should time expire for oral public comments those not presented will be provided to the Chair of the DAC-IPAD for consideration. You will be notified via

email no later than June 11, 2024, if you have been identified to provide in-person public comment.

Dated: June 2, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12382 Filed 6-5-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee for the Prevention of Sexual Misconduct; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee for the Prevention of Sexual Misconduct (DAC-PSM) will take place.

DATES: DAC-PSM will hold a meeting open to the public on Thursday, June 27, 2024, from 9 a.m. to 4 p.m. (EST).

ADDRESSES: The meeting may be accessed by videoconference. Information for accessing the videoconference will be provided after registering. (Pre-meeting registration is required. See guidance in **SUPPLEMENTARY INFORMATION**, "Meeting Accessibility".)

FOR FURTHER INFORMATION CONTACT: Dr. Suzanne Holroyd, Designated Federal Officer (DFO), (571) 372-2652 (voice), osd.mc-alex.ousd-p-r.mbx.DAC-PSM@mail.mil (email). Website: www.sapr.mil/DAC-PSM. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the "Federal Advisory Committee Act" or "FACA"), title 5, U.S.C., 552b (commonly known as the "Government in the Sunshine Act"), and title 41, Code of Federal Regulations (CFR), section 102-3.140 and section 102-3.150.

Availability of Materials for the Meeting: Additional information, including the agenda or any updates to the agenda, is available on the DAC-PSM website (www.sapr.mil/DAC-PSM). Materials presented in the meeting may

also be obtained on the DAC-PSM website.

Purpose of the Meeting: The purpose of the meeting is for the DAC-PSM to receive briefings and have discussions on topics related to the prevention of sexual misconduct within the Armed Forces of the United States.

Agenda: Thursday, June 27, 2024, from 9:00 a.m. to 4:00 p.m. (EST)—9:00 a.m. Meeting Open (Roll Call and Opening Remarks); 9:15 a.m. Brief: SAPRO Annual Reports; 10:15 a.m. Brief: Coast Guard Reports; 11:00 a.m. Brief: DoD Prevention Updates; 1:00 p.m. Brief: Database Anonymity; 1:30 p.m. Brief: Exit Interviews; 2:15 p.m. Subcommittee Updates; 3:45 p.m. Meeting Close (Closing Remarks).

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102-3.140 through 102-3.165, this meeting is open to the public from 9:00 a.m. to 4:00 p.m. (EST) on Thursday, June 27, 2024. The meeting will be held by videoconference. All members of the public who wish to attend must register by contacting DAC-PSM at osd.mc-alex.ousd-p-r.mbx.DAC-PSM@mail.mil or by contacting Dr. Suzanne Holroyd at (571) 372-2652 no later than Friday, June 21, 2024 (by 5:00 p.m. EST). Once registered, the web address and/or audio number will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Dr. Suzanne Holroyd at osd.mc-alex.ousd-p-r.mbx.DAC-PSM@mail.mil or (571) 372-2652 no later than Friday, June 21, 2024 (by 5:00 p.m. EST) so that appropriate arrangements can be made.

Written Statements: Pursuant to 41 CFR 102-3.105(j) and section 10(a)(3) of the FACA, the public and interested persons may submit a written statement to the DAC-PSM. Individuals submitting a statement must submit their statement no later than 5 p.m. EST, Friday, June 21, 2024 to Dr. Suzanne Holroyd at (571) 372-2652 (voice) or to osd.mc-alex.ousd-p-r.mbx.DAC-PSM@mail.mil (email). If a statement pertaining to a specific topic being discussed at the planned meeting is not received by Friday, June 21, 2024, then it may not be provided to, or considered by, the DAC-PSM during the June 27, 2024, meeting. The DFO will review all timely submissions with the DAC-PSM Chair and ensure such submissions are provided to the members of the DAC-PSM before the meeting. Any comments received by the DAC-PSM will be posted on the DAC-PSM website (www.sapr.mil/DAC-PSM).

Dated: June 2, 2024.
Aaron T. Siegel,
*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*
[FR Doc. 2024-12379 Filed 6-5-24; 8:45 am]
BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-31]

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 22-31 with attached Policy Justification.

Dated: June 2, 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

July 15, 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. 22-31, concerning the Army'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 \$108 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. 22-31

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	\$108 million

TOTAL	\$108 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:

Blanket Order Contractor Technical Assistance support consisting of unclassified spare and repair parts and assembly for tanks and combat vehicles; 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:* Army (TW-B-BER)

(v) *Prior Related Cases, if any:* TW-B-BEM

(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*: July 15, 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 (TECRO)—Blanket Order Contractor Technical Assistance Support

The TECRO has requested to buy Blanket Order Contractor Technical Assistance support consisting of unclassified spare and repair parts and assembly for tanks and combat vehicles; logistical technical assistance; U.S. Government and contractor representative technical and logistical support; and other related elements of logistical and program support. The estimated total cost is \$108 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 modernize its armed forces and 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, economic and progress in the region.

The proposed sale will contribute to the sustainment of the recipient's vehicles, small arms, combat weapon systems, and logistical support items, 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 principal contractor(s) will be determined from approved vendors determined by the Defense Logistics Agency to provide these parts for the U.S. military. 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 the recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

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.

[FR Doc. 2024–12390 Filed 6–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare a Tiered Environmental Impact Statement (TEIS) for Long-Term Sediment Management of the Federal Navigation Channel at or Near the Confluence of the Lower Snake and Clearwater Rivers in Asotin, Whitman, and Garfield Counties, State of Washington, and Nez Perce County, State of Idaho

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DOD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers, Walla Walla District (USACE), intends to prepare a Tiered Environmental Impact Statement (TEIS), in compliance with the National Environmental Policy Act (NEPA), for long-term sediment management of the federal navigation channel at or near the confluence of the lower Snake and Clearwater Rivers (Confluence), in support of the commercial navigation project purpose within the Lower Snake River Projects (LSRP). The TEIS would be tiered from, and prepared in accordance with, the 2014 Lower Snake River Programmatic Sediment Management Plan, Final Environmental Impact Statement (PSMP FEIS). Per the PSMP, the triggers for development of a long-term solution have been met. TEIS alternatives will be formulated based on the PSMP's eight (8) measures applicable to *Future Forecast Need Actions for Navigation* and will be analyzed to determine the most cost-effective, technically acceptable, and environmentally acceptable action(s) to manage the sediment depositing at the Confluence.

DATES: This **Federal Register** notice initiates the formal TEIS development process.

USACE invites federal and state agencies, Native American Tribes, and local governments to submit any relevant scoping comments by July 8,

2024, that are relevant to the long-term sediment management at the Confluence for Navigation, which may include information, analysis, and ideas regarding formulation of the eight (8) measures to create the reasonable range of alternatives to be analyzed listed in the “Supplementary Information” section below. Comments not relevant to these criteria will not be considered.

USACE expects to publish a notice of availability (NOA) and request public comments on the draft TEIS in August 2025 and the final TEIS to be available to the public in February 2026. A Record of Decision (ROD) will be completed no sooner than 30 days after the final TEIS is released, in accordance with 40 CFR 1506.11.

ADDRESSES: Requests to be placed on the TEIS mailing list, requests for information, and written comments should be submitted either electronically or in hardcopy. Electronic submittals may be provided using “Navigation Channel Maintenance TEIS” in the address line at <https://www.nww.usace.army.mil/EnvironmentalComplianceComment/> or via email to NEPANWW@usace.army.mil. Hardcopy submittals may be sent to Walla Walla District, U.S. Army Corps of Engineers, CENWW–PPL–C, Navigation Channel Maintenance TEIS, 201 North Third Avenue, Walla Walla, WA 99362–1876.

All comments and materials received, including names and addresses, would become part of the administrative record, and may be released to the public. Interested parties should not submit confidential business or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT:

Questions about the project and TEIS can be answered by Ms. Kathryn Wenger, Project Manager, Walla Walla District, Corps of Engineers, CENWW–PPL–P, 201 North Third Avenue, Walla Walla, WA 99362–1876, phone (509) 527–7294; or Ms. Michele Palmer, NEPA Coordinator, Walla Walla District, Corps of Engineers, CENWW–PPL–C, 201 North Third Avenue, Walla Walla, WA 99362–1876, phone (509) 975–9659; or via email to NEPANWW@usace.army.mil and inserting “Navigation Channel Maintenance TEIS” in the subject line.

SUPPLEMENTARY INFORMATION: The lower Snake River navigation channel passes four dams and ends near Lewiston, Idaho. USACE operates and maintains the navigation system on the lower Snake and Clearwater Rivers, up to the Port of Lewiston on the Clearwater River in Idaho. In 2014, the PSMP FEIS

(<https://www.nww.usace.army.mil/missions/projects/programmatic-sediment-management-plan/>) analyzed broad programs for managing sediments in the LSRP. A 2014 record of decision (ROD) selected the Comprehensive (Full System and Sediment Management Measures) Alternative that provides a suite of all potentially available dredging, system management, and structural sediment management measures for use to address sediments that interfere with the existing authorized project purposes of the LSRP. Due to the broad nature of the PSMP FEIS analysis, it was expected that any *Future Forecast Need Actions for Navigation* triggered by certain criteria would require project-specific environmental reviews, including preparation of appropriate NEPA documents “tiered off” from the programmatic PSMP FEIS.

While there are recurring sediment deposition problems at other locations in the lower Snake River, sediment deposition at the Confluence has satisfied the PSMP’s definition of a *Future Forecast Need Actions for Navigation* (i.e., occurring more frequently than once every five (5) years), which warrants the initiation of a tiered NEPA analysis of a long-term (future forecast action) sediment management solution/plan at this location. USACE intends to use a 50-year management period for evaluation of long-term sediment management options at the Confluence.

Public scoping was accomplished previously as part of the 2014 PSMP FEIS. The selected alternative narrowed the reasonable measures for consideration in subsequent site-specific projects to eight (8), which are listed below and further detailed in the PSMP FEIS.

Prior to publication of this Notice of Intent, USACE provided letters to federal and state agencies, Native American Tribes, and local governments inviting their participation in a minimum of one and up to two scoping discussion(s) to be held in late spring 2024 regarding an overview of the tiered NEPA process and to solicit information pertaining to the eight (8) site-specific sediment management measures under consideration in the TEIS.

The following (8) sediment management measures were selected in the 2014 PSMP ROD for potential future use in problem sediment areas affecting the navigation project purpose:

- a. Dredging
- b. Disposal
- c. Bendway weirs
- d. Dikes/Dike fields

- e. Sediment traps
- f. Reservoir drawdown to flush sediment
- g. Reconfigure affected (federal) facilities
- h. Relocate affected (federal) facilities

Alternatives formulated from the eight (8) navigation-specific measures identified above, must (either alone or in combination) provide a complete long-term sediment management solution/plan for the federal channel at the Confluence consistent with the framework of the PSMP FEIS. Also, alternatives considered must not:

- Increase the need for removing problem sediment (navigation or flow conveyance).
- Decrease flow conveyance at or near the Confluence during flood/high water events.
- Eliminate or unreasonably affect other project purposes (e.g., recreation).

The TEIS will analyze a full range of reasonable alternatives formulated from these eight (8) measures. Analyses will identify the reasonably foreseeable direct, indirect and cumulative effects to resources that may be affected by the alternatives including aquatic and terrestrial resources; recreation; cultural resources; socioeconomic and environmental justice; water quality and sediment quality; hydrology and sediment; hazardous, toxic, and radioactive waste; air quality and greenhouse gas emissions; noise; and aesthetics.

Anticipated permits and authorizations will depend on the specific alternative selected. Applicable federal laws include the Endangered Species Act, National Historic Preservation Act, Clean Water Act, and Rivers and Harbors Act. USACE will consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to ensure that the selected alternative complies with the Endangered Species Act. USACE will also consult with the State Historic Preservation Officer and Native American Tribes to ensure compliance with the National Historic Preservation Act. USACE will coordinate with the Washington State Department of Ecology and the Idaho Department of Environmental Quality to meet the compliance requirements associated with section 401 of the Clean Water Act.

Jeffrey D. Hall,

Colonel, Corps of Engineers, Deputy Division Commander.

[FR Doc. 2024–12362 Filed 6–5–24; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE**Department of the Navy****[Docket ID: USN-2024-HQ-0008]****Proposed Collection; Comment Request****AGENCY:** Department of the Navy, Department of Defense (DoD).**ACTION:** 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Judge Advocate General of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 5, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://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, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title 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 <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Judge Advocate General Legal Assistance

Division (Code 16), 1322 Patterson Avenue SE, Washington Navy Yard, DC 20374, ATTN: Ms. Kathlene Somerville, or call 202-685-4641.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Navy Legal Assistance Client Intake Questionnaire; OPNAV 5801/1; OMB Control Number 0703-LITF.

Needs and Uses: Information collection via the Office of the Chief of Naval Operations 5801/1, "Navy Legal Assistance Client Intake Questionnaire," is necessary for the purposes of generating periodic workload productivity and statistical reports, internal management of the office, and counsel assignment. Additionally, it provides an administrative record for use by attorneys and clerical personnel directly involved in rendering legal assistance. The information collection is authorized by 10 U.S. Code section 1044 and JAG Instruction 5801.2B.

Affected Public: Individuals or households.

Annual Burden Hours: 23,500.

Number of Respondents: 47,000.

Responses per Respondent: 1.

Annual Responses: 47,000.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Dated: May 30, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12384 Filed 6-5-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings #1**

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24-193-000.

Applicants: McFarland Storage C, LLC.

Description: McFarland Storage C, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/31/24.

Accession Number: 20240531-5043.

Comment Date: 5 p.m. ET 6/21/24.

Docket Numbers: EG24-194-000.

Applicants: Ross County Solar, LLC.

Description: Ross County Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/31/24.

Accession Number: 20240531-5169.

Comment Date: 5 p.m. ET 6/21/24.

Docket Numbers: EG24-195-000.

Applicants: Fayette Solar, LLC.

Description: Fayette Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/31/24.

Accession Number: 20240531-5177.

Comment Date: 5 p.m. ET 6/21/24.

Docket Numbers: EG24-196-000.

Applicants: Fillmore County Solar Project, LLC.

Description: Fillmore County Solar Project, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/31/24.

Accession Number: 20240531-5193.

Comment Date: 5 p.m. ET 6/21/24.

Docket Numbers: EG24-197-000.

Applicants: Louise Solar Project, LLC.

Description: Louise Solar Project, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 5/31/24.

Accession Number: 20240531-5220.

Comment Date: 5 p.m. ET 6/21/24.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24-113-000.

Applicants: Independent Market Monitor for PJM v. Indicated Energy Efficiency Sellers.

Description: Complaint of the Independent Market Monitor for PJM v. Indicated Energy Efficiency Sellers.

Filed Date: 5/31/24.

Accession Number: 20240531-5048.

Comment Date: 5 p.m. ET 6/20/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16-2320-014.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: TO18 Settlement 2024 to be effective 3/1/2017.

Filed Date: 5/31/24.

Accession Number: 20240531-5159.

Comment Date: 5 p.m. ET 6/21/24.

Docket Numbers: ER17-2154-004.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: TO19 Settlement 2024 to be effective 3/1/2018.

Filed Date: 5/31/24.

Accession Number: 20240531-5168.

Comment Date: 5 p.m. ET 6/21/24.

Docket Numbers: ER19-13-010.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: TO20 Settlement 2024 to be effective N/A.

Filed Date: 5/31/24.

Accession Number: 20240531-5171.

Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER23–2968–002.
Applicants: Pacific Gas and Electric Company.
Description: Compliance filing: TO Settlement Balancing Accounts Update 2024 to be effective N/A.
Filed Date: 5/31/24.
Accession Number: 20240531–5176.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–1403–001.
Applicants: Arizona Public Service Company.
Description: Tariff Amendment: Response to Deficiency—MBR Tariff Revisions to be effective 7/31/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5221.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–1634–001.
Applicants: Midcontinent Independent System Operator, Inc., Entergy Services, LLC.
Description: Tariff Amendment: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.17(b): 2024–05–31 Deferral Action for Entergy Companies Attachment O Clean Up to be effective 12/31/9998.
Filed Date: 5/31/24.
Accession Number: 20240531–5079.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–1703–001.
Applicants: Entergy Mississippi, LLC.
Description: Tariff Amendment: Harvest Gold Solar, LLC, LBA Agreement to be effective 4/5/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5025.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–1715–001.
Applicants: Entergy Texas, Inc.
Description: Tariff Amendment: Liberty County Solar Project LLC, LBA Agreement to be effective 4/6/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5026.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2148–000.
Applicants: McFarland Storage C, LLC.
Description: Baseline eTariff Filing: McFarland Storage C, LLC MBR Tariff to be effective 7/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5003.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2149–000.
Applicants: Entergy Arkansas, LLC.
Description: § 205(d) Rate Filing: Union Electric WDS Agreement to be effective 8/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5041.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2150–000.
Applicants: Sunflower Electric Power Corporation, Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Sunflower Electric Power Corporation submits tariff filing per 35.13(a)(2)(iii): Sunflower Electric Power Corporation—Formula Rates Revisions to be effective 8/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5116.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2151–000.
Applicants: Entergy Arkansas, LLC.
Description: § 205(d) Rate Filing: EAL–SWPA Marketing Agreement to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5129.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2152–000.
Applicants: Entergy Arkansas, LLC.
Description: § 205(d) Rate Filing: SWPA LBA Agreement to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5133.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2154–000; TS24–4–000.
Applicants: Mammoth North LLC, Mammoth North LLC.
Description: Mammoth North LLC requests waiver of Commission’s Open Access Transmission Tariff, Open Access Same-Time Information System, and Standards of Conduct Requirements as applied to interconnection facilities.
Filed Date: 5/22/24.
Accession Number: 20240522–5267.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: ER24–2155–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: E&P LA, Data Centers Two (EAK048–WDT1810EXP/RS536) to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5203.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2156–000.
Applicants: American Electric Power Service Corporation, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii): AEP submits one Facilities Agreement re: ILDSA, SA No. 1336 to be effective 8/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5204.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2157–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2024–05–31 SA 4137 Duke-Ratts 2-Ratts 1 MPFCA 1st Rev (J1027 J1028 J1189) to be effective 7/31/2024.

Filed Date: 5/31/24.
Accession Number: 20240531–5215.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2159–000.
Applicants: Cross-Sound Cable Company, LLC.
Description: § 205(d) Rate Filing: 2024 IROL–CIP Schedule 17 Cost Recovery to be effective 7/31/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5234.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2160–000.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Terminate DSA for Inglewood Energy Storage (WDT1602/SA No. 1125) to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5243.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2161–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Morven Solar LGIA Termination Filing to be effective 5/31/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5254.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2162–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Worth Solar LGIA Termination Filing to be effective 5/31/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5256.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2163–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Pine Cone Solar LGIA Filing to be effective 5/22/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5260.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2164–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Pine Cone Solar 2 LGIA Filing to be effective 5/22/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5261.

Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2165–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYISO 205 Filing: PPTPP Development Agreement—NYISO, NYPA, & NYTransco SA2843 to be effective 5/3/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5265.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2166–000.
Applicants: Invenergy Nelson Expansion LLC.
Description: Initial rate filing: Filing of Reactive Power Rate Schedule to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5348.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2167–000.
Applicants: Sayreville Power, LLC.
Description: § 205(d) Rate Filing: Proposed Rate Schedule Revisions and Request for Limited Tariff Waiver to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5350.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2168–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2024–05–31 Price Formation Enhancements Tariff Amendment to be effective 8/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5353.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2169–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Jun 2024 Membership Filing to be effective 5/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5367.
Comment Date: 5 p.m. ET 6/21/24.
Docket Numbers: ER24–2170–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: Limited Modifications to Formula Rate to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5368.
Comment Date: 5 p.m. ET 6/21/24.

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.

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 31, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–12428 Filed 6–5–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–116–004]

Texas LNG Brownsville LLC; Notice of Request for Extension of Time

Take notice that on May 24, 2024, Texas LNG Brownsville LLC (Texas LNG) requested that the Commission grant an extension of time, until November 22, 2029, to construct and place into service its proposed liquefied natural gas (LNG) terminal on the north side of the Brownsville Ship Channel (Project) located in Cameron County, Texas as authorized by the Commission in Docket No. CP16–116–000.¹ The Order required Texas LNG to complete construction of the Project and make it available for service within five years of the date of the Order, or by November 22, 2024.

Texas LNG states that the Project has been delayed due to extenuating circumstances outside of its control, specifically, litigation challenging the

Commission's underlying orders authorizing the Project and other permits for the Project. Specifically, Texas LNG states that on August 3, 2021, the D.C. Circuit remanded the Commission's authorization and rehearing orders back to the Commission to re-analyze the Project's impacts on environmental justice communities and to reconsider its determination of public interest under section 3 of the NGA.² On April 21, 2023, the Commission issued the Remand Order addressing the issues that the D.C. Circuit identified and affirming that the Project "is not inconsistent with the public interest."³

Additionally, Texas LNG states that it was forced to defend a challenge to the air permit issued by the Texas Commission on Environmental Quality. After an extended litigation process, on July 21, 2023, the appeals court rendered a decision in Texas LNG's favor.⁴ Texas LNG further affirms that it has worked diligently to secure and defend all necessary Federal authorizations to begin construction, in compliance with Environmental Condition No. 9 of the Order⁵ and completing the Project's permitting efforts required for a final investment decision.

Finally, Texas LNG asserts that it is making significant progress on the commercialization of its Project. Therefore, Texas LNG requests an extension of time until November 22, 2029, to complete the construction of the Project and place the facilities into service.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Texas LNG's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on

² *Vecinos*, 6 F.4th at 1331–32.

³ *Texas LNG Brownsville LLC*, 183 FERC ¶ 61,047 (2023).

⁴ *Tex. Comm'n on Envtl. Quality v. Vecinos Para El Bienestar De La Comunidad Costera*, No. 03–21–00395–CV (Tex. 3d Ct. of Appeals July 21, 2023).

⁵ On January 25, 2024, Texas LNG obtained U.S. Army Corps of Engineers section 10 and section 404 permits for the Project, as well as approval from the Railroad Commission of Texas under the Coastal Zone Management Act of 1972.

¹ *Texas LNG Brownsville LLC*, 169 FERC ¶ 61,130 (2019) (Order).

requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,⁶ the Commission will aim to issue an order acting on the request within 45 days.⁷ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁸ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).⁹ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.¹⁰ The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

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>). From the Commission'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 Commission'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.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments in lieu of paper using the "eFile" link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other courier: 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.

Comment Date: 5:00 p.m. Eastern Time on June 17, 2024.

Dated: May 31, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-12426 Filed 6-5-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2959-148]

City of Seattle; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of 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 Process.

b. *Project No.:* 2959-148.

c. *Dated Filed:* April 8, 2024.

d. *Submitted By:* City of Seattle.

e. *Name of Project:* South Fork Tolt River Hydroelectric Project.

f. *Location:* On the South Fork Tolt River, in King County, Washington. The project does not occupy federal land.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Applicant Contact:* Elizabeth Ablow, Project Co-Manager, Seattle City Light, 700 5th Ave #3200, Seattle, WA 98104; phone: (206) 561-4833.

i. *FERC Contact:* John Matkowski at (202) 502-8576 or email at john.matkowski@ferc.gov.

j. *Cooperating agencies:* Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item 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 Management and Conservation Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Washington 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 of Seattle 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 of Seattle filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed 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 at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

You may register online at <https://ferc.online.ferc.gov/FEROnline.aspx> to be

⁶ Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

⁷ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁸ *Id.* at P 40.

⁹ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

¹⁰ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

notified via email of new filings and issuances related to these 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 <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>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov. 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 first page of any filing should include docket number P-2959-148.

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 August 6, 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 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 in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian Tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: Tuesday, June 25, 2024

Time: 6:00 p.m.–8:00 p.m. (PDT)

Location: Cherry Creek Falls Event Center, 16533 Kelly Road Northeast, Duvall, WA 98019

Phone: (425) 667-4328

Daytime Scoping Meeting

Date: Wednesday, June 26, 2024

Time: 9:00 a.m.–11:00 a.m. (PDT)

Location: Cherry Creek Falls Event Center, 16533 Kelly Road Northeast, Duvall, WA 98019

Phone: (425) 667-4328

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 Review

The City of Seattle and Commission staff will conduct an environmental site review of the project on Wednesday,

June 26, 2024, starting at 11:00 a.m. (PDT). You must register in advance if you are interested in attending the site review. Please contact Elizabeth Ablow with City of Seattle at (206) 561-4833 or via email at Elizabeth.Ablow@seattle.gov; or Maura Patterson with City of Seattle at (206) 450-6543, or via email at Maura.Patterson@seattle.gov, on or before June 18, 2024, if you plan to attend the site review. No personal vehicles will be allowed on the site visit; however, shuttle bus transportation will be provided during the site visit for registered participants.

Meeting Objectives

At the scoping meetings, staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (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 appropriateness of any Federal or State agency or Indian Tribe acting 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 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 31, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-12423 Filed 6-5-24; 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: PR24–73–000.
Applicants: Louisville Gas and Electric Company.
Description: § 284.123(g) Rate Filing: Revised Statement of Operating Conditions Exhibit A Rates to be effective 5/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5047.
Comment Date: 5 p.m. ET 6/21/24.
§ 284.123(g) Protest: 5 p.m. ET 7/30/24.
Docket Numbers: RP24–785–000.
Applicants: Dauphin Island Gathering Partners.
Description: § 4(d) Rate Filing: Chevron—Amendment eff 6–1–24 to be effective 6/1/2024.
Filed Date: 5/30/24.
Accession Number: 20240530–5262.
Comment Date: 5 p.m. ET 6/11/24.
Docket Numbers: RP24–786–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Update (Hartree 614700 615843 610670 June 2024) to be effective 6/1/2024.
Filed Date: 5/30/24.
Accession Number: 20240530–5270.
Comment Date: 5 p.m. ET 6/11/24.
Docket Numbers: RP24–787–000.
Applicants: TransColorado Gas Transmission Company LLC.
Description: § 4(d) Rate Filing: TC Quarterly FL&U Update May 2024 to be effective 7/1/2024.
Filed Date: 5/30/24.
Accession Number: 20240530–5280.
Comment Date: 5 p.m. ET 6/11/24.
Docket Numbers: RP24–788–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: PCB Adjustment Period Extension through 2026 to be effective 7/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5000.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–789–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: § 4(d) Rate Filing: Periodic Rate Adjustment—Fuel and L&U Retention Percentages July 2024 to be effective 7/1/2024.

Filed Date: 5/31/24.
Accession Number: 20240531–5001.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–790–000.
Applicants: Sea Robin Pipeline Company, LLC.
Description: § 4(d) Rate Filing: 5–31–24 Fuel Tracker to be effective 7/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5005.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–791–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 5.31.24 Negotiated Rates—Sequent Energy Management LLC R–3075–22 to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5030.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–792–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2024 Negotiated and Non-Conforming SA Basin Electric Electric Power Corporation to be effective 7/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5040.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–793–000.
Applicants: Trunkline Gas Company, LLC.
Description: § 4(d) Rate Filing: Amended Neg Rate Agreement—DCP South to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5046.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–794–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 6–1–2024 to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5077.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–795–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 6–1–24 to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5083.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–796–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 6–1–24 to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5093.
Comment Date: 5 p.m. ET 6/12/24.

Docket Numbers: RP24–797–000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) Rate Filing: Negotiated Rates—Various June 1 2024 Releases to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5122.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–798–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2024 Fuel and Lost and Unaccounted for Provisions to be effective 7/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5123.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–799–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Update (Pioneer June 2024) to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5126.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–800–000.
Applicants: Elba Express Company, L.L.C.
Description: Compliance filing: EEC Cash-out Filing 2024 to be effective N/A.
Filed Date: 5/31/24.
Accession Number: 20240531–5134.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–801–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Santa Rosa 42487 to Southern Company Services 58250) to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5211.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–802–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Southern Company Services 58250 to FP&L 58263) to be effective 6/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5233.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–803–000.
Applicants: Colorado Interstate Gas Company, L.L.C.
Description: § 4(d) Rate Filing: CIG Quarterly LUF True-up Filing May 2024 to be effective 7/1/2024.
Filed Date: 5/31/24.
Accession Number: 20240531–5240.
Comment Date: 5 p.m. ET 6/12/24.
Docket Numbers: RP24–804–000.
Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing:
20240531 Negotiated Rate to be effective
6/1/2024.

Filed Date: 5/31/24.

Accession Number: 20240531–5242.

Comment Date: 5 p.m. ET 6/12/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: May 31, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–12427 Filed 6–5–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24–2148–000]

McFarland Storage C, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of McFarland Storage C, LLC's application for market-based rate authority, with an

accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 20, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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>). From the Commission'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 Commission'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.referenceroom@ferc.gov.

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 31, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–12425 Filed 6–5–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC24–10–000]

Commission Information Collection Activities (FERC–725F) Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC 725F: *Mandatory Reliability Standard for Nuclear Plant Interface Coordination*. The 60-day notice comment period ended on May 24, 2024; no comments were received.

DATES: Comments on the collection of information are due July 8, 2024.

ADDRESSES: Send written comments on FERC–725F to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0249) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Please submit copies of your comments to the Commission. You may submit copies of your comments

(identified by Docket No. IC24–10–000) by one of the following methods:

Electronic filing through <https://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 methods:

- *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 methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain. Using the search function under the “Currently Under Review” field, select Federal Energy Regulatory Commission; click “submit,” and select “comment” to the right of the subject collection.

FERC 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, telephone at (202) 502–6362.

SUPPLEMENTARY INFORMATION:

Title: FERC 725F: Mandatory Reliability Standard for Nuclear Plant Interface Coordination.

OMB Control No.: 1902–0249.

Type of Request: Three-year extension of the FERC–725F information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission requires the information collected by the FERC–725F to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). On August 8, 2005, the Electricity Modernization Act of 2005, which is title XII, subtitle A, of the Energy Policy Act of 2005 (EPAct 2005), was enacted

into law.¹ EPAct 2005 added a new section 215 to the FPA, which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.²

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.³ Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO. The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System as set forth in each Reliability Standard.

On November 19, 2007, NERC filed its petition for Commission approval of the Nuclear Plant Interface Coordination Reliability Standard, designated NUC–001–1. In Order No. 716, issued October 16, 2008, the Commission approved the standard while also directing certain revisions.⁴ Revised Reliability Standard, NUC–001–2, was filed with the Commission by NERC in August 2009 and subsequently approved by the Commission January 21, 2010.⁵ On November 4, 2014, in Docket No. RD14–13, the Commission approved revised Reliability Standard NUC–001–3.⁶ On February 21, 2020 NERC filed a petition in Docket No. RD20–4 to revise Reliability Standard NUC–001–3 to NUC–0001–4.

The purpose of Reliability Standard NUC–001–4 is to require “coordination between nuclear plant generator

operators and transmission entities for the purpose of ensuring nuclear plant safe operation and shutdown.”⁷ The Nuclear Reliability Standard applies to nuclear plant generator operators (generally nuclear power plant owners and operators, including licensees) and “transmission entities,” defined in the Reliability Standard as including a nuclear plant’s suppliers of off-site power and related transmission and distribution services. To account for the variations in nuclear plant design and grid interconnection characteristics, the Reliability Standard defines transmission entities as “all entities that are responsible for providing services related to Nuclear Plant Interface Requirements (NPIRs),” and lists eleven types of functional entities (heretofore described as “transmission entities”) that could provide services related to NPIRs.⁸

The FERC–725F information collection requirements include establishing and maintaining interface agreements, including record retention requirements. These agreements are not filed with FERC, but with the appropriate entities as established by the Reliability Standard.

Type of Respondent: Nuclear operators, nuclear plants, transmission entities.

Estimate of Annual Burden:⁹ The Commission estimates the average annual burden and cost¹⁰ for this information collection as follows.

⁷ See Reliability Standard NUC–001–4 at NERC Document Portrait (Implementation Plan Template).

⁸ The list of functional entities consists of transmission operators, transmission owners, transmission planners, transmission service providers, balancing authorities, reliability coordinators, planning authorities, distribution providers, load-serving entities, generator owners, and generator operators.

⁹ 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. Refer to 5 CFR 1320.3 for additional information.

¹⁰ The wage and benefit figures are based on the Bureau of Labor Statistics (BLS) data (at https://www.bls.gov/oes/current/naics2_22.htm) for May 2023 for Sector 22, Utilities. (The benefits figure is based on BLS data as of May 2023 <http://www.bls.gov/news.release/ecenc.nro.htm>) The estimated hourly cost (for wages plus benefits) for reporting requirements is \$94.37/hour, based on the average for an electrical engineer (occupation code 17–2071, \$77.29/hour), legal (occupation code 23–0000, \$160.24/hour), and office and administrative staff (occupation code 43–0000, \$45.59/hour). The estimated cost is a combination of job functions with each covering one-third responsibility. Estimated cost per hour = (\$77.29 + \$160.24 + \$45.59)/3 = \$283.12/3 = \$94.37/hr.

¹ Energy Policy Act of 2005, Public Law 109–58, title XII, subtitle A, 119 Stat. 594, 941 (2005), 16 U.S.C. 824o.

² 16 U.S.C. 824o(e)(3).

³ Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards, Order No. 672, FERC Stats. & Regs. ¶ 31,204, order on reh’g, Order No. 672–A, FERC Stats. & Regs. ¶ 31,212 (2006).

⁴ Mandatory Reliability Standard for Nuclear Plant Interface Coordination, Order No. 716, 125 FERC ¶ 61,065, at P 189 & n.90 (2008), order on reh’g, Order No. 716–A, 126 FERC ¶ 61,122 (2009).

⁵ North American Electric Reliability Corporation, 130 FERC ¶ 61,051 (2010). When the revised Reliability Standard was approved, the Commission did not go to OMB for approval. It is assumed that the changes made did not substantively affect the information collection and therefore a formal submission to OMB was not needed.

⁶ The Letter Order is posted at <https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=13675845>.

FERC-725F	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hrs. & cost per response (\$) (rounded)	Total annual burden hrs. & total annual cost (\$) (rounded)	Cost per respondent (\$) (rounded)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
NUC001-4 (Reporting and Record Keeping).	54 nuclear plants + 108 transmission entities ¹¹ .	2	324	72 hrs.; \$6,794.64	23,328 hrs.; \$2,201,463.36	\$13,589.28
Total .....	.....	.....	324	.....	23,328 hrs.; ¹² \$2,201,463.36 .....	.....

Comments: Comments are invited on: (1) whether the collection 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 collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024-12424 Filed 6-5-24; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6464.1-02-R10]

Proposed Modification of NPDES General Permit for Concentrated Animal Feeding Operations Located in Idaho (IDG010000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed modification of NPDES general permit and request for public comment.

SUMMARY: On July 18, 2023, the Environmental Protection Agency (EPA) Region 10 proposed to modify the

¹¹ This figure of 108 transmission entities is based on the assumption that each agreement will be between 1 nuclear plant and 2 transmission entities (54 × 2 = 108). However, there is some double counting in this figure because some transmission entities may be party to multiple agreements with multiple nuclear plants. The double counting does not affect the burden estimate, and the correct number of unique respondents will be reported to OMB.

¹² The reporting requirements have not changed. The decrease in the number of respondents is due to:

(a) normal fluctuations in industry (e.g., companies merging and splitting, and coming into and going out of business), and

(b) no new agreements being issued due to the lack of new nuclear plants being developed.

NPDES General Permit for Concentrated Animal Feeding Operations (CAFOs) in Idaho excluding Tribal Lands (Permit). The proposed modification included new and revised conditions to address a Ninth Circuit Court of Appeal's Order and Opinion filed on December 16, 2021 (*Food & Water Watch et al. v. U.S. Environmental Protection Agency* (No. 20-71554)). Comments received during the 2023 public comment period are available online at the website under **ADDRESSES** in this document. With this notice, the EPA is initiating a second public comment period focused exclusively on additional modifications made to the Permit. After this comment period expires, and all comments from this comment period and the 2023 comment period have been considered, the EPA will make a final decision regarding the Permit modification.

DATES: Comments must be received by July 8, 2024.

ADDRESSES: Copies of the draft Permit modification and fact sheet addendum are available online: <https://www.epa.gov/npdes-permits/npdes-general-permit-concentrated-animal-feeding-operations-cafos-idaho>.

FOR FURTHER INFORMATION CONTACT: Requests may be made to Audrey Washington at (206) 553-0523 or to Nicholas Peak at (208) 378-5765. Requests may also be electronically mailed to: washington.audrey@epa.gov, or peak.nicholas@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

This modification is a major modification pursuant to 40 CFR 122.62(a)(15). The EPA Region 10 reissued the Permit on May 13, 2020; the Permit became effective on June 15, 2020 (85 FR 28624). Subsequently, a Petition for Review was filed on September 22, 2020, in the Ninth Circuit Court of Appeals, challenging the Permit on the basis that it did not contain representative effluent monitoring to ensure compliance with all applicable effluent limitations in violation of the Clean Water Act and implementing regulations (*Food & Water Watch et al. v. U.S. Environmental Protection Agency* (No.

20-71554)). The Court granted the petition, in part, holding that the Permit failed to include monitoring to ensure compliance with the discharge prohibitions in the Permit. On July 18, 2023, the EPA Region 10 proposed to modify the Permit (88 FR 45900). The proposed modification included new and revised conditions to address the Ninth Circuit Court of Appeal's Order and Opinion filed on December 16, 2021 (*Food & Water Watch et al. v. U.S. Environmental Protection Agency* (No. 20-71554)). With this notice, the EPA is initiating a second public comment period focused exclusively on the following additional modifications made to the Permit:

1. Removal of section II.B.9.a in the draft permit modification, regarding land application on surface irrigated fields.

2. Modification of Section II.B.9.b (now section II.B.9.a of the draft permit modification), regarding required visual inspections of land application events and land application setbacks, buffers, or compliance alternatives.

3. Modification of various elements of the nutrient management plan (section III.A.2.a in the draft permit modification).

II. Other Legal Requirements

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. Compliance with Endangered Species Act, Essential Fish Habitat, Paperwork Reduction Act, and other requirements are discussed in the original 2019 Fact Sheet to the permit.

Caleb Shaffer,

Acting Director, Water Division, Region 10.

[FR Doc. 2024-12455 Filed 6-5-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 24–498; FR ID 223700]

Media Bureau Announces Commencement of First-Come, First-Serve Channel Change Opportunity for Class A Television, LPTV and TV Translator Stations Beginning on August 20, 2024**AGENCY:** Federal Communications Commission.**ACTION:** Notice.

SUMMARY: The Media Bureau announces that beginning August 20, 2024, it will lift its current freeze on major modification applications and permit all Class A television (Class A), low power television (LPTV), and television translator stations (TV translator) stations to file major change applications in order to change their existing channel, subject to certain limitations. Specifically changes to a station's facility are restricted to a change in channel and those that could otherwise be requested in a minor modification application. No other major changes will be permitted. The current freeze will remain in place until further notice for all other major modifications and applications for new LPTV and TV translator stations.

DATES: The Media Bureau will lift the freeze on major modification applications on August 20, 2024 and begin allowing applications for major change in order that Class A, LPTV and TV translator stations may seek to change their existing channel.

FOR FURTHER INFORMATION CONTACT: Mark Colombo (technical questions), Mark.Colombo@fcc.gov, (202) 418–7611, or Shaun Maher (legal questions), Shaun.Maher@fcc.gov, (202) 418–2324, of the Video Division, Media Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Media Bureau's *Public Notice*, DA 24–498, released on May 28, 2024. The full text of this document is available for download at <https://docs.fcc.gov/public/attachments/DA-24-498A1.pdf>. To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to FCC504@fcc.gov or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

Synopsis

Beginning August 20, 2024, all Class A, LPTV, and TV translator stations will be permitted, on a nationwide basis and without geographic limitation, to file a

major modification to seek authority to change channel. No other major changes will be permitted and any changes to a station's facility are restricted to a change in channel and those that could otherwise be requested in a minor modification application. *See* 47 CFR 73.3572(a)(2), (3) and 74.787(b)(1), (2). For example, requests to move a facility greater than 30 miles (or 48 kilometers) are not permitted and remain subject to the existing freeze. The Media Bureau finds that limiting major modifications in this manner is in the public interest as it will allow stations that have not had an opportunity to change channel since prior to the Incentive Auction the ability to resolve viewer reception issues that cannot be resolved through means other than changing channel. It will also allow stations to improve television service to existing viewers prior to providing an opportunity for other major modifications, such as moving greater than 30 miles, or allowing interested parties to apply for new stations.

All applications will be processed on a first-come, first-serve basis and will be “cut off” daily for purposes of determining mutual exclusivity (MX). Applicants will be given an opportunity to resolve their mutual exclusivity through settlement or engineering amendment that may be submitted during a settlement window to be announced by the Media Bureau by separate public notice. Applications that do not comply with the parameters of this filing opportunity may be amended within 30 days to come into compliance, provided that the amended application does not create a new MX with any other application filed during this opportunity. Any application that fails to come into compliance will be dismissed.

Class A station applications must be filed electronically via the Commission's Licensing and Management System (LMS) on FCC Form 2100—Schedule E and applicants will be required to pay the requisite fee for a major change application (\$4,755.00). LPTV and TV translator station applications must be filed electronically via LMS on FCC Form 2100—Schedule C and applicants will be required to pay the requisite fee for a major change application (\$865.00). Applications prepared for this filing opportunity should be prepared using 2020 Census data found in the new TVStudy 2.3.0 software. *See Office of Engineering and Technology Announces Release of Version 2.3.0 of TV Study*, Public Notice, DA 24–499 (rel. May 28, 2024); *Media Bureau Announces the Incorporation of 2020 U.S. Census*

Population Data into the Commission's TVStudy Software and Requirements to Utilize Such Data Effective August 1, 2024, Public Notice, DA 24–497 (rel. May 28, 2024).

This action is taken by the Chief, Media Bureau, pursuant to authority delegated by sections 0.61 and 0.283 of the Commission's rules. 47 CFR 0.61 and 0.283.

Federal Communications Commission.

Thomas Horan,*Chief of Staff, Media Bureau.*

[FR Doc. 2024–12368 Filed 6–5–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 24–497; FR ID 223701]

Media Bureau Announces the Incorporation of 2020 U.S. Census Population Data Into the Commission's TVStudy Software and Requirement To Utilize Such Data Effective August 1, 2024**AGENCY:** Federal Communications Commission.**ACTION:** Notice.

SUMMARY: The Media Bureau announces, that effective August 1, 2024 the Commission's TVStudy software will incorporate the most recent U.S. Census Bureau decennial Census block and population data (2020 Census Data). All television broadcast applications filed on or after August 1, 2024, will be required to utilize 2020 Census Data for purposes of conducting interference analyses. Failure to do so will require amendment and may result in dismissal of applications as defective.

DATES: Beginning August 1, 2024, applications must utilize 2020 Census Data.

FOR FURTHER INFORMATION CONTACT: Kevin Harding, Kevin.Harding@fcc.gov, 202–418–7077 or Mark Colombo (technical questions), Mark.Colombo@fcc.gov, (202) 418–7611 of the Video Division, Media Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Media Bureau's *Public Notice*, DA 24–497, released on May 28, 2024. The full text of this document is available for download at <https://www.fcc.gov/document/media-bureau-incorporates-2020-us-census-data-tvstudy>. To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to FCC504@fcc.gov or call the Consumer & Government Affairs Bureau at (202)

418–0530 (VOICE), (202) 418–0432 (TTY).

Synopsis

The Media Bureau announces, pursuant to sections 73.616(d)(1) and 73.620 of the Commission’s rules, 47 CFR 73.616(d)(1) and 73.620, that effective August 1, 2024 the Commission’s TVStudy software will incorporate the most recent U.S. Census Bureau decennial Census block and population data (2020 Census Data). The Commission’s TVStudy software is used to perform coverage and interference analysis of television stations according to the procedures set forth in OET Bulletin No. 69: “Longley-Rice Methodology for Evaluating TV Coverage and Interference” in connection with the preparation and processing of full power rulemaking

petitions to allot channels to the Table of TV Allotments and applications prepared by all television licensees and permittees when they seek to modify their facilities.

Therefore all television broadcast applications filed on or after August 1, 2024, will be required to utilize 2020 Census Data for purposes of conducting interference analyses. Failure to do so will require amendment and may result in dismissal of applications as defective.

This action is taken by the Chief, Media Bureau, pursuant to authority delegated by sections 0.61 and 0.283 of the Commission’s rules. 47 CFR 0.61 and 0.283.

Federal Communications Commission.
Thomas Horan,
Chief of Staff, Media Bureau.
[FR Doc. 2024–12363 Filed 6–5–24; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10463	Nova Bank	Berwyn	PA	06/01/2024
10535	Ericson State Bank	Ericson	NE	06/01/2024

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

(Authority: 12 U.S.C. 1819)
Federal Deposit Insurance Corporation.
Dated at Washington, DC, on June 3, 2024.
James P. Sheesley,
Assistant Executive Secretary.
[FR Doc. 2024–12404 Filed 6–5–24; 8:45 am]
BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at Secretary@fmc.gov, or by mail, Federal Maritime Commission, 800 North Capitol Street,

Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission’s website (www.fmc.gov) or by contacting the Office of Agreements at (202)–523–5793 or tradeanalysis@fmc.gov.

Agreement No.: 201429.
Agreement Name: Gemini Cooperation Agreement.
Parties: Hapag Lloyd AG; Hapag-Lloyd USA, LLC; Maersk A/S.
Filing Party: Wayne Rohde; Cozen O’Connor.

Synopsis: The agreement authorizes the parties to share vessels in the trades between the United States, Asia, the Middle East, and Europe.

Proposed Effective Date: 07/15/2024.
Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/86566>.

Dated: June 3, 2024.
Alanna Beck,
Federal Register Alternate Liaison Officer.
[FR Doc. 2024–12418 Filed 6–5–24; 8:45 am]
BILLING CODE 6730–02–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 21, 2024.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414. Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *William C. Martin 2024 Grantor Retained Annuity Trust, William C. Martin, as trustee, both of Ann Arbor, Michigan*; to join the Martin Family Control Group, a group acting in concert, to acquire voting shares of Arbor Bancorp, Inc. and thereby indirectly acquire voting shares of Bank of Ann Arbor, both of Ann Arbor, Michigan.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024-12431 Filed 6-5-24; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at

<https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments 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 July 8, 2024.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414. Comments can also be sent electronically to

Comments.applications@chi.frb.org:

1. *Western Illinois Bancshares, Inc., Monmouth, Illinois*; to merge with Main Street Bancorp, Inc., and thereby indirectly acquire Princeville State Bank, both of Princeville, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024-12432 Filed 6-5-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-N-5451]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Prescription Drug Marketing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the

collection of information by July 8, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://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. The OMB control number for this information collection is 0910-0435. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Prescription Drug Marketing

OMB Control Number 0910-0435—Extension

This information collection helps support FDA regulations and statutory requirements that govern prescription drug marketing. Specifically, the Federal Food, Drug, and Cosmetic Act, as amended by the Prescription Drug Marketing Act of 1987 (Pub. L. 100-293) (PDMA) and Prescription Drug Amendments of 1992, establishes requirements for the: (1) reimportation and wholesale distribution of prescription drugs; (2) sale, purchase, or trade of, or the offer to sell, purchase, or trade, prescription drugs that were purchased by hospitals or healthcare entities or donated to charitable organizations; and (3) distribution of prescription drug samples. Because insufficient safeguards existed over the drug distribution system to prevent the introduction and retail sale of substandard, ineffective, or counterfeit drugs, and that a wholesale drug diversion submarket had developed that prevented effective control over the true sources of drugs, PDMA was enacted. PDMA is intended to ensure that drug products purchased by consumers are safe and effective and to avoid an unacceptable risk that counterfeit, adulterated, misbranded, subpotent, or expired drugs are sold. Agency regulations implementing PDMA requirements are codified in part 203

(21 CFR part 203), Prescription Drug Marketing.

The regulations in part 203 include reporting and recordkeeping requirements intended to help achieve the following goals to: (1) ban the reimportation of prescription drugs produced in the United States, except when reimported by the manufacturer or under FDA authorization for emergency medical care; (2) ban the sale, purchase, or trade, or the offer to sell, purchase, or trade, of any prescription drug sample; (3) limit the distribution of drug samples to practitioners licensed or authorized to

prescribe such drugs or to pharmacies of hospitals or other healthcare entities at the request of a licensed or authorized practitioner; (4) require licensed or authorized practitioners to request prescription drug samples in writing; (5) mandate storage, handling, and recordkeeping requirements for prescription drug samples; and (6) prohibit, with certain exceptions, the sale, purchase, or trade, or the offer to sell, purchase, or trade, of prescription drugs that were purchased by hospitals or other healthcare entities or that were donated or supplied at a reduced price to a charitable organization.

Respondents: Respondents to the information collection are persons or entities engaged in prescription drug marketing.

In the **Federal Register** of January 22, 2024 (89 FR 3928), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although one comment was received, it was not responsive to the four information collection topics solicited in our 60-day notice.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
§ 203.11; Reimportation	1	1	1	0.5 (30 minutes)	0.5
§ 203.37(a); Falsification of records	140	2.14	300	0.25 (15 minutes)	75
§ 203.37(b); Loss or theft of samples	140	57.14	8,000	0.25 (15 minutes)	2,000
§ 203.37(c); Convictions	1	1	1	1	1
§ 203.37(d); Contact person	20	1	20	0.08 (5 minutes)	2
§ 203.39(g); Reconciliation report	1	1	1	1	1
Total			8,323		2,080

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Subpart C: Sale restrictions					
§ 203.23(a) and (b); Returned drugs	2,200	71.99	158,380	0.25 (15 minutes)	39,595
§ 203.23(c); Returned drugs storage documentation	2,200	71.99	158,380	0.08 (5 minutes)	12,670
Subpart D: Samples					
§§ 203.30 to 203.39; documentation regarding sample distribution	140	46,716.67	6,540,334	0.08 (5 minutes)	523,227
Total			6,857,094		575,492

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of Agency data, since our last request for OMB approval, cumulatively our estimate reflects an increase of 6,492,354 responses and 516,028 hours annually. The estimates in table 1 reflect an assessment of the volume of loss/theft/falsification reports received by the Agency under § 203.37 over the past 18 months. While the requirements have not changed, we believe the current figures more accurately reflect the number of reports estimated to be submitted to FDA under this section. Our adjustments to table 2 are attributable to a more accurate reflection of the number of drug sample requests received by manufacturers and authorized distributors of record. The PDMA does not require manufacturers and distributors to report the number of drug sample requests they receive to FDA. However, section 6004 of the

Patient Protection and Affordable Care Act (Pub. L. 111–148) requires that manufacturers and authorized distributors submit to FDA annually the identity and quantity of drug samples requested, among other information.

Dated: May 31, 2024.

Lauren K. Roth,
Associate Commissioner for Policy.
[FR Doc. 2024–12357 Filed 6–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–5324]

Marina Sievert: Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debarring Marina Sievert for a period of 10 years from importing or offering for import any drug into the United States. FDA bases this order on a finding that Ms. Sievert was convicted of one felony count under Federal law for mail fraud and one felony count under Federal law

for introduction of an unapproved new drug into interstate commerce. The factual basis supporting Ms. Sievert's conviction, as described below, is conduct relating to the importation into the United States of a drug or controlled substance. Ms. Sievert was given notice of the proposed debarment and was given an opportunity to request a hearing to show why she should not be debarred. As of March 10, 2024 (30 days after receipt of the notice), Ms. Sievert had not responded. Ms. Sievert's failure to respond and request a hearing constitutes a waiver of her right to a hearing concerning this matter.

DATES: This order is applicable June 6, 2024.

ADDRESSES: Any application by Ms. Sievert for termination of debarment under section 306(d)(1) of the FD&C Act (21 U.S.C. 335a(d)(1)) may be submitted at any time as follows:

Electronic Submissions

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. An application submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your application, that information will be posted on <https://www.regulations.gov>.

- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All applications must include the Docket No. FDA-2023-N-5324. Received applications will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit an application with confidential information that you do not wish to be made publicly available, submit your application only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of your application. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT: Jaime Espinosa, Division of Compliance and Enforcement, Office of Policy, Compliance, and Enforcement, Office of Regulatory Affairs, Food and Drug Administration, at 240-402-8743, or debarments@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(b)(1)(D) of the FD&C Act permits debarment of an individual from importing or offering for import any drug into the United States if FDA finds, as required by section 306(b)(3)(C) of the FD&C Act, that the individual has been convicted of a felony for conduct

relating to the importation into the United States of any drug or controlled substance.

On October 31, 2023, Ms. Sievert was convicted as defined in section 306(l)(1) of the FD&C Act in the United States District Court for the Middle District of Florida-Tampa Division when the court accepted her plea of guilty and entered judgment against her for two felony offenses, mail fraud in violation of 18 U.S.C. 1341 and introduction of an unapproved new drug into interstate commerce in violation of 21 U.S.C. 331(d), 355(a), and 333(a)(2). The underlying facts supporting the conviction are as follows: as contained in the Indictment and the Plea Agreement from her case, beginning in or about July 2019, and continuing through in or about April 2022, Ms. Sievert served as the registered agent, president, and director of Beauty Forever Florida, Inc. (BFF). In addition, Ms. Sievert operated the website www.beautyforeverflorida.com (the BFF website) on behalf of BFF. Through the BFF website Ms. Sievert sold a variety of foreign unapproved beauty and skin care products, including botulinum toxin type A drugs, to customers across the United States. On BFF's website Ms. Sievert promoted and sold a Korean pharmaceutical company's products, Innotox Medytox and Meditoxin. Innotox Medytox and Meditoxin were injectable botulinum toxin type A products that Ms. Sievert advertised would temporarily improve moderate to severe wrinkle lines and/or procerus muscle activity in adults. FDA-approved drug products containing botulinum toxin type A are only available pursuant to a prescription from a licensed prescriber. Innotox Medytox and Meditoxin lacked required FDA approval and were unapproved new drugs. Ms. Sievert ordered, purchased, imported, and received Innotox Medytox and Meditoxin from a foreign pharmaceutical retailer for the purpose of redistributing them to BFF's customers in the United States. The BFF website's online store used false and fraudulent pretenses and representations, including false and misleading claims that BFF's products were "FDA approved," had "cleared customs," and had "guaranteed authenticity."

On or about March 13, 2020, FDA agents advised Ms. Sievert that receiving foreign unapproved new drugs, including specifically foreign toxins, in interstate commerce and delivering or offering to deliver those drugs to others was a violation of Federal law. FDA agents warned Ms. Sievert that the foreign unapproved new

drugs that she was selling online through the BFF website were not “FDA approved.” Despite these warnings, Ms. Sievert continued operating BFF and the BFF website in the same manner as she had prior to the FDA’s warnings.

On or about March 29, 2021, an FDA Office of Criminal Investigations agent conducted an online undercover purchase from the BFF website. The agent purchased five units of injectable botulinum type A labeled as “Innotox 100U. Korea” and five units of injectable botulinum type A labeled as “Meditoxin 200U-Botulinum A Toxin.” On or about March 30, 2021, the agent received the undercover purchase made from the BFF website. The “Innotox Medytox” and “Meditoxin” labeled products were tested by FDA. Both products tested positive for the presence of botulinum toxin type A. Between July 2019 and April 2022 Ms. Sievert derived more than \$1,500,000 from her illegal sales of foreign unapproved new drugs.

FDA sent Ms. Sievert, by certified mail, on November 30, 2023, a notice proposing to debar her for a 10-year period from importing or offering for import any drug into the United States. The proposal was based on a finding under section 306(b)(3)(C) of the FD&C Act that Ms. Sievert’s felony convictions under Federal law for mail fraud in violation of 18 U.S.C. 1341 and introduction of an unapproved new drug into interstate commerce in violation of 21 U.S.C. 331(d), 355(a), and 333(a)(2) was for conduct relating to the importation into the United States of any drug or controlled substance because Ms. Sievert illegally imported unapproved new drugs containing botulinum toxin type A and sold those products to her company’s customers throughout the United States. In proposing a debarment period, FDA weighed the considerations set forth in section 306(c)(3) of the FD&C Act that it considered applicable to Ms. Sievert’s offenses and concluded that the offenses warranted the imposition of a 10-year period of debarment.

The proposal informed Ms. Sievert of the proposed debarment and offered her an opportunity to request a hearing, providing her 30 days from the date of receipt of the letter in which to file the request, and advised her that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Ms. Sievert received the proposal and notice of opportunity for a hearing on February 9, 2024. Ms. Sievert failed to request a hearing within the timeframe prescribed by regulation and has, therefore, waived her opportunity for a hearing and

waived any contentions concerning her debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Assistant Commissioner, Office of Human and Animal Food Operations, under section 306(b)(3)(C) of the FD&C Act, under authority delegated to the Assistant Commissioner, finds that Ms. Marina Sievert has been convicted of two felonies under Federal law for conduct relating to the importation into the United States of any drug or controlled substance. FDA finds that the offenses should each be accorded a debarment period of 5 years, to run consecutively for a total debarment period of 10 years as provided by section 306(c)(2)(A)(iii) of the FD&C Act.

As a result of the foregoing finding, Ms. Sievert is debarred for a period of 10 years from importing or offering for import any drug into the United States, effective (see **DATES**). Pursuant to section 301(cc) of the FD&C Act (21 U.S.C. 331(cc)), the importing or offering for import into the United States of any drug by, with the assistance of, or at the direction of Ms. Sievert is a prohibited act.

Dated: May 31, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–12356 Filed 6–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–5746]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Record Retention Requirements for the Soy Protein and Reduced Risk of Coronary Heart Disease Health Claim

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by July 8, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://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. The OMB control number for this information collection is 0910–0428. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Record Retention Requirements for the Soy Protein and Reduced Risk of Coronary Heart Disease Health Claim—21 CFR 101.82

OMB Control Number 0910–0428—Extension

Section 403(r)(3)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(r)(3)(A)) provides for the use of food label statements characterizing a relationship of any nutrient of the type required to be in the label or labeling of the food to a disease or a health-related condition only where that statement meets the requirements of the regulations issued by the Secretary of Health and Human Services to authorize the use of such a health claim. Section 101.82 (21 CFR 101.82) of our regulations authorizes a health claim for food labels about soy protein and the risk of CHD. Accordingly, we established this information collection in support of the regulation.

This information collection enables us to review food labeling ingredient information to determine the basis of soy protein/CHD health claims. Respondents are required to retain records for FDA inspection regarding calculation of the ratio of soy protein to total protein in a food when that food bears a soy protein/CHD health claim.

While we are currently proposing to revoke the regulation (RIN 0910–AH43) as announced in the **Federal Register** of October 31, 2017 (82 FR 50324), the regulation remains in effect. Once we finalize the proposed rule, the associated information collection

requirements under this OMB control number will be revoked. Until such time and in accordance with the PRA, we retain our currently approved burden estimate for this information collection.

Description of Respondents:

Respondents include businesses engaged in the manufacture of foods

containing soy and other proteins that bear soy protein/CHD health claims. Respondents to the information collection are from the private sector (for-profit businesses).

In the **Federal Register** of January 23, 2024 (89 FR 4309), FDA published a 60-day notice requesting public comment

on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
101.82; Soy protein/CHD health claim	25	1	25	1	25

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

The records currently required to be retained under § 101.82(c)(2)(ii)(B) are the records, *e.g.*, the formulation or recipe, that a manufacturer has and maintains as a normal course of its doing business. Thus, the burden to the food manufacturer is limited to assembling and retaining the records.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: May 31, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–12359 Filed 6–5–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders Meeting and Solicitation for Oral and Written Comments

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Intergovernmental and External Affairs, White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders.

ACTION: Notice of meeting and solicitation for written and oral comments.

SUMMARY: The U.S. Department of Health and Human Services (HHS) announces the ninth public meeting of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders (Commission) and the solicitation of written and oral comment regarding the advancement of equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander (AA and NHPI) communities. The meeting is open to

the public and will be held in Saint Paul, Minnesota. Virtual attendance will be available through livestream on July 1 and in-person attendance will be available on July 2, 2024. The Commission is working to accomplish its mission to provide independent advice and recommendations to the President on ways to advance equity, justice, and opportunity for AA and NHPI communities.

DATES: The Commission will meet on July 1, 2024, from 11:00 a.m. Eastern Time (ET) to 5:00 p.m. ET and July 2, 2024, from 2:00 p.m. ET to 6:00 p.m. ET. The final location and agenda will be posted on the website for the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders: <https://www.hhs.gov/about/whiaanhpi/commission/index.html> when this information becomes available.

ADDRESSES: Members of the public may attend the meeting virtually or in person, depending on the portion of the meeting. Registration is required through the following links:

July 1 meeting (virtual attendance only):

<https://www.eventbrite.com/e/meeting-of-the-presidents-advisory-commission-on-aa-and-nhpis-tickets-911468415567?aff=oddtcreator>

July 2 public listening session (in-person attendance only):

<https://www.eventbrite.com/e/presidents-advisory-commission-on-aa-and-nhpis-listening-session-tickets-911482939007?aff=oddtcreator>

FOR FURTHER INFORMATION CONTACT:

Judith Teruya, Lead Designated Federal Officer, President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders, U.S. Department of Health and Human Services, Office of the Secretary, Office of Intergovernmental and External Affairs, U.S. Department of Health and Human Services, Hubert Humphrey Building, 620E, 200 Independence Ave.

SW, Washington, DC 20201; email: AANHPICommission@hhs.gov; telephone: (202) 951–0235.

SUPPLEMENTARY INFORMATION:

Background: The meeting is the ninth in a series of federal advisory committee meetings regarding the development of recommendations to advance equity, justice, and opportunity for AA and NHPI communities. The meeting is open to the public and will be live streamed. The Commission, co-chaired by U.S. Health and Human Services Secretary Xavier Becerra and the U.S. Trade Representative Ambassador Katherine Tai, advises the President on: the development, monitoring, and coordination of executive branch efforts to advance equity, justice, and opportunity for AA and NHPI communities in the United States, including efforts to close gaps in health, socioeconomic, employment, and educational outcomes; policies to address and end anti-Asian bias, xenophobia, racism, and nativism, and opportunities for the executive branch to advance inclusion, belonging, and public awareness of the diversity and accomplishments of AA and NHPI people, cultures, and histories; policies, programs, and initiatives to prevent, report, respond to, and track anti-Asian hate crimes and hate incidents; ways in which the Federal Government can build on the capacity and contributions of AA and NHPI communities through equitable Federal funding, grantmaking, and employment opportunities; policies and practices to improve research and equitable data disaggregation regarding AA and NHPI communities; policies and practices to improve language access services to ensure AA and NHPI communities can access Federal programs and services; and strategies to increase public- and private-sector collaboration, and community involvement in improving the safety and socioeconomic, health, educational,

occupational, and environmental well-being of AA and NHPI communities.

Information is available on the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders website at <https://www.hhs.gov/about/whiaanhpi/commission/index.html>. The names of the members of the President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders are available at <https://www.hhs.gov/about/whiaanhpi/commission/commissioners/index.html>.

Purpose of Meeting: The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders, authorized by Executive Order 14031, as amended by Executive Order 14109, will meet to discuss recommendations by the Commission's six subcommittees on ways to advance equity, justice, and opportunity for Asian American, Native Hawaiian, and Pacific Islander communities. The subcommittees are: Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination; Data Disaggregation and Education; Economic Equity; Health Equity; Immigration and Citizenship Status; and Language Access and Communications.

Public Participation at Meeting: Members of the public may attend the meeting virtually and the public listening session in person. Registration is required through the following links:

July 1 (virtual attendance only): <https://www.eventbrite.com/e/meeting-of-the-presidents-advisory-commission-on-aa-and-nhpis-tickets-911468415567?aff=oddtcreator>

July 2 public listening session (in-person attendance only): <https://www.eventbrite.com/e/presidents-advisory-commission-on-aa-and-nhpis-listening-session-tickets-911482939007?aff=oddtcreator>

Written public comments: Written comments are welcomed throughout the development of the Commission's recommendations to promote equity, justice, and opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders and may be emailed to AANHPICommission@hhs.gov at any time. Respond concisely and in plain language. You may use any structure or layout that presents your information well. You may respond to some or all of the questions, and you can suggest other factors or relevant questions for the Commission to consider. You may also include links to online material or interactive presentations. Clearly mark any proprietary information and place it in its own section or file. Your response will become government property, and

non-proprietary content may be published as public record.

Oral public comments: Individuals may submit a request to make an oral public comment at the July 2, 2024, meeting in response to the questions below. Advance copy of oral public comment must be sent via email to AANHPICommission@hhs.gov with the subject line "PACAANHPI: In-person Response to <insert the issue and question>" no later than 11:59 p.m. ET on Monday, June 24, 2024. Submissions received after the deadline will not be considered for oral public comment. Your submitted oral comment will become government property and may be published as part of the meeting record.

Registration for oral public comment is on a first-come, first-served basis. Comments are limited to two (2) minutes or less per person. After the maximum number of speakers is exceeded, individuals registered to provide oral comment will be placed on a wait list and notified should an opening become available. You will be notified via email no later than June 28, 2024, if you have been identified to provide in-person public comment.

The Commission is interested in soliciting comments on the following questions:

1. Belonging, Inclusion, Anti-Asian Hate, Anti-Discrimination Subcommittee Questions:

a. What policies, programs, models, or best practices, if any, have reduced incidents of gun violence in AA and NHPI communities?

b. Please describe how you, your family, or community members have experienced online anti-AANHPI harassment or bullying, and what recommendations you would propose to address such harassment or bullying.

2. Data Disaggregation and Education Subcommittee Questions:

a. What obstacles do AA and NHPI communities face regarding data and the status of educational programs?

3. Economic Equity Subcommittee Questions:

a. What are the challenges that AA and NHPI farmers are facing in Minnesota? What federal resources (e.g., loans, marketplace access, education, grants, and more) could be improved to assist farmers?

b. What challenges did you face in accessing federal resources as an AA and NHPI business? Or what went well in your process of accessing federal resources? Where did you access information about these federal resources?

c. Has discrimination or anti-immigrant sentiment impacted the

economic growth of the AA and NHPI community in Minnesota?

4. Health Equity Subcommittee Questions:

a. What health concerns, including mental health and Artificial Intelligence (AI) bias, are impacting your community, and what are some of the ways communities are trying to address these challenges?

b. What are the perceived advantages and disadvantages of AI in your lives?

5. Immigration and Citizenship Status Subcommittee Questions:

a. Are you, or individuals you know, afraid to utilize public resources (e.g., federal benefit programs) because you believe it will impact your immigration status? Please explain in detail. What can the government do to decrease concerns with accessing federal benefits?

b. What are the top three priorities or concerns you have about the U.S. immigration system that impacts Asian and Pacific Islander communities?

6. Language Access Subcommittee Questions:

a. How can the Federal Government promote the preservation, teaching, learning of, maintenance, and utilization of Asian, Native Hawaiian, and Pacific Islander languages?

b. Are there any programs you recommend the Commission examine that provide meaningful language access to government benefits and services to individuals with limited English proficiency?

Authority: Executive Order 14031 as amended by Executive Order 14109. The President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders is governed by provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of Federal advisory committees.

Krystal Ka'ai

Executive Director, White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders

[FR Doc. 2024-12292 Filed 6-4-24; 11:15 am]

BILLING CODE 4153-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious 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 Allergy and Infectious Diseases Special Emphasis Panel; Fc-Dependent Mechanisms of Antibody-Mediated Killing (R01 Clinical Trial Not Allowed).

Date: July 8–9, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G58, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Anuja Mathew, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G58, Rockville, MD 20852, 301–761–6911, anuja.mathew@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 3, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–12422 Filed 6–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, NSD–A/B Member Conflict SEP, June 24, 2024, 10:00 a.m. to June 24, 2024, 12:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting), which was published in the **Federal Register** on May 30,

2024, FR Doc. 2024–11973, 89 FR 47156.

This notice is being amended to change the date of this one-day meeting from June 24, 2025, to June 25, 2024. The meeting time remains the same. The meeting is closed to the public.

Dated: June 3, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–12421 Filed 6–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

**[FWS–R4–ES–2024–N023;
FXES11130900000C2–201–FF09E32000]**

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews for 59 Southeastern Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews under the Endangered Species Act for 59 animal and plant species. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review to ensure the accuracy of the species' classification as endangered or threatened. We are requesting submission of any such information that has become available since the previous status review for each species.

DATES: To ensure consideration of your information in our reviews, we must receive your comments or information on or before August 5, 2024. However, we will continue to accept new information about any of the species at any time.

ADDRESSES: For instructions on how to submit information for a species, see the table in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: To request information on specific species, contact the appropriate person in the table in the **SUPPLEMENTARY INFORMATION** section or, for general information, contact Aaron Valenta, via phone at (404) 679–4144, via email at aaron_valenta@fws.gov, or via U.S. mail at U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access

telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), for 36 animal species and 23 plant species. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information that has become available since the last review for the species, particularly information on the status, threats, and recovery of the species.

Why do we conduct a 5-year review?

Under the ESA, we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for wildlife) and 50 CFR 17.12 (for plants). Section 4(c)(2)(A) of the ESA requires us to review each listed species' status at least once every 5 years. Our regulation at 50 CFR 424.21 requires that we publish a notice in the **Federal Register** announcing that a species is under active review; however, we may review the status of the species at any time based upon a petition or other information available to us. For additional information about 5-year reviews, refer to our fact sheet at: <https://www.fws.gov/project/five-year-status-reviews>.

What information do we consider in our review?

A 5-year review considers the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, habitat requirements, tolerance thresholds, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been or are planned to be implemented to benefit the species;

(D) Current threats and trends in relation to the five listing factors (as defined in section 4(a)(1) of the ESA); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes,

identification of erroneous information contained in the List, and improved analytical methods.

New information will be considered in the 5-year review and ongoing recovery programs for the species.

Which species are under review?

This notice announces 5-year status reviews for the species listed in the table below.

Common name	Scientific name	Listing status	Locations where the species is known to occur	Final listing rule (Federal Register citation and publication date)	Contact person, email, phone	Contact's mailing address
ANIMALS						
Mammals						
Choctawhatchee beach mouse.	<i>Peromyscus polionotus allophrys</i> .	E	FL	50 FR 23872; June 6, 1985.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 1601 Balboa Ave., Panama City, FL 32405.
Southeastern beach mouse.	<i>Peromyscus polionotus niveiventris</i> .	T	FL	54 FR 20598; May 12, 1989.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.
St. Andrew beach mouse.	<i>Peromyscus polionotus peninsularis</i> .	E	FL	63 FR 70053; December 18, 1998.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 1601 Balboa Ave., Panama City, FL 32405.
Birds						
Florida scrub-jay	<i>Aphelocoma coerulescens</i> .	T	FL	52 FR 20715; June 3, 1987.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.
Reptiles						
Ringed map turtle	<i>Graptemys oculifera</i> ...	T	LA, MS	51 FR 45907; December 23, 1986.	Luke Pearson, <i>luke_pearson@fws.gov</i> , 601-321-1125.	USFWS, 6578 Dogwood View Pkwy., Jackson, MS 39213.
Fishes						
Alabama sturgeon	<i>Scaphirhynchus suttkusi</i> .	E	AL	65 FR 26438; May 5, 2000.	Scott Lamont, <i>scott_lamont@fws.gov</i> , 251-441-5857.	USFWS, 1208B Main Street, Daphne, AL 36526.
Barrens topminnow	<i>Fundulus julisia</i>	E	TN	84 FR 56131; October 21, 2019.	Andy Ford, <i>anthony_ford@fws.gov</i> , 931-319-7747.	USFWS, 446 Neal Street, Cookeville, TN 38501.
Bayou darter	<i>Etheostoma rubrum</i> ...	T	MS	40 FR 44149; September 25, 1975.	Matt Wagner, <i>matthew_wagner@fws.gov</i> , 610-763-9074.	USFWS, 6578 Dogwood View Pkwy., Jackson, MS 39213.
Bluemask (=jewel) darter.	<i>Etheostoma akatulo</i> ...	E	TN	58 FR 68480; December 27, 1993.	Andy Ford, <i>anthony_ford@fws.gov</i> , 931-319-7747.	USFWS, 446 Neal Street, Cookeville, TN 38501.
Conasauga logperch ...	<i>Percina jenkinsi</i>	E	GA, TN	50 FR 31597; August 5, 1985.	Martha Zapata, <i>martha_zapata@fws.gov</i> , 706-535-2118.	USFWS, RG Stephens, Jr. Federal Building, 355 East Hancock Ave., Athens, GA 30601.
Rush darter	<i>Etheostoma phytophilum</i> .	E	AL	76 FR 48722; August 9, 2011.	Jennifer Grunewald, <i>jennifer_grunewald@fws.gov</i> , 251-424-0635.	USFWS, 1208B Main Street, Daphne, AL 36526.
Waccamaw silverside ..	<i>Menidia extensa</i>	T	NC	52 FR 11277; April 8, 1987.	Pete Benjamin, <i>Raleigh ES@fws.gov</i> , 984-308-0802.	USFWS, P.O. Box 33726, Raleigh, NC 27636-3726.
Yellowfin madtom	<i>Noturus flavipinnis</i>	T	TN, VA	42 FR 45526; September 9, 1977.	Andy Ford, <i>anthony_ford@fws.gov</i> , 931-319-7747.	USFWS, 446 Neal Street, Cookeville, TN 38501.
Clams						
Alabama lampmussel ..	<i>Lampsilis virescens</i> ...	E	AL, MS, TN ...	41 FR 24062; June 14, 1976.	Erin Sasser, <i>erin_sasser@fws.gov</i> , 251-441-5842.	USFWS, 1208B Main Street, Daphne, AL 36526.
Arkansas fatmucket	<i>Lampsilis powelli</i>	T	AR	55 FR 12797; April 5, 1990.	Chris Davidson, <i>chris_davidson@fws.gov</i> , 501-513-4481.	USFWS, 110 South Amity Road, Suite 300, Conway, AR 72032.
Birdwing pearl mussel	<i>Lemiox rimosus</i>	E	TN, VA	41 FR 24062; June 14, 1976.	Andy Ford, <i>anthony_ford@fws.gov</i> , 931-319-7747.	USFWS, 446 Neal Street, Cookeville, TN 38501.
Cracking pearl mussel	<i>Hemistena lata</i>	E	AL, TN, VA	54 FR 39850; September 28, 1989.	Andy Ford, <i>anthony_ford@fws.gov</i> , 931-319-7747.	USFWS, 446 Neal Street, Cookeville, TN 38501.
Cumberland bean (pearl mussel).	<i>Villosa trabalis</i>	E	KY, TN	41 FR 24062; June 14, 1976.	Taylor Fagin, <i>taylor_fagin@fws.gov</i> , 502-653-0541.	USFWS, 330 W Broadway, Ste. 265, Frankfort, KY 40601.
Cumberlandian combshell.	<i>Epioblasma brevidens</i>	E	AL, KY, MS, TN, VA.	62 FR 1647; January 10, 1997.	Andy Ford, <i>anthony_ford@fws.gov</i> , 931-319-7747.	USFWS, 446 Neal Street, Cookeville, TN 38501.
Dromedary pearl mussel.	<i>Dromus dromas</i>	E	AL, KY, TN, VA.	41 FR 24062; June 14, 1976.	Andy Ford, <i>anthony_ford@fws.gov</i> , 931-319-7747.	USFWS, 446 Neal Street, Cookeville, TN 38501.
Fat pocketbook	<i>Potamilus capax</i>	E	AR, IL, IN, KY, LA, MS, MO, TN.	41 FR 24062; June 14, 1976.	Matt Wagner, <i>matthew_wagner@fws.gov</i> , 610-763-9073.	USFWS, 6578 Dogwood View Pkwy., Jackson, MS 39213.

Common name	Scientific name	Listing status	Locations where the species is known to occur	Final listing rule (Federal Register citation and publication date)	Contact person, email, phone	Contact's mailing address
Gulf moccasinshell	<i>Medionidus penicillatus</i> .	E	AL, FL, GA	63 FR 12664; March 16, 1998.	Sandy Abbott, <i>sandy_abbott@fws.gov</i> , 706-662-4615.	USFWS, RG Stephens, Jr. Federal Building, 355 East Hancock Ave., Athens, GA 30601.
Littlewing pearlymussel	<i>Pegias fabula</i>	E	AL, KY, NC, TN, VA.	53 FR 45861; November 14, 1988.	Taylor Fagin, <i>taylor_fagin@fws.gov</i> , 502-653-0541.	USFWS, 330 W Broadway, Ste. 265, Frankfort, KY 40601.
Neosho mucket	<i>Lampsilis rafinesqueana</i> .	E	AR, KS, MS, OK.	78 FR 57076; September 17, 2013.	Chris Davidson, <i>chris_davidson@fws.gov</i> , 501-513-4481.	USFWS, 110 South Amity Road, Suite 300, Conway, AR 72032.
Ochlockonee moccasinshell.	<i>Medionidus simpsonianus</i> .	E	FL, GA	63 FR 12664; March 16, 1998.	Lourdes Mena, <i>Florida 5YR@fws.gov</i> , 352-749-2462.	USFWS, 1601 Balboa Ave., Panama City, FL 32405.
Oval pigtoe	<i>Pleurobema pyriforme</i>	E	AL, FL, GA	63 FR 12664; March 16, 1998.	Lourdes Mena, <i>Florida 5YR@fws.gov</i> , 352-749-2462.	USFWS, 1601 Balboa Ave., Panama City, FL 32405.
Purple bankclimber (mussel).	<i>Elliptoideus sloatianus</i>	T	AL, FL, GA	63 FR 12664; March 16, 1998.	Lourdes Mena, <i>Florida 5YR@fws.gov</i> , 352-749-2462.	USFWS, 1601 Balboa Ave., Panama City, FL 32405.
Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i> .	T	AL, AR, IL, IN, KS, KY, LA, MS, MO, OH, OK, PA, TN.	78 FR 57076; September 17, 2013.	Chris Davidson, <i>chris_davidson@fws.gov</i> , 501-513-4481.	USFWS, 110 South Amity Road, Suite 300, Conway, AR 72032.
Shinyrayed pocketbook	<i>Hamiota subangulata</i>	E	AL, FL, GA	63 FR 12664; March 16, 1998.	Sandy Abbott, <i>sandy_abbott@fws.gov</i> , 706-662-4615.	USFWS, RG Stephens, Jr. Federal Building, 355 East Hancock Ave., Athens, GA 30601.

Snails

Armored marstonia (snail).	<i>Marstonia pachyta</i>	E	AL	65 FR 10033; February 25, 2000.	Erin Sasser, <i>erin_sasser@fws.gov</i> , 251-441-5842.	USFWS, 1208B Main Street, Daphne, AL 36526.
Interrupted rocksnail	<i>Leptoxis foremani</i>	E	AL, GA	75 FR 67512; November 2, 2010.	Erin Sasser, <i>erin_sasser@fws.gov</i> , 251-441-5842.	USFWS, 1208B Main Street, Daphne, AL 36526.
Noonday snail	<i>Mesodon clarki nantahala</i> .	T	NC	43 FR 28932; July 3, 1978.	Jeff Quast, <i>jeffrey_quast@fws.gov</i> , 828-258-3939.	USFWS, 160 Zillico St., Asheville, NC 28801.
Royal marstonia (snail)	<i>Marstonia ogmorhaphes</i>	E	TN	59 FR 17994; April 15, 1994.	Andy Ford, <i>anthony_ford@fws.gov</i> , 931-319-7747.	USFWS, 446 Neal Street, Cookeville, TN 38501.
Slender campeloma	<i>Campeloma decampi</i>	E	AL	65 FR 10033; February 25, 2000.	Erin Sasser, <i>erin_sasser@fws.gov</i> , 251-441-5842.	USFWS, 1208B Main Street, Daphne, AL 36526.
Tulotoma snail	<i>Tulotoma magnifica</i>	T	AL	56 FR 797; January 9, 1991.	Erin Sasser, <i>erin_sasser@fws.gov</i> , 251-441-5842.	USFWS, 1208B Main Street, Daphne, AL 36526.

Insects

Saint Francis' satyr butterfly.	<i>Neonympha mitchellii francisci</i> .	E	NC	60 FR 5264; January 26, 1995.	Pete Benjamin, <i>Raleigh ES@fws.gov</i> , 984-308-0802.	Saint Francis' satyr butterfly
---------------------------------	---	---	----------	-------------------------------	--	--------------------------------

PLANTS

Flowering Plants

Beach jacquemontia	<i>Jacquemontia reclinata</i>	E	FL	58 FR 62046; November 24, 1993.	Lourdes Mena, <i>Florida 5YR@fws.gov</i> , 352-749-2462.	USFWS, 777 37th St., Suite D-101, Vero Beach, FL 32960.
Bunched arrowhead	<i>Sagittaria fasciculata</i> ..	E	NC, SC	44 FR 43700; July 25, 1979.	Jeff Quast, <i>jeffrey_quast@fws.gov</i> , 828-258-3939.	USFWS, 160 Zillico St., Asheville, NC 28801.
Carter's mustard	<i>Warea carteri</i>	E	FL	52 FR 2227; January 21, 1987.	Lourdes Mena, <i>Florida 5YR@fws.gov</i> , 352-749-2462.	USFWS, 777 37th St., Suite D-101, Vero Beach, FL 32960.
Cooley's meadowrue ...	<i>Thalictrum cooleyi</i>	E	FL, GA, NC	54 FR 5935; February 7, 1989.	Pete Benjamin, <i>Raleigh ES@fws.gov</i> , 984-308-0802.	USFWS, P.O. Box 33726, Raleigh, NC 27636-3726.
Green pitcher-plant	<i>Sarracenia oreophila</i> ..	E	AL, GA, NC	44 FR 54922; September 21, 1979.	Scott Wiggers, <i>marion wiggers@fws.gov</i> , 228-475-0765.	USFWS, 6578 Dogwood View Pkwy., Jackson, MS 39213.
Heller's blazingstar	<i>Liatris helleri</i>	T	NC	52 FR 44397; November 19, 1987.	Jeff Quast, <i>jeffrey_quast@fws.gov</i> , 828-258-3939.	USFWS, 160 Zillico St., Asheville, NC 28801.
Highlands scrub hypericum.	<i>Hypericum cumulicola</i>	E	FL	52 FR 2227; January 21, 1987.	Lourdes Mena, <i>Florida 5YR@fws.gov</i> , 352-749-2462.	USFWS, 777 37th St., Suite D-101, Vero Beach, FL 32960.
Kentucky glade cress ..	<i>Leavenworthia exigua</i> var. <i>laciniata</i> .	T	KY	79 FR 25683; May 6, 2014.	Mike Floyd, <i>mike_floyd@fws.gov</i> , 502-229-5433.	USFWS, 330 W Broadway, Ste. 265, Frankfort, KY 40601.
Kral's water-plantain	<i>Sagittaria secundifolia</i>	T	AL, GA	55 FR 13907; April 13, 1990.	Erin Lentz, <i>erin_lentz@fws.gov</i> , 251-298-3853.	USFWS, 1208B Main Street, Daphne, AL 36526.

Common name	Scientific name	Listing status	Locations where the species is known to occur	Final listing rule (Federal Register citation and publication date)	Contact person, email, phone	Contact's mailing address
Lakela's mint	<i>Dicerandra immaculata</i>	E	FL	50 FR 20212; May 15, 1985.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 777 37th St., Suite D-101, Vero Beach, FL 32960.
Palo de nigua	<i>Cornutia obovata</i>	E	PR	53 FR 11610; April 7, 1988.	Marielle Peschiera, <i>marielle_peschiera@fws.gov</i> , 786-244-0081.	USFWS, P.O. Box 491, Boquerón, PR 00622.
Palo de Ramón	<i>Banara vanderbiltii</i>	E	PR	52 FR 1459; January 14, 1987.	Jose Cruz, <i>jose_cruz-burgos@fws.gov</i> , 786-244-0081.	USFWS, P.O. Box 491, Boquerón, PR 00622.
Pigeon wings	<i>Clitoria fragrans</i>	T	FL	58 FR 25746; April 27, 1993.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 777 37th St., Suite D-101, Vero Beach, FL 32960.
Pygmy fringe-tree	<i>Chionanthus pygmaeus</i> .	E	FL	52 FR 2227; January 21, 1987.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 777 37th St., Suite D-101, Vero Beach, FL 32960.
Schweinitz's sunflower	<i>Helianthus schweinitzii</i>	E	NC, SC	56 FR 21087; May 7, 1991.	Jeff Quast, <i>jeffrey_quast@fws.gov</i> , 828-258-3939.	USFWS, 160 Zillicoa St., Asheville, NC 28801.
Scrub mint	<i>Dicerandra frutescens</i>	E	FL	50 FR 45621; November 1, 1985.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 777 37th St., Suite D-101, Vero Beach, FL 32960.
Spreading avens	<i>Geum radiatum</i>	E	NC, TN, VA	55 FR 12793; April 5, 1990.	Jeff Quast, <i>jeffrey_quast@fws.gov</i> , 828-258-3939.	USFWS, 160 Zillicoa St., Asheville, NC 28801.
Tiny polygala	<i>Polygala smallii</i>	E	FL	50 FR 29345; July 18, 1985.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 777 37th St., Suite D-101, Vero Beach, FL 32960.
Wheeler's peperomia ...	<i>Peperomia wheeleri</i>	E	PR, VI	52 FR 1459; January 14, 1987.	Jose Cruz, <i>jose_cruz-burgos@fws.gov</i> , 786-244-0081.	USFWS, P.O. Box 491, Boquerón, PR 00622.
White birds-in-a-nest ...	<i>Macbridea alba</i>	T	FL	57 FR 19813; May 8, 1992.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 1601 Balboa Ave., Panama City, FL 32405.
Whorled sunflower	<i>Helianthus verticillatus</i>	E	AL, GA, MS, TN.	79 FR 44712; August 1, 2014.	Scott Wiggers, <i>marion_wiggers@fws.gov</i> , 228-475-0765.	USFWS, 6578 Dogwood View Pkwy., Jackson, MS 39213.
Conifers and Allies						
Florida torreyia	<i>Torreya taxifolia</i>	E	FL, GA	49 FR 2783; January 23, 1984.	Lourdes Mena, <i>Florida</i> 5YR@fws.gov, 352-749-2462.	USFWS, 1601 Balboa Ave., Panama City, FL 32405.
Lichens						
Rock gnome lichen	<i>Gymnoderma lineare</i> ..	E	GA, NC, SC, TN.	60 FR 3557; January 18, 1995.	Jeff Quast, <i>jeffrey_quast@fws.gov</i> , 828-258-3939.	USFWS, 160 Zillicoa St., Asheville, NC 28801.

Request for New Information

To ensure that a species' 5-year review is based on the best available scientific and commercial information, we request new information from all sources. Please use the contact information listed in the table above that is associated with the species for which you are submitting information. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

How do I ask questions or provide information?

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in the table above. You may also direct questions to those

contacts (also see **FOR FURTHER INFORMATION CONTACT**).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your submission, you should be aware that your entire submission—including your personal identifying information—may be made publicly available at any time. Although you can request that personal information be withheld from public review, we cannot guarantee that we will be able to do so.

Completed and Active Reviews

A list of all completed and currently active 5-year status reviews can be found at <https://ecos.fws.gov/ecp/report/species-five-year-review>.

Authority

This document is published under the authority of the Endangered Species Act

of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Michael Oetker,
Regional Director, Southeast Region, U.S. Fish and Wildlife Service.

[FR Doc. 2024-12370 Filed 6-5-24; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[22XD4523WT DS64950000
DWTFCG000.000000 DP.64920; OMB
Control Number 1090-0008]

Agency Information Collection
Activities; Website Satisfaction
Surveys

AGENCY: Office of the Secretary, Office of Employee Development, Federal Consulting Group, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Employee Development, Federal Consulting Group is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 5, 2024.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS 4320, Washington, DC 20240-0001, or via email to Luciana_adams@ios.doi.gov. Please reference OMB Control Number 1090-0008 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Federal Consulting Group, Attention: Lucy Adams, 1849 C St. NW, MS 4320, Washington, DC 20240-0001, or via email to Luciana_adams@ios.doi.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Office of Management and Budget regulation at 5 CFR 1320, which implements the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. The Office of Employee Development, Federal Consulting Group has submitted a request to Office of Management and Budget to renew its approval of this collection of information for three years.

This information collection activity provides a means to consistently assess, benchmark, and improve customer satisfaction with Federal government agency websites within the Executive Branch. The Federal Consulting Group of the Department of the Interior serves as the executive agent for this assessment to federal agencies.

The Website Satisfaction Surveys will be completed subject to the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 522a). The agency information collection will be used solely for the purpose of the survey. The contractor will not be authorized to release any agency information upon completion of the survey without first obtaining permission from the Federal Consulting Group and the participating agency. In no case shall any new system of records containing privacy information be developed by the Federal Consulting Group, participating agencies, or the contractor collecting the

data. In addition, participating Federal agencies may only provide information used to randomly selected respondents from among established systems of records provided for such routine uses.

There is no other agency or organization able to provide the information accessible through the surveying approach used in this information collection. Further, the information will enable Federal agencies to determine customer satisfaction metrics with discrimination capability across variables. Thus, this information collection will assist Federal agencies in making the best use of resources in a targeted manner to improve service to the public.

This survey asks no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it is operating under a currently valid Office of Management and Budget control number. The Office of Management and Budget control number for this collection is 1090-0008. The control number will be displayed on the surveys used. For expeditious administration of the surveys, the expiration date will not be displayed on the individual instruments. Response to the surveys is voluntary.

Title of Collection: website Satisfaction Surveys.

OMB Control Number: 1090-0008.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, Business, and State, Local, or Tribal Governments who have utilized Federal Government services.

Estimated Completion Time per Response: Participation by Federal agencies will vary as new websites are added or deleted. However, based on our experience from the previous three-year approval period, the number of surveys has been very consistent with little change and estimate for the next three years are as follows:

Average Expected Annual Number of Customer Satisfaction Surveys: 250 with 5,000 respondents per survey.

Total Estimated Number of Annual Responses: 1,250,000 Responses.

Total Estimated Number of Annual Burden Hours: 60,764 hours.

Respondent's Obligation: Voluntary.
Frequency of Collection: Once per survey.

Total Estimated Annual Non hour Burden Cost: None.

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.*).

Jessica Reed,

Director, Federal Consulting Group.

[FR Doc. 2024–12402 Filed 6–5–24; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NM_FRN_MO4500177435]

Notice of Temporary Closure of Rob Jagers Campground

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure.

SUMMARY: Notice is hereby given that a temporary closure will be in effect on public lands administered by the Bureau of Land Management (BLM) Roswell Field Office during the American Endurance Ride Conference's official permitted endurance horseback riding events.

DATES: The closure dates will be in effect from 8 a.m. on July 6, 2024, through 10 a.m., July 15, 2024, mountain time.

ADDRESSES: This temporary closure order will be posted in the BLM Roswell Field Office, 2909 West Second Street, Roswell, NM 88201. Maps of the affected area and other documents associated with this temporary closure will be available at the Roswell Field Office.

FOR FURTHER INFORMATION CONTACT:

BLM Roswell Field Office Manager Chuck Schmidt, telephone 575–627–0224, email: cschmidt@blm.gov; or Fort Stanton-Snowy River Cave National Conservation Area (NCA) Manager Warren Kasper, telephone 575–808–9611, email: wkasper@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The temporary closure affects the Rob Jagers Campground within the NCA in Lincoln County, New Mexico. This action is being taken to help ensure

public safety during the American Endurance Ride Conference's official permitted endurance horseback riding events.

The BLM will post temporary closure signs at main entry points to this area.

This event is authorized on public land under a special recreation permit, in conformance with the BLM Roswell Resource Management Plan and the Fort Stanton-Snowy River Cave NCA Management Plan. Under the authority of section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8360.0–7, and 43 CFR 8364.1, the BLM will enforce the following temporary closure and restrictions within the Rob Jagers Campground.

Description of Closed Area

Areas subject to this temporary closure include all 20 acres of public lands situated within the interior of the Rob Jagers Campground. All areas within the boundary of the Campground are closed to public entry during the temporary closure from July 6 to July 15, 2024.

Exceptions to Closure

The temporary closure does not apply to Federal, State, and local officers and employees in the performance of their official duties; members of organized rescue or firefighting forces in the performance of their official duties; persons with written authorization for the period of the event from the BLM; and designated officials, participants, crews, or persons operating on their behalf.

Enforcement

Any person who violates the temporary closure may be tried before a United States magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of State law.

Effect of Closure

The entire Rob Jagers Campground area as described above, and in the time period as described above, is temporarily closed to all public use, including pedestrian use, campers, and vehicles, unless affiliated with American Endurance Ride Conference use, and as specifically excepted as described above.

Authority: 43 CFR 8364.1.

Charles Schmidt,

BLM Roswell Field Manager.

[FR Doc. 2024–07477 Filed 6–5–24; 8:45 am]

BILLING CODE 4331–23–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–481 and 731–TA–1190 (Second Review)]

Crystalline Silicon Photovoltaic Cells and Modules From China; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the antidumping and countervailing duty orders on crystalline silicon photovoltaic cells and modules from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 6, 2024.

FOR FURTHER INFORMATION CONTACT:

(Andres Andrade (202) 205–2078), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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 (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On May 6, 2024, the Commission determined that the domestic interested party group response to its notice of institution (89 FR 6550, February 1, 2024) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.¹ Accordingly,

¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be

the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on August 21, 2024. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before August 29, 2024 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by August 29, 2024. However, should the Department of Commerce ("Commerce") extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed

available from the Office of the Secretary and at the Commission's website.

² The Commission has found the response submitted on behalf of the American Alliance for Solar Manufacturing to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority. These reviews are being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 3, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–12408 Filed 6–5–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1110 (Third Review)]

Sodium Hexametaphosphate From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty order on sodium hexametaphosphate from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 6, 2024.

FOR FURTHER INFORMATION CONTACT: (Kenneth Gatten III 202–708–1447), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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 (<https://www.usitc.gov>). The public record for

this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On May 6, 2024, the Commission determined that the domestic interested party group response to its notice of institution (89 FR 6547, February 1, 2024) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).²

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on August 28, 2024. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,³ and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before 5:15 p.m. on September 5, 2024 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by September 5, 2024. However, should the Department of Commerce ("Commerce")

¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

² Chairman David S. Johanson voted to conduct a full review.

³ The Commission has found the response submitted on behalf of domestic interested parties ICL Specialty Products, Inc. and Innophos, Inc. to be adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 3, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–12405 Filed 6–5–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1361]

Certain Wi-Fi Routers, Wi-Fi Devices, Mesh Wi-Fi Network Devices, and Hardware and Software Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on May 30, 2024, the presiding administrative law judge (“ALJ”) issued an Initial Determination on Violation of section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from

the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain Wi-Fi routers, Wi-Fi Devices, Mesh Wi-Fi Network Devices, and hardware and software components thereof imported, sold for importation, and/or sold after importation by respondents TP-Link Technologies Co., Ltd., TP-Link Corp. Ltd. f/k/a TP-Link International Ltd., and TP-Link Institute USA Corp. d/b/a TP-Link Research America Corp.; and cease and desist orders directed to TP-Link Technologies Co., Ltd., TP-Link Corp. Ltd. f/k/a TP-Link International Ltd., and TP-Link Institute USA Corp. d/b/a TP-Link Research America Corp. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of

attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on May 30, 2024. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on July 2, 2024.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (“Inv. No. 337–TA–1361”) in a prominent place on the cover page and/or the first page. (See *Handbook for Electronic Filing Procedures*, https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and

210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: June 3, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–12456 Filed 6–5–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1608–1611 (Final)]

Boltless Steel Shelving Units Prepackaged for Sale From Malaysia, Taiwan, Thailand, and Vietnam; Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

(“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of boltless steel shelving units prepackaged for sale (“boltless steel shelving”) from Malaysia, Taiwan, Thailand, and Vietnam, provided for in subheading 9403.20.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).²

Background

The Commission instituted these investigations effective April 25, 2023, following receipt of petitions filed with the Commission and Commerce by Edsal Manufacturing Co., Inc., Chicago, Illinois. The Commission scheduled the final phase of the investigations following notification of preliminary determinations by Commerce that imports of boltless steel shelving from Malaysia, Taiwan, Thailand, and Vietnam were being sold at LTFV within the meaning of § 733(b) of the Act (19 U.S.C. 1673b(b)).³ Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing 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** (88 FR 85914, December 11, 2023). The Commission conducted its hearing on April 11, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on June 3, 2024. The views of the Commission are contained in USITC Publication 5508 (June 2024), entitled *Boltless Steel Shelving Units Prepackaged for Sale from Malaysia, Taiwan, Thailand, and Vietnam: Investigation Nos. 731–TA–1608–1611 (Final)*.

By order of the Commission.

² 89 FR 28736, 89 FR 28738, 89 FR 28741, 89 FR 28743, April 19, 2024.

³ On April 19, 2024, Commerce published notice in the **Federal Register** of a negative final determination in connection with its investigation concerning boltless steel shelving from India (89 FR 28746, April 19, 2024). Accordingly, effective April 19, 2024, the Commission terminated its antidumping duty investigation concerning boltless steel shelving from India (89 FR 33395, April 29, 2024).

Issued: June 3, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–12451 Filed 6–5–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Wage and Hour Division

Notice of Approved Agency Information Collection; Information Collection: Employment Information Form

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Wage and Hour Division (WHD) is providing notice to the public that the WHD sponsored information collection request (ICR) titled “Employment Information Form,” has been approved by the Office of Management and Budget (OMB). WHD is notifying the public that the information collection has been revised and extended effective immediately through May 31, 2027.

DATES: The OMB approval of the revision of this information collection is effective immediately with an expiration date of May 31, 2027.

FOR FURTHER INFORMATION CONTACT: Robert Waterman, Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number) or by sending an email to WHDPRAComments@dol.gov. Alternative formats are available upon request by calling 1–866–487–9243. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: On September 8, 2023, consistent with its statutory authority to define and delimit the EAP exemption, the Department published a Notice of Proposed Rulemaking (NPRM) to revise the part 541 regulations (88 FR 62152). At the time, the Department submitted this collection (as a duplicate ICR under OMB Control Number 1235–0NEW) for public comment as this collection (1235–0021) was encumbered by a different rulemaking by the Department. On October 12, 2023, OMB issued a Notice of Action assigning temporary OMB control number 1235–0035 to the duplicate ICR and asking that the Department address any comments

received during the public comment period and resubmit at the final rule stage. The Department of Labor submitted a revision to the information collection titled: Employment Information Form (OMB Control Number 1235–0021) in conjunction with a final rule published in the **Federal Register** on April 26, 2024 (89 FR 32842). The final rule is titled “Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees,” RIN 1235–AA39. OMB issued a Notice of Action (NOA) on May 29, 2024, approving the collection and extending the expiration of the collection to May 31, 2027, under OMB Control Number 1235–0021.

Section (k) of 5 CFR 1320.11, “Clearance of Collections of Information in Proposed Rules” states, “After receipt of notification of OMB’s approval, instruction to make a substantive or material change to, disapproval of a collection of information, or failure to act, the agency shall publish a notice in the **Federal Register** to inform the public of OMB’s decision.” This notice fulfills the Department’s obligation to notify the public of OMB’s approval of the information collection request.

Daniel Navarrete,

Acting Director, Division of Regulations, Legislation and Interpretation.

[FR Doc. 2024–12376 Filed 6–5–24; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Wage and Hour Division

Notice of Approved Agency Information Collection; Information Collection: Records To Be Kept by Employers—Fair Labor Standards Act

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Wage and Hour Division (WHD) is providing notice to the public that the WHD sponsored information collection request (ICR) titled “Records to Be Kept by Employers—Fair Labor Standards Act,” has been approved by the Office of Management and Budget (OMB). WHD is notifying the public that the information collection has been revised and extended effective immediately through May 31, 2027.

DATES: The OMB approval of the revision of this information collection is effective immediately with an expiration date of May 31, 2027.

FOR FURTHER INFORMATION CONTACT:

Robert Waterman, Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number) or by sending an email to WHDPRAComments@dol.gov. Alternative formats are available upon request by calling 1–866–487–9243. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: On September 8, 2023, consistent with its statutory authority to define and delimit the EAP exemption, the Department published a Notice of Proposed Rulemaking (NPRM) to revise the part 541 regulations (88 FR 62152). At the time, the Department invited public comment for the Information Collection “Records to Be Kept by Employers—Fair Labor Standards Act” as this collection (1235–0018) was impacted by proposed burden increases related to the increase in the number of workers subject to the Department’s recordkeeping requirements should a final rule be published. The Department of Labor submitted a revision to the information collection under OMB Control Number 1235–0018 in conjunction with a final rule published in the **Federal Register** on April 26, 2024 (89 FR 32842). The final rule is titled “Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees,” RIN 1235–AA39. OMB issued a Notice of Action (NOA) on May 29, 2024, approving the collection and extending the expiration of the collection to May 31, 2027, under OMB Control Number 1235–0018.

Section (k) of 5 CFR 1320.11, “Clearance of Collections of Information in Proposed Rules” states, “After receipt of notification of OMB’s approval, instruction to make a substantive or material change to, disapproval of a collection of information, or failure to act, the agency shall publish a notice in the **Federal Register** to inform the public of OMB’s decision.” This notice fulfills the Department’s obligation to notify the public of OMB’s approval of the information collection request.

Daniel Navarrete,

Acting Director, Division of Regulations, Legislation and Interpretation.

[FR Doc. 2024–12375 Filed 6–5–24; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Office of Government Information Services

[NARA–2024–039]

Freedom of Information Act (FOIA) Advisory Committee

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION: Notice of solicitation for committee member nominations.

SUMMARY: The National Archives and Records Administration (NARA) seeks member nominations for the sixth term of the Freedom of Information Act (FOIA) Advisory Committee (Committee) (2024–2026 term). The Committee serves as a deliberative body to study the FOIA landscape across the executive branch and advise the Archivist of the United States on improvements to the administration of FOIA.

DATES: We must receive nominations for Committee members no later than 5:00 p.m. ET on Monday July 15, 2024.

ADDRESSES: Email nominations to OGIS at foia-advisory-committee@nara.gov. If you are unable to submit by email, please contact Kirsten Mitchell at the contact information below.

FOR FURTHER INFORMATION CONTACT: Kirsten Mitchell, Designated Federal Officer for this committee, by email at foia-advisory-committee@nara.gov, or by telephone at 202–741–5770.

SUPPLEMENTARY INFORMATION:

Background

The National Archives and Records Administration (NARA) established the Freedom of Information Act (FOIA) Advisory Committee (Committee) in accordance with the United States Second Open Government National Action Plan, released on December 5, 2013. The Committee operates under the directive in FOIA, 5 U.S.C. 552(h)(2)(C), that the Office of Government Information Services (OGIS) within NARA “identify procedures and methods for improving compliance” with FOIA. The Committee is governed by the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. 10.

II. Charter and Membership Appointment Terms

NARA initially chartered the Committee on May 20, 2014. The Archivist of the United States renewed

the Committee's charter for a sixth term on April 26, 2024, and certified that renewing the Committee is in the public interest. Member appointment terms run for two years, concurrent with the Committee charter.

III. Committee Membership

The 2024–2026 FOIA Advisory Committee will consist of no more than 20 individuals who will include a range of Government and non-Government representatives. Members are selected in accordance with the charter.

Appointments to the Committee will consider factors such as geographic diversity; diversity in size of company or organization to be represented; and diversity in representations of business and industry, academic institutions, non-profit and non-governmental organizations, and other stakeholders in accordance with the charter.

Government members will include, at a minimum: Three FOIA professionals from Cabinet-level Departments; three FOIA professionals from non-Cabinet agencies; the Director of the Department of Justice's Office of Information Policy or their designee; and the Director of OGIS or their designee. Non-Governmental members will include, at a minimum: Two individuals representing the interests of non-Governmental organizations that advocate on FOIA matters; one individual representing the interests of FOIA requesters who qualify for the "all other" FOIA requester fee category; one individual representing the interests of requesters who qualify for the "news media" FOIA requester fee category; one individual representing the interests of requesters who qualify for the "commercial" FOIA requester fee category; one individual representing the interests of historians and history-related organizations; and one individual representing the interests of academia.

IV. Committee Members' Responsibilities

All Committee members are expected to attend a minimum of eleven public meetings during the two-year Committee term. Meetings will be held in-person or virtually. All Committee members are expected to volunteer for one or more working subcommittees that will meet at various times during the two-year term. The first meeting of the 2024–2026 Committee term is scheduled for Monday, September 9, 2024 at 10:00 a.m. ET in the William G. McGowan Theater at the National Archives, 700 Pennsylvania NW, Washington, DC. Meeting notices will be published in the **Federal Register**.

V. Nomination Information

All nominations for Committee membership must include the following information:

1. *If you are self-nominating:* Your name, title, relevant contact information (including telephone and email address); your resumé or curriculum vitae; and the representative role for which you wish to be considered.

2. *If you are nominating another individual:* The nominee's name, title, and relevant contact information; their resumé or curriculum vitae; and the representative role for which you wish your nominee to be considered.

3. *For both self-nominations and nominations by other individuals:* Your submission must include a statement (not to exceed one page) highlighting the contributions the nominee would make as a member of the Committee.

The Archivist of the United States will review the nominations and make final appointments prior to the first Committee meeting in September. OGIS will notify the appointees in writing.

Merrily Harris,

Designated Committee Management Officer.

[FR Doc. 2024–12398 Filed 6–5–24; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Request for Public Comment: Draft South Pole Station Master Plan

AGENCY: National Science Foundation.

ACTION: Request for public comment; extension of comment period.

SUMMARY: On May 16, 2024, the National Science Foundation (NSF) published in the **Federal Register** a document entitled "Request for Public Comment: Draft South Pole Station Master Plan," which can be found here: https://www.nsf.gov/geo/opp/documents/SPSMP_Fed%20Reg%20Draft_NSF.pdf. In response to requests by prospective commenters that they would benefit from additional time to adequately consider and respond to the RFI, OSTP and NSF have determined that an extension of the comment period until July 17, 2024, is appropriate.

DATES: The end of the comment period for the document entitled "Request for Public Comment: Draft South Pole Station Master Plan," published on May 16, 2024 (89 FR 42904), is extended from June 17, 2024, until July 17, 2024.

ADDRESSES: Email comments to SPMasterPlan@nsf.gov. Send written submissions to Michael Gencarelli, Office of Polar Programs, National

Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Voicemails can be left by calling (703) 292–7419. Please limit voicemails to five minutes in length.

Instructions: Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. NSF/OPP will review and consider all input received and revise the plan as necessary. When the final plan is released, comments and the commenters' names, along with responses, will become part of the public record and be made available on the NSF/OPP website. Do not submit confidential business information or otherwise sensitive or protected information. Comments sent by any other method, to any other address or individual, or received after the end of the comment period will not be considered. NSF/OPP acknowledges and is grateful for the time taken to provide comments.

FOR FURTHER INFORMATION CONTACT: Michael Gencarelli, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; telephone 703–292–7419 or send email to SPMasterPlan@nsf.gov.

SUPPLEMENTARY INFORMATION: The Amundsen-Scott South Pole station is one of three year-round stations operated by the National Science Foundation (NSF) as outlined in Presidential Memorandum 6646. The South Pole is a unique research site that supports projects ranging from cosmic observations to seismic and atmospheric studies. The South Pole Station begins austral summer operations in October of each year. The station typically remains in summer operating mode until early February, at which point the eight-month long winter season begins.

Amundsen-Scott South Pole Station sits at the Earth's axis on a shifting continental ice sheet several miles thick. At an elevation of 2,835 meters (9,300 feet), the South Pole has an average monthly temperature in the austral summer of –28 °C (–18 °F); in the austral winter, the average monthly temperature is –60 °C (–76 °F).

The NSF Office of Polar Programs has identified the need for a South Pole Station Master Plan. The master plan looks at future infrastructure needs to support groundbreaking science at the South Pole, as well as phasing for implementation. NSF will consider input from the community before completing the final plan later this year. The final SPSMP will be posted online

at www.usap.gov along with the existing Master Plans for NSF McMurdo Station and NSF Palmer Station.

Dated: June 3, 2024.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2024–12410 Filed 6–5–24; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

717th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on July 10–11, 2024. The Committee will be conducting meetings that will include some Members being physically present at the NRC while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via MS Teams or via phone at 301–576–2978, passcode 237388529#. A more detailed agenda including the MSTeams link may be found at the ACRS public website at <https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html>. If you would like the MSTeams link forwarded to you, please contact the Designated Federal Officer (DFO) as follows: Quynh.Nguyen@nrc.gov, or Lawrence.Burkhart@nrc.gov.

Wednesday, July 10, 2024

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chair (Open)—The ACRS Chair will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Kairos Hermes 2 Construction Permit Application (Open/Closed)—The Committee will have presentations and discussion with the licensee representatives and NRC staff regarding the subject topic. [Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

10:30 a.m.–1:00 p.m.: Committee Deliberation on the Kairos Hermes 2 Construction Permit Application (Open/Closed)—The Committee will deliberate with the NRC staff regarding the subject topic. [Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

1:00 p.m.–3:30 p.m.: Research Review Topic: Risk Assessment and Human Factors for Non-Light Water Reactors/Preparation of Reports (Open)—The Committee will have presentations and discussion with the applicant representatives and NRC staff regarding the subject topic.

3:30 p.m.–6:00 p.m.: Preparation of Reports (Open/Closed)—The Committee will proceed to preparation of reports. [Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Thursday, July 11, 2024

8:30 a.m.–6:00 p.m.: Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports and preparation of Commission Meeting as determined by the Chair. [Note: Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[Note: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the DFO (Telephone: 301–415–5844, Email: Quynh.Nguyen@nrc.gov), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chair as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least one day before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chair. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at pdr.resource@nrc.gov, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html> or <https://www.nrc.gov/reading-rm/doc-collections/#ACRS/>.

Dated: June 3, 2024.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2024–12444 Filed 6–5–24; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–332 and CP2024–340; MC2024–333 and CP2024–341; MC2024–334 and CP2024–342; MC2024–335 and CP2024–343; MC2024–336 and CP2024–344; MC2024–337 and CP2024–345]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: Comments are due: June 10, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s)*: MC2024–332 and CP2024–340; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 88 to Competitive Product List and Notice of Filing Materials Under

Seal; *Filing Acceptance Date*: May 31, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Arif Hafiz; *Comments Due*: June 10, 2024.

2. *Docket No(s)*: MC2024–333 and CP2024–341; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 89 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 31, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Arif Hafiz; *Comments Due*: June 10, 2024.

3. *Docket No(s)*: MC2024–334 and CP2024–342; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 90 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 31, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Arif Hafiz; *Comments Due*: June 10, 2024.

4. *Docket No(s)*: MC2024–335 and CP2024–343; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 91 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 31, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Christopher C. Mohr; *Comments Due*: June 10, 2024.

5. *Docket No(s)*: MC2024–336 and CP2024–344; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 92 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 31, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Christopher C. Mohr; *Comments Due*: June 10, 2024.

6. *Docket No(s)*: MC2024–337 and CP2024–345; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 93 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: May 31, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Christopher C. Mohr; *Comments Due*: June 10, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–12448 Filed 6–5–24; 8:45 am]

BILLING CODE 7710–FW–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Notice of Availability and Request for Information; Federal Evidence Agenda on Disability Equity; Correction

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Request for information (RFI); correction.

SUMMARY: The White House Office of Science and Technology Policy (OSTP) published a Request for Information (RFI) on the Federal Evidence Agenda on Disability Equity in the **Federal Register** on May 30, 2024. The RFI contained incorrect information in the **FOR FURTHER INFORMATION CONTACT** section. The correct information is provided below.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** on May 30, 2024, in FR Doc. 2024–46924, on page 46925, the information in the **FOR FURTHER INFORMATION CONTACT** section should read as follows:

FOR FURTHER INFORMATION CONTACT:

Please email disabilitydata@ostp.eop.gov with “Federal Evidence Agenda on Disability Equity RFI” in the subject line, or contact Adam Politis, Senior Policy Advisor for Disability and Equity, at 202–881–8448. Individuals who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 to access Telecommunications Relay Services.

Dated: June 3, 2024.

Stacy Murphy,
Deputy Chief Operations Officer/Security Officer.

[FR Doc. 2024–12399 Filed 6–5–24; 8:45 am]

BILLING CODE 3270–F2–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35191A; File No. 812–15434]

Goldman Sachs BDC, Inc., et al.

May 31, 2024.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the “Act”) and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to amend a previous order granted by the Commission that permits certain business development companies and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.¹

APPLICANTS: Goldman Sachs BDC, Inc., Goldman Sachs Private Middle Market Credit LLC, Goldman Sachs Private Middle Market Credit II LLC, Goldman Sachs Middle Market Lending Corp. II, Phillip Street Middle Market Lending Fund LLC, Goldman Sachs Private Credit Corp., BDC Blocker I, LLC, GSBD Blocker II, LLC, GSBD Blocker III LLC, GSBD Blocker IV LLC, GSBD Wine I, LLC, GSBD Blocker V, LLC, GSBD Blocker VI LLC, MMLC Blocker I, LLC, MMLC Blocker II, LLC, MMLC Blocker III, LLC, MMLC Wine I, LLC, Goldman Sachs Private Middle Market Credit SPV LLC, PMMC Blocker I, LLC, PMMC Blocker II, LLC, PMMC Blocker III, LLC, PMMC Wine I, LLC, Goldman Sachs Private Middle Market Credit II SPV LLC, Goldman Sachs Private Middle Market Credit II SPV II LLC, PMMC II Blocker III LLC, PMMC II Blocker IV LLC, PMMC II Blocker V LLC, PMMC II Blocker VI, LLC, PMMC II Blocker VII, LLC, MMLC II Blocker I, LLC, MMLC II Blocker II, LLC, Phillip Street Middle Market Lending Investments LLC, Phillip Street Middle Market Lending Investment Holdings LLC, Goldman Sachs Asset Management, L.P., Senior Credit Fund (UCR) LLC, Senior Credit Fund (UCR) SPV LLC, Senior Credit (UWF) LLC, Senior Credit (UWF) SPV LLC, Insurance Private Credit I LLC, Insurance Private Credit II LLC, Senior Credit Fund (Series G) LP, Senior Credit Fund (Series G) Foreign Income Blocker LLC, Broad Street Loan Partners IV Offshore, SLP, Broad Street Loan Partners IV Offshore—Unlevered, SLP, Broad Street Loan Partners IV Offshore—Unlevered B, SLP, West Street Senior Credit Partners III, L.P., GS Mezzanine Partners VII, L.P., GS

Mezzanine Partners VII Offshore, L.P., GS Mezzanine Partners VII Offshore Treaty, L.P., West Street Teno Partners, SLP, Broad Street Teno Partners, S.a r.l., West Street Generali Partners, SLP, West Street Generali Partners II, SLP, West Street Generali Partners II, S.a r.l., West Street PKA Partners, SLP, West Street PKA Partners, S.a r.l., West Street EP, L.P., West Street EP, S.a r.l., West Street GCPD Partners, L.P., West Street GCPD Partners, S.a r.l., Broad Street VG Partners, SLP, Broad Street VG Partners, S.a r.l., Broad Street Texas Partners, L.P., Broad Street Danish Credit Partners, L.P., West Street Private Credit Partners (A), LP, West Street Private Credit Partners (O), L.P., West Street Private Credit Partners (O) Investments, L.P., West Street Private Credit Partners (O) Holding Ltd, West Street Private Credit Partners (O), S.a r.l., West Street TFL Credit Partners, SLP, West Street NJ Private Credit Partners LP, West Street NJ Private Credit Partners Investments LLC, West Street NJ Private Credit Partners Investment Holdings LLC, West Street NJ Private Credit Partners S.a r.l., West Street Mezzanine Partners VIII Offshore Feeder, L.L.C., West Street Mezzanine Partners VIII Offshore Feeder B, L.P., West Street Mezzanine Partners VIII Unlevered, SLP, West Street Mezzanine Partners VIII Unlevered II, SLP, West Street Mezzanine Partners VIII Unlevered III, SLP, West Street Mezzanine Partners VIII Treaty, SLP, West Street Mezzanine Partners VIII Europe, SLP, West Street Mezzanine Co-Investment Partners (C), L.P., West Street Mezzanine Co-Investment Partners (K), L.P., West Street Mezzanine Co-Investment Partners VIII Offshore (BIC), L.P., West Street Mezzanine Co-Investment Partners (N), L.P., WSMP Co-Investment Partners (BIC) Jersey Limited, WSMP Co-Investment Partners (BIC), S.a r.l., WSMP Co-Investment Partners (BIC), SLP, WSMP Co-Invest Partners (K), S.a r.l., West Street Mezzanine Co-Investment Partners Unlevered (A), SLP, WSMP VIII Investments A, SLP, WSMP VIII Investment Holdings A, L.P., WSMP VIII Investments B, LLC, WSMP VIII Investment Holdings B, L.P., WSMP VIII Investments C, SLP, WSMP VIII Investment Holdings C, L.P., WSMP VIII Investments D, LLC, WSMP VIII Investment Holdings D, L.P., WSMP VIII Investments E, SCSP, WSMP VIII Investments F, SCSP, WSMP VIII Investments H, SCSP, WSMP VIII Investments I, SCSP, WSMP VIII Investments J, LP, WSMP VIII Investments K, LP, WSMP VIII Investments L, SLP, WSMP VIII Investments M S.a r.l., WSMP VIII

Investments N S.a r.l., WSMP VIII Investments O S.a r.l., WSMP VIII Investments P S.a r.l., WSMP VIII Investments Q, LLC, WSMP VIII Investments R, LLC, WSMP VIII Investments S, LLC, WSMP VIII Investments T, SLP, WSMP VIII Investments U, LP, WSMP VIII Investments V, SLP, WSMP VIII Offshore Investments, SLP, West Street Private Markets 2023, L.P., West Street Private Markets 2023 Offshore, SLP, West Street Credit Co-Investment Partners (I), L.P., West Street Loan Partners V, SLP, West Street Loan Partners V (B), SLP, West Street Loan Partners V—Unlevered, SLP, West Street Loan Partners V (GBP)—Unlevered (B), SLP, West Street Loan Partners V Europe, SLP, West Street Loan Partners V Offshore Europe (USD), L.P., West Street Loan Partners V Offshore Europe (EUR), L.P., West Street Loan Partners V Europe (EUR)—Unlevered, SLP, West Street Loan Partners V Europe (EUR)—Unlevered II, SLP, West Street Credit Partners (ACA), SLP, West Street Asia Private Credit Partners (O), LP, West Street Asia Private Credit Partner (O) Hedge SPV L.P., West Street Asia Private Credit Partners (O) Pte. Ltd., West Street PKA Partners II, SLP, West Street Private Markets 2024, L.P., West Street Private Markets 2024 Offshore, L.P., West Street Private Markets 2024 Luxembourg, SLP, Broad Street Credit Holdings LLC, Goldman Sachs Specialty Lending Group, L.P., Goldman Sachs Bank USA, Broad Street Principal Investments, L.L.C., Special Situations Investing Group II, LLC, GS Fund Holdings L.L.C.

FILING DATES: The application was filed on February 6, 2023, and amended on June 16, 2023 and December 7, 2023.

HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretarys-Office@sec.gov and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on June 21, 2024, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for

¹ The Commission issued a notice of application on May 9, 2024, Release No. IC–35191 (“Notice”). Due to a clerical error, the Notice was published with the incorrect file number. Therefore, the Commission is publishing this corrected notice in the **Federal Register**.

the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov*.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: David Plutzer, Esq. Goldman Sachs Asset Management, L.P.; 200 West Street, 15th Floor; New York, NY 10282; with a copies to: Margery K. Neale, Esq.; Willkie Farr & Gallagher LLP; 787 Seventh Avenue; New York, NY 10019, Thomas J. Friedmann, Esq.; Dechert LLP; One International Place; 40th Floor; 100 Oliver Street; Boston, MA 02110; and Cynthia M. Krus, Esq.; Eversheds Sutherland (US) LLP; 700 Sixth Street NW; Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Adam S. Lovell, Senior Counsel, or Terri Jordan, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' second amended and restated application, dated December 7, 2023, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at <http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-12369 Filed 6-5-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100255; File No. SR-NASDAQ-2024-023]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend General 4, Rule 1240.01 (Eligibility of Other Persons To Participate in the Continuing Education Program Specified in Paragraph (c) of This Rule)

May 31, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 20, 2024, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to General 4, Rule 1240.01 to reopen the period by which certain participants in the Maintaining Qualifications Program ("MQP") will be able to complete their prescribed 2022 and 2023 continuing education ("CE") content.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, 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 amend General 4, Rule 1240.01 to reopen the period by which certain participants in MQP will be able to complete their prescribed 2022 and 2023 CE content. This proposal is based on a rule change recently submitted by the Financial Industry Regulatory Authority, Inc. ("FINRA"), and is intended to align the Exchange's continuing education rules with those of FINRA so as to promote uniform standards across the securities

industry.³ The Exchange is proposing to adopt such changes substantially in the same form as proposed by FINRA.

General 4, Rule 1240.01 extended the option to participate in the MQP to individuals who: (1) were registered as a representative or principal within two years immediately prior to March 15, 2022 (the implementation date of the MQP); and (2) individuals who were participating in the Financial Services Affiliate Waiver Program ("FSAWP") under General 4, Rule 1210.09 (Waiver of Examinations for Individuals Working for a Financial Services Industry Affiliate of a Member) immediately prior to March 15, 2022 (collectively, "Look-Back Individuals").⁴ The rule provided two open enrollment periods for Look-Back Individuals to participate in the MQP.⁵ The Exchange provided all Look-Back Individuals who had enrolled in the MQP until March 31, 2024, to complete any prescribed 2022 and 2023 CE content.⁶ Look-Back Individuals who are enrolled in the MQP, similar to other MQP participants, are able to complete any prescribed CE and renew their annual MQP participation through their FINRA Financial Professional Gateway ("FinPro") accounts.

In the FINRA Rule Change, FINRA noted that on March 16, 2024, it sent an email to Look-Back Individuals who had enrolled in the MQP but had not completed their prescribed CE to remind them of the March 31, 2024 deadline.⁷ In the week leading up to the

³ See Securities Exchange Act Release No. 100067 (May 6, 2024) (SR-FINRA-2024-006) ("FINRA Rule Change").

⁴ The FSAWP is a waiver program for eligible individuals who have left a member firm to work for a foreign or domestic financial services affiliate of a member firm. The Exchange stopped accepting new participants for the FSAWP beginning on March 15, 2022; however, individuals who were already participating in the FSAWP prior to that date had the option of continuing in the FSAWP.

⁵ In July 2023, the Exchange amended General 4, Rule 1240.01 to provide Look-Back Individuals with a second opportunity to participate in the MQP. See Securities Exchange Act Release No. 97939 (July 18, 2023), 88 FR 47533 (July 24, 2023) (SR-NASDAQ-2023-020).

⁶ The Exchange determined to treat the individuals who enrolled during the first period (between January 31, 2022, and March 15, 2022) the same as those who enrolled during the second period (between July 6, 2023, and December 31, 2023) for purposes of the March 31, 2024, deadline for completion of prescribed 2022 and 2023 CE content. This is because those who had enrolled in the MQP during the first period satisfied all of the eligibility criteria for enrollment during the second period and would have been able to complete their prescribed CE content by March 31, 2024, had they chosen to enroll during the second period instead of enrolling during the first period.

⁷ According to the FINRA Rule Change, FINRA had sent multiple reminders prior to March 16, 2024, but the March 16, 2024 email was the last

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

deadline, however, FINRA noticed that several thousand of those individuals were renewing their participation in the MQP for 2024 instead of completing their prescribed CE.⁸ As stated in the FINRA Rule Change, FINRA believed that some of those individuals may have been confused by the layout of their FinPro accounts. Specifically, if they selected the 2024 renewal banner, which was prominently displayed on their FinPro accounts, and completed the renewal process, they would not have been automatically redirected to complete any prescribed CE. Therefore, individuals may have inadvertently assumed that completion of the renewal process alone would have satisfied all of the necessary requirements to continue their participation in the MQP.⁹

For these reasons, the Exchange is proposing to amend General 4, Rule 1240.01 to provide Look-Back Individuals enrolled in the MQP in both 2022 and 2023 who did not complete their prescribed 2022 and 2023 CE content as of March 31, 2024 the opportunity to complete such content between May 22, 2024 and July 1, 2024 in order to be eligible to continue their participation in the MQP.¹⁰ The Exchange is also proposing to amend the rule to provide that any such individuals who will have completed their prescribed 2022 and 2023 CE content between March 31, 2024 and May 22, 2024 will be deemed to have completed such content by July 1, 2024 for purposes of the rule. As stated in the FINRA Rule Change, FINRA plans to reach out to all impacted individuals and inform them of the new CE completion period. The Exchange will likewise inform all members of the new CE completion period through a publicly disseminated regulatory alert.¹¹

reminder that was sent prior to the March 31, 2024 deadline for completion of any prescribed 2022 and 2023 CE content.

⁸ Look-Back Individuals who enrolled in the MQP have until December 31, 2024 to renew their participation in the MQP for 2024, provided that they complete their prescribed CE by the stated deadline.

⁹ According to FINRA, a number of these individuals contacted FINRA to confirm whether they were required to satisfy any additional requirements other than completing the 2024 renewal. To provide FINRA with additional time to assess the situation, FINRA temporarily changed the March 31, 2024, due date for CE completion in its systems. This may have compounded the confusion because any Look-Back Individual who may have logged into their FinPro account during this time would have seen an interim CE completion date and would have been able to complete their prescribed CE content based on that interim CE completion date.

¹⁰ This would include any Look-Back Individuals who were still in the process of completing their prescribed CE content as of March 31, 2024.

¹¹ Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, and Nasdaq PHLX

Furthermore, FINRA states that it has made changes, and is also considering future changes, to the layout of FinPro to more effectively communicate the necessary steps that individuals must take to satisfy their MQP obligations.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Section 6(b)(5) of the Act,¹³ in particular, in that it is designed to promote just and equitable principles of trade, 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. The Exchange believes that reopening the period by which Look-Back Individuals will be able to complete their prescribed 2022 and 2023 CE content is appropriate under the circumstances. The Exchange believes that Look-Back Individuals who had enrolled in the MQP in 2022 and 2023 but had not completed their prescribed 2022 and 2023 CE content by the March 31, 2024, deadline may have been confused, as described above. The Exchange continues to believe that participation in the MQP reduces unnecessary impediments to requalification without diminishing investor protection.¹⁴ In addition, the MQP promotes other goals, such as diversity and inclusion in the securities industry by attracting and retaining a broader and diverse group of professionals. The MQP also allows the industry to retain expertise from skilled individuals, providing investors with the advantage of greater experience among the individuals working in the industry. The Exchange believes that reopening the CE completion period, as proposed, will further these goals and objectives.

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 not necessary or appropriate in furtherance

LLC (*i.e.*, the Nasdaq Affiliated Exchanges) incorporate Nasdaq Supplementary Material .01 to General 4, Rule 1240 into their respective rulebooks by reference. As such, the regulatory alert will be sent to all members of the Nasdaq Affiliated Exchanges.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ The FINRA Rule Change states that as of April 15, 2024, approximately 31,000 individuals, including approximately 20,000 Look-Back Individuals, have enrolled in the MQP, of which approximately 1,400 individuals have used the MQP to return to the industry without having to go through requalification.

of the purposes of the Act. The Exchange believes that the proposed rule change, which harmonizes its rules with the recent rule change filed by FINRA, will reduce the regulatory burden placed on market participants engaged in trading activities across different markets. The Exchange believes that the harmonization of the MQP requirements across the various markets will reduce burdens on competition by removing impediments to participation in the national market system and promoting competition among participants across the multiple national securities exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁵ and Rule 19b-4(f)(6) thereunder.¹⁶

A proposed rule change filed under Rule 19b-4(f)(6)¹⁷ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁸ 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 proposed rule change may become operative upon filing. As outlined above, Nasdaq states that it plans to reach out to relevant individuals and inform them of the new CE completion period established by this rule change. The Exchange has indicated that the immediate operation of the proposed rule change is appropriate so that the Exchange can communicate the rule

¹⁵ 15 U.S.C. 78s(b)(3)(A).

¹⁶ 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. Nasdaq has satisfied this requirement.

¹⁷ 17 CFR 240.19b-4(f)(6).

¹⁸ 17 CFR 240.19b-4(f)(6)(iii).

change to impacted individuals promptly. Waiver of the 30-day operative delay will also allow the Exchange to implement the proposed changes without delay, thereby eliminating the material differences between FINRA and Exchange continuing education requirements applicable to Exchange members, providing more uniform standards across the securities industry, and helping to avoid ongoing confusion for Exchange members that are also FINRA members. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.¹⁹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2024-023 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-NASDAQ-2024-023. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2024-023 and should be submitted on or before June 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-12364 Filed 6-5-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35210]

Deregistration Under the Investment Company Act of 1940

May 31, 2024.

AGENCY: Securities and Exchange Commission ("Commission" or "SEC").

ACTION: Notice of applications for deregistration under Section 8(f) of the Investment Company Act of 1940.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of May 2024. A copy of each application may be obtained via the Commission's website by searching for the applicable file number listed below, or for an applicant using the Company name search field, on the SEC's EDGAR system. The SEC's

EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at Secretaries-Office@sec.gov and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the SEC by 5:30 p.m. on June 25, 2024, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at Secretaries-Office@sec.gov.

ADDRESSES: The Commission:
Secretaries-Office@sec.gov.

FOR FURTHER INFORMATION CONTACT:
Shawn Davis, Assistant Director, at (202) 551-6413 or Chief Counsel's Office at (202) 551-6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549-8010.

First American Funds, Inc. [File No. 811-03313]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to First American Funds Trust, and on December 19, 2023, made a final distribution to its shareholders based on net asset value. Expenses of \$2,240,310 incurred in connection with the reorganization were paid by the applicant's investment adviser.

Filing Dates: The application was filed on March 11, 2024 and amended on May 13, 2024.

Applicant's Address: 800 Nicollet Mall, BC-MN-H04N, Minneapolis, Minnesota 55402.

LifeX Income Trust 1948F [File No. 811-23544]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26,

¹⁹ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

²⁰ 17 CFR 200.30-3(a)(12).

2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

LifeX Inflation-Protected Income Trust 1948F [File No. 811-23559]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

MFS California Municipal Fund [File No. 811-09537]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On October 4, 2019, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$48,398.63 incurred in connection with the liquidation were paid by the applicant and the applicant's investment adviser.

Filing Dates: The application was filed on April 10, 2024 and amended on May 7, 2024.

Applicant's Address: c/o Massachusetts Financial Services Company, 111 Huntington Avenue, Boston, Massachusetts 02199-7618.

Pioneer Emerging Markets Fund [File No. 811-08448]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Pioneer Global Equity Fund, a series of Pioneer Series Trust V, and on November 20, 2017 made a final distribution to its shareholders based on net asset value. Expenses of \$127,507.76 incurred in connection with the reorganization were paid by the applicant, the applicant's investment adviser and the acquiring fund.

Filing Dates: The application was filed on August 10, 2023 and amended on May 23, 2024.

Applicant's Address: 60 State Street, Boston, Massachusetts 02109.

Pioneer Equity Opportunity Fund [File No. 811-21623]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 18, 2013, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$8,819 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Dates: The application was filed on August 10, 2023 and amended on May 23, 2024.

Applicant's Address: 60 State Street, Boston, Massachusetts 02109.

Pioneer Real Estate Shares [File No. 811-07870]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 28, 2023, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$2,870 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Dates: The application was filed on August 10, 2023 and amended on May 23, 2024.

Applicant's Address: 60 State Street, Boston, Massachusetts 02109.

Pioneer Research Fund [File No. 811-09585]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Pioneer Core Equity Fund, a series of Pioneer Series Trust XI, and on April 6, 2013 made a final distribution to its shareholders based on net asset value. Expenses of \$101,005 incurred in connection with the reorganization were paid by the applicant, the applicant's investment adviser and the acquiring fund.

Filing Dates: The application was filed on August 10, 2023 and amended on May 23, 2024.

Applicant's Address: 60 State Street, Boston, Massachusetts 02109.

Rimrock Funds Trust [File No. 811-23396]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 28, 2023, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$25,438.51 incurred in connection with the liquidation were paid by the applicant.

Filing Dates: The application was filed on May 2, 2023 and amended on May 16, 2024.

Applicant's Address: 100 Innovation Drive, Suite 200, Irvine, California 92617.

Stone Ridge Longevity Risk Premium Fixed Income Master Trust [File No. 811-23555]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Stone Ridge Longevity Risk Premium Fixed Income Trust 65F [File No. 811-23454]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Stone Ridge Longevity Risk Premium Fixed Income Trust 65M [File No. 811-23514]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Stone Ridge Longevity Risk Premium Fixed Income Trust 66F [File No. 811-23515]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Stone Ridge Longevity Risk Premium Fixed Income Trust 83M [File No. 811-23527]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Stone Ridge Longevity Risk Premium Fixed Income Trust 84F [File No. 811-23525]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Stone Ridge Longevity Risk Premium Fixed Income Fund 84M [File No. 811-23524]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Stone Ridge Longevity Risk Premium Fixed Income Trust 85F [File No. 811-23520]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating

distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Stone Ridge Longevity Risk Premium Fixed Income Trust 85M [File No. 811-23518]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 26, 2024, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Date: The application was filed on April 29, 2024.

Applicant's Address: One Vanderbilt Avenue, 65th Floor, New York, New York 10017.

Transamerica ETF Trust [File No. 811-23237]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 13, 2022, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$103,977 incurred in connection with the liquidation were paid by the applicant's investment adviser.

Filing Dates: The application was filed on July 6, 2022 and amended on March 22, 2024.

Applicant's Address: 1801 California Street, Suite 5200, Denver, Colorado 80202.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-12360 Filed 6-5-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100257; File No. SR-IEX-2024-09]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Fee Schedule Concerning Transaction Fees and Rebates

May 31, 2024.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 (the "Act") ² and Rule 19b-4 thereunder, ³ notice is hereby given that, on May 20, 2024, the Investors Exchange LLC ("IEX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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

Pursuant to the provisions of Section 19(b)(1) under the Act, ⁴ and Rule 19b-4 thereunder, ⁵ the Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members ⁶ (the "Fee Schedule") pursuant to IEX Rule 15.110(a) and (c). Changes to the Fee Schedule pursuant to this proposal are effective upon filing, ⁷ and will be operative on June 1, 2024.

The text of the proposed rule change is available at the Exchange's website at www.iextrading.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization 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 self-regulatory organization has

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 15 U.S.C. 78s(b)(1).

⁵ 17 CFR 240.19b-4.

⁶ See IEX Rule 1.160(s).

⁷ 15 U.S.C. 78s(b)(3)(A)(ii).

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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify its Fee Schedule, pursuant to IEX Rule 15.110(a) and (c), to modify the transaction fees applicable to most⁸ displayed executions of Tape A and C securities.⁹ As proposed, the Exchange will increase the rebate paid for executions of displayed liquidity adding orders in Tape A and C securities with an execution price of \$1.00 per share or more from \$0.0004 to \$0.0014 per share, increase the fee for executions of most¹⁰ displayed liquidity removing orders in Tape A or C securities from \$0.0010 to \$0.0020 per share (unless a lower fee applies), and update the fee codes in the Fee Schedule to reflect these changes. IEX is not proposing any changes to executions that add or remove non-displayed liquidity in Tape A or C securities, which will continue to be subject to the same fees currently charged for such executions in Tape A and C securities. IEX's proposed fee structure for executions of Tape A and C securities is less than or in line with other exchanges, but with lower access fees and rebates and without the use of any volume-based pricing.¹¹

IEX is making this proposal to incentivize the posting of displayed liquidity in Tape A and C securities by

increasing the rebate applied to those orders, thereby promoting price discovery and market quality on the Exchange, which the Exchange believes benefits all Members and market participants. The Exchange periodically assesses its fee structure. Based upon a recent assessment, the Exchange believes that the proposed pricing change would further incentivize Members to submit displayed orders in Tape A and C securities priced at or above \$1.00 per share. Further, the Exchange recently instituted identical fee changes for Tape B securities to incentivize the posting of displayed liquidity in Tape B securities.¹² IEX is now proposing to make the same fee changes for orders that add or remove displayed liquidity in Tape A and C securities.

Fee Schedule Changes

IEX proposes to increase the rebate it pays for adding displayed liquidity in Tape A and C securities from \$0.0004 per share to \$0.0014 per share for executions priced at or above \$1.00 per share. Consistent with the higher rebate IEX will pay for adding displayed liquidity in Tape A and C securities, IEX proposes to increase the fee for removing displayed liquidity in Tape A and C securities from \$0.0010 per share to \$0.0020 per share.

"Sub-dollar"¹³ executions of Tape A and C securities that add displayed liquidity will continue to execute for free. Sub-dollar executions of Tape A and C securities that remove displayed liquidity will continue to be charged 0.09% of the Total Dollar Value ("TDV") of the execution.

IEX does not propose to change the fee (\$0.0010 per share) currently applicable to Discretionary Peg ("D-Peg"),¹⁴ Fixed Midpoint Peg ("FM-Peg"),¹⁵ Midpoint Peg ("M-Peg"),¹⁶ or Primary Peg ("P-Peg")¹⁷ orders that remove displayed liquidity in Tape A or C securities. IEX notes that each of these four order types is designed to execute within the spread (*i.e.*, at a price between the NBBO¹⁸). IEX understands that Members and other market participants typically use these order types with the expectation that they will either add or remove non-displayed liquidity, and that they will not execute

against displayed liquidity. However, these four order types may execute against displayed orders in certain "edge case" scenarios, such as when a resting D-Peg order is invited to Recheck the Order Book¹⁹ and matches with a displayed odd lot order, or when an incoming M-Peg order matches with a displayed order standing its ground in a locked or crossed market. Currently, in these circumstances, the non-displayed pegged order is charged the same fee (*i.e.*, \$0.0010 per share) as if it traded with a non-displayed order (Fee Code Combination TL). To provide greater fee determinism to its Members and consistent with current practice, IEX proposes to continue charging \$0.0010 per share for D-Peg, FM-Peg, M-Peg, and P-Peg orders that remove displayed liquidity in a Tape A or C security in one of the above-listed circumstances.

Notwithstanding this exception, if an incoming Post Only²⁰ order for a Tape A or C security executes against a resting M-Peg or FM-Peg order with the Trade Now²¹ instruction, IEX proposes to charge the M-Peg or FM-Peg order a fee of \$0.0020 per share, not the \$0.0010 per share fee that would otherwise apply had the M-Peg or FM-Peg order executed against a displayed order for a Tape A or C security. IEX is proposing to make this distinction because Members that include a Trade Now instruction on their M-Peg or FM-Peg orders have thereby specified their willingness to match with incoming Post Only orders, and thus indicated their willingness to pay the \$0.0020 per share fee IEX will charge for taking displayed liquidity in Tape A and C securities.

IEX is not proposing to change the fees charged or fee codes applied to Retail²² or Retail Liquidity Provider²³ orders that execute in Tape A or C securities. Thus, a Retail order that takes liquidity from a non-displayed order in a Tape A or C security will be assigned Fee Code Combination TIR (free execution), and the non-displayed order will be assigned Fee Code Combination MI (fee of \$0.0010 per share). Relatedly,

¹⁹ See IEX Rule 11.230(a)(4)(D).

²⁰ See IEX Rule 11.190(b)(20).

²¹ When an incoming Post Only order matches a resting order with a Trade Now instruction, the resting order converts into an executable order that removes liquidity against the incoming Post Only order, and the incoming Post Only order becomes the liquidity adding order. See IEX Rule 11.190(b)(21). A Trade Now instruction cannot be added to a D-Peg or P-Peg order. See IEX Rules 11.190(b)(8) and 11.190(b)(10).

²² See IEX Rule 11.190(b)(15).

²³ See IEX Rule 11.190(b)(14). Retail Liquidity Provider orders can only match with Retail orders and will always be assigned Fee Code Combination MIA (free execution), irrespective of if the execution is a Tape A or C security.

⁸ This fee proposal will not change the fees charged or fee codes applied for Retail and Retail Liquidity Providing executions of Tape A and C securities, which execute for free. Additionally, while the fee proposal includes a fee code change for all other executions of Tape A and C securities that are priced at less than \$1.00 per share, the fees charged for such executions will not change. Finally, as described *infra*, certain pegged order types that by design are not likely to interact with displayed liquidity will not be subject to the increased fees charged for taking displayed liquidity in Tape A and C securities.

⁹ "Tape A securities" are securities listed on the New York Stock Exchange, and "Tape C securities" are securities listed on The Nasdaq Stock Market.

¹⁰ See *supra* note 8.

¹¹ See, e.g., MEMX Equities Fee Schedule, (effective May 1, 2024), available at <https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/> (offering rebates for adding displayed liquidity of \$0.0015 to \$0.0033, depending upon trading volume, and charging as much as \$0.0030 to remove liquidity); Nasdaq Equity 7, Section 118(a)(1), available at https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Equity%207#section_118_nasdaq_market_center_order_execution_and_routing (offering rebates for adding displayed liquidity of \$0.0018 to \$0.00305, depending upon trading volume, and charging as much as \$0.0030 to remove displayed liquidity).

¹² See Securities Exchange Act Release No. 99989 (April 18, 2024), 89 FR 31231 (April 24, 2024) (SR-IEX-2024-06) ("Tape B Fee Filing").

¹³ "Sub-dollar" refers to orders or executions priced at less than \$1.00 per share.

¹⁴ See IEX Rule 11.190(b)(10).

¹⁵ See IEX Rule 11.190(b)(19).

¹⁶ See IEX Rule 11.190(b)(9).

¹⁷ See IEX Rule 11.190(b)(8).

¹⁸ See IEX Rule 1.160(u).

a Retail order that takes liquidity from a displayed odd lot order in a Tape A or C security will be assigned Fee Code Combination TLR (free execution), and the displayed odd lot order will be assigned Fee Code Combination ML (rebate of \$0.0014 per share).

IEX also proposes to modify Fee Code Modifier “K” to reflect the proposed fee changes. Currently, Fee Code Modifier K is only included on execution reports for D-Peg, FM-Peg, M-Peg, or P-Peg orders that remove displayed liquidity in a Tape B security in the circumstances discussed above. With this proposed fee change, Fee Code Modifier K would apply to any D-Peg, FM-Peg, M-Peg, or P-Peg order that removes displayed liquidity (including orders for Tape A and C securities). Therefore, IEX proposes to remove the words “(Tape B)” from the description of Fee Code K.

To reflect the above-described fee changes, IEX proposes to make the following changes to its Fee Schedule:

- Modify Fee Code Combination ML (Adds displayed liquidity) to reflect the new rebate of \$0.0014 per share for adding displayed liquidity in Tape A and C securities (an increase from the current rebate of \$0.0004 per share).
- Modify Fee Code Combination MLY (Post Only order adds liquidity against resting non-displayed order) to reflect the new rebate of \$0.0014 per share for adding displayed liquidity in Tape A and C securities (an increase from the current rebate of \$0.0004 per share).
- Modify Fee Code Combination TL (Removes displayed liquidity) to reflect the new fee of \$0.0020 per share for removing displayed liquidity in Tape A and C securities (an increase from the current fee of \$0.0010 per share).
- Modify Fee Code Combination TLY (Post Only order removes displayed liquidity) to reflect the new fee of \$0.0020 per share for removing displayed liquidity in Tape A and C securities (an increase from the current fee of \$0.0010 per share).
- Modify Fee Code Combination TLW (Resting non-displayed order removes liquidity against incoming Post Only order) to reflect the new fee of \$0.0020 per share for removing displayed liquidity in Tape A and C securities (an increase from the current fee of \$0.0010 per share).

• Introduce new Fee Code Combination TLK with the description “Discretionary Peg, Fixed Midpoint Peg, Midpoint Peg, or Primary Peg order removes displayed liquidity.” These executions of Tape A and C securities would be charged a fee of \$0.0010 per share for executions at or above \$1.00 and 0.09% of TDV for sub-dollar

executions, which are the same fees charged for TLBK, the Fee Code Combination that applies to D-Peg, FM-Peg, M-Peg, and P-Peg orders that take displayed liquidity in Tape B securities. In addition, and as described below, TLK will be modified by footnote 3 to the Fee Code Combinations and Associated Fees table.

IEX also proposes to modify footnote 3 to reflect the updated circumstances in which Fee Code Modifier “K” would apply. Currently, footnote 3 reads in full:

TLBK will not apply to Midpoint Peg and Fixed Midpoint Peg orders with Trade Now functionality enabled that take liquidity from an incoming Post Only order for a Tape B security; such executions will be assigned Fee Code Combination TLWB.

With the introduction of Fee Code Combination TLK, IEX proposes to modify footnote 3 to reflect that neither Fee Code Combination TLBK nor TLK would apply to any M-Peg and FM-Peg orders with Trade Now functionality enabled that take liquidity from an incoming Post Only order, and that such orders would be assigned Fee Code Combinations TLWB and TLW, respectively. As discussed above, these executions would incur a fee of \$0.0020 per share for taking displayed liquidity in Tape A, B, and C securities. IEX therefore proposes to modify footnote 3, so that it reads as follows:

TLBK and TLK will not apply to Midpoint Peg and Fixed Midpoint Peg orders with Trade Now functionality enabled that take liquidity from an incoming Post Only order; such executions will be assigned Fee Code Combinations TLWB and TLW, respectively.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) ²⁴ of the Act in general and furthers the objectives of Sections 6(b)(4) ²⁵ of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposed fee change is reasonable, fair and equitable, and non-discriminatory.

IEX has concluded that, in the context of current regulatory requirements governing access fees and rebates, it is not able to sufficiently compete with other exchanges for order flow in Tape A and C securities without offering higher rebate incentives. As discussed in the Purpose section, the Exchange recently instituted identical fee changes

for Tape B securities to incentivize the posting of displayed liquidity in Tape B securities.²⁶ Based upon the Tape B fee changes and informal discussions with market participants, IEX believes that Members and other market participants may be more willing to send displayed orders in Tape A and C securities to IEX if the proposed fee structure was adopted.

Accordingly, IEX has designed the proposed access fee and rebate to attract and incentivize displayed orders in Tape A and C securities as well as order flow seeking to trade with such displayed orders. Moreover, increases in displayed liquidity of Tape A and C securities would contribute to the public price discovery process which would benefit all market participants and protect investors and the public interest.

As it has stated repeatedly, IEX believes that the existing access fee level of \$0.0030 per share set by Rule 610 of Regulation NMS ²⁷ heavily affects the way that exchanges compete for order flow and has led to various market distortions and inefficiencies. It has also created a collective action problem that substantially hinders the ability of exchanges to compete by offering better execution quality and without relying on high access fees and correspondingly high rebates. The Commission can resolve this problem and help to promote more displayed liquidity by adjusting the access fee cap to \$0.0010 per share, a level consistent with other market-based trading cost measures and one favored by a broad spectrum of market participants and virtually all institutional investors that have commented on this issue.²⁸ IEX hopes to be able to further adjust its transaction prices in the near future to reflect a market-wide adoption of lower access fees as a result of this critically-needed reform.

Accordingly, IEX has designed this proposed rebate to attract and incentivize displayed order flow in Tape A and C securities as well as order flow seeking to trade with displayed order flow in Tape A and C securities. Moreover, increases in displayed liquidity of Tape A and C securities would contribute to the public price discovery process which would benefit

²⁶ See *supra* note 12.

²⁷ 17 CFR 242.610.

²⁸ See IEX comment letters on S7-30-22, Regulation NMS: Minimum Pricing Increments, Access Fees, and Transparency of Better-Priced Orders: <https://www.sec.gov/comments/s7-30-22/s73022-20160364-328968.pdf>; <https://www.sec.gov/comments/s7-30-22/s73022-276579-672162.pdf>; <https://www.sec.gov/comments/s7-30-22/s73022-434239-1076742.pdf>.

²⁴ 15 U.S.C. 78f.

²⁵ 15 U.S.C. 78f(b)(4).

all market participants and protect investors and the public interest.

The Exchange believes that the proposed fee structure for providing and removing displayed liquidity in Tape A and C securities is reasonable and consistent with the Act. Specifically, the Exchange believes that for securities that trade at or above \$1.00 per share, it is reasonable to provide an increased rebate of \$0.0014 per share for providing displayed liquidity in Tape A and C securities and to increase the fee for removing displayed liquidity in Tape A and C securities from \$0.0010 per share to \$0.0020 per share, which is designed to keep IEX's displayed trading prices for Tape A and C securities competitive with those of other exchanges.²⁹ In this regard, IEX notes that while many competing exchanges pay rebates to provide displayed liquidity in Tape A and C securities that are substantially higher than those proposed, others charge fees to provide displayed liquidity for Tape A and C securities that trade at or above \$1.00 per share.³⁰ Further, IEX notes that for securities that trade at or above \$1.00 per share, many competing exchanges charge substantially higher fees to remove displayed liquidity than those charged by IEX.³¹ And, as discussed in the

Purpose section, this fee proposal is identical to a recent fee change IEX made specifically for Tape B securities.³² Consequently, IEX believes that the proposed fee structure for providing and removing displayed liquidity in Tape A and C securities is within the range charged by competing exchanges and does not raise any new or novel issues not already considered by the Commission in the context of other exchanges' fees.

Further, IEX believes that it is reasonable and consistent with the Act not to modify the fees charged to D-Peg, FM-Peg, M-Peg, and P-Peg orders that remove displayed liquidity (except for M-Peg and FM-Peg orders with a Trade Now instruction that remove displayed liquidity from an incoming Post Only order). As discussed in the Purpose section, these four order types are designed to interact with non-displayed liquidity, but in unexpected circumstances can trade with displayed liquidity. IEX understands that, in general, Members seek fee determinism, *i.e.*, the ability to know in advance the transaction fees that will apply to particular orders at the time they send the orders, and a lack thereof could operate to disincentive order flow. Consequently, IEX believes it is fair and equitable to continue charging \$0.0010 per share for displayed liquidity removing executions of these four order types to avoid this impact. Further, IEX notes that any Member can submit a D-Peg, FM-Peg, M-Peg, or P-Peg order, and therefore this fee will apply equally to all Members.

However, if an incoming Post Only order for a Tape A or C security executes against a resting M-Peg or FM-Peg order with the Trade Now instruction, IEX proposes to charge the M-Peg or FM-Peg order a fee of \$0.0020 per share, not the \$0.0010 per share fee that would otherwise apply had the M-Peg or FM-Peg order executed against a displayed order for a Tape A or C security, as described in the preceding paragraph. IEX is proposing to make this distinction because the Member who included a Trade Now instruction on its M-Peg or FM-Peg order specified its willingness to match with incoming Post Only orders, and thus indicated its

willingness to pay the \$0.0020 per share fee IEX will charge for taking displayed liquidity in Tape A and C securities.

Correspondingly, IEX believes that it is reasonable and consistent with the Act to modify the fees charged to M-Peg and FM-Peg orders with a Trade Now instruction that remove displayed liquidity from an incoming Post Only order in a Tape A or C security. As discussed in the Purpose section, the Member who included a Trade Now instruction on its M-Peg or FM-Peg order specified its willingness to match with incoming Post Only orders, and thus indicated its willingness to pay the \$0.0020 per share fee IEX will charge for taking displayed liquidity in Tape A and C securities.

The Exchange also believes that it is reasonable and consistent with the Act not to modify its displayed fees for sub-dollar executions. The Exchange believes that the existing fee structure for such executions continues to be reasonably designed to incentivize displayed order flow (and orders seeking to trade with displayed order flow) in such securities.

Further, IEX believes that it is reasonable and consistent with the Act not to change the fees applicable to the execution of Retail orders that remove liquidity, which will continue to execute for free. In this regard, the Exchange believes that the existing fee structure continues to be reasonably designed to incentivize the entry of Retail orders and Retail Liquidity Provider orders, and notes that the Commission, in approving IEX's Retail Price Improvement Program, acknowledged the value of exchanges' offering incentives to attract both retail investor orders and orders specifically designated to execute only with retail orders.³³

The Exchange further believes that the proposed fee change is consistent with the Act's requirement that the Exchange provide for an equitable allocation of fees that is also not unfairly discriminatory.

First, the fees for adding and removing displayed liquidity in Tape A and C securities will apply on a per share basis in an equal and nondiscriminatory manner to all Members, without regard to the volume of orders submitted by a Member or other factors.

Second, because the fees would apply on a flat, per share basis—like IEX's existing fees—they will continue to be fully deterministic, in that a Member

²⁹ As discussed in the Purpose section, IEX's proposed rebate of \$0.0014 per share for displayed liquidity adding orders in Tape A and C securities priced at \$1.00 or more is below the rebate ranges of \$0.0015 to \$0.0035 [sic] per share and \$0.0018 to \$0.00305 per share paid by MEMX and Nasdaq, respectively, for displayed liquidity adding orders. And IEX's proposed fee of \$0.0020 per share for removing displayed liquidity in Tape B securities priced at \$1.00 or more is also below the \$0.0030 per share fee charged by both MEMX and Nasdaq for displayed liquidity removing orders. See *supra* note 11.

³⁰ See *e.g.*, Nasdaq BX Equity 7 Section 118(a) (\$0.0020 fee per share to add displayed liquidity in Tape A and C securities priced at or above \$1.00 per share), available at <https://listingcenter.nasdaq.com/rulebook/bx/rules/BX%20Equity%207>; Cboe BYX Equities Fee Schedule (\$0.0020 fee per share to add displayed liquidity in Tape A and C securities priced at or above \$1.00 per share, available at https://www.cboe.com/us/equities/membership/fee_schedule/byx/; Cboe EDGA Equities Fee Schedule (\$0.0030 fee per share to add displayed liquidity in Tape A and C securities priced at or above \$1.00 per share, available at https://www.cboe.com/us/equities/membership/fee_schedule/edga/).

³¹ See *e.g.*, Cboe BZX Equities Fee Schedule (\$0.0030 fee per share to remove displayed liquidity in Tape A and C securities priced at or above \$1.00 per share), available at https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/; MIAX Pearl Equities Exchange Fee Schedule (\$0.00295 fee per share to remove displayed liquidity in in Tape A and C securities priced at or above \$1.00 per share), available at https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Equities_Fee_Schedule_05012024.pdf; MEMX Fee Schedule (\$0.0030 fee per share to remove displayed liquidity in in Tape B securities priced at or above \$1.00 per share), available at <https://info.memxtrading.com/equities-trading-resources/>

us-equities-fee-schedule/; Nasdaq Equity 7 Section 118(a) (up to \$0.0030 fee per share to remove displayed liquidity in in Tape A and C securities priced at or above \$1.00 per share), available at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/nasdaq-equity-7>; New York Stock Exchange Price List 2024 (\$0.00275 fee per share to remove displayed liquidity in in Tape A and C securities priced at or above \$1.00 per share), available at https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf.

³² See *supra* note 12.

³³ See Securities Exchange Act Release No. 86619 (August 9, 2019), 84 FR 41769, 41771 (August 15, 2019) (SR-IEX-2019-05).

will be able to determine the Exchange fees for each execution in a Tape A or C security. IEX believes this aspect of its fee proposal will assist all Members in making decisions about routing of orders without the uncertainties associated with volume tiers or other requirements that cannot be determined at the time of the trade. IEX notes that applying fees in this way is consistent with the purpose of the Commission's proposal to require that exchange fees be set in a manner such that the amount of a fee or rebate related to each trade is determinable at the time of the trade.³⁴

Finally, as discussed above, to the extent that the current regulatory structure effectively compels exchanges to offer financial inducements to compete with other exchanges to obtain liquidity, the proposed change is intended to increase IEX's ability to compete within the existing regulatory structure pending changes to that structure, and incentivize greater liquidity, which will benefit all market participants by increasing price discovery and price formation (on IEX and market-wide) as well as market quality and execution opportunities.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposed fee change is designed to enhance IEX's competitiveness with other venues, as described in the Statutory Basis section. In this context, the Exchange does not believe that the proposed fees would burden competition among competing venues or their participants. Moreover, as noted in the Statutory Basis section, the Exchange believes that the proposed changes do not raise any new or novel issues not already considered by the Commission.

The Exchange believes that the proposed rule change will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different fees are assessed in some circumstances, these different fees are not based on the type

of Member entering the orders that match or on the volume of orders submitted by a Member but on the type of order entered or if the security at issue is a Tape A or C security, and all Members can submit any type of order for any type of security and will be subject to the same fee for that type of order and security. IEX believes that applying a flat, per share fee or rebate for each type of order avoids imposing a burden on competition by ensuring that individual Members do not gain a competitive advantage over other Members based solely on their size or volume of orders they are able to submit to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)³⁵ of the Act.

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)³⁶ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-IEX-2024-09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-IEX-2024-09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-IEX-2024-09 and should be submitted on or before June 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁷

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-12365 Filed 6-5-24; 8:45 am]

BILLING CODE 8011-01-P

³⁴ See Securities Exchange Act Release No. 96494 (December 14, 2022), 87 FR 80266, 80292-93 (December 29, 2022) (File No. S7-30-22).

³⁵ 15 U.S.C. 78s(b)(3)(A)(ii).

³⁶ 15 U.S.C. 78s(b)(2)(B).

³⁷ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100256; File No. SR–CBOE–2024–008]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt a New Rule Regarding Order and Execution Management Systems

May 31, 2024.

I. Introduction

On February 13, 2024, Cboe Exchange, Inc. (“Cboe” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² a proposal to adopt a new rule regarding order and execution management systems (“OEMS”). The proposed rule change was published for comment in the **Federal Register** on March 5, 2024.³ On April 16, 2024, pursuant to Section 19(b)(2) of the Exchange Act,⁴ the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ The Commission has received four comment letters regarding the proposed rule change.⁶ Cboe responded to the comments on April 19, 2024.⁷ On May 24, 2024, the

Commission received a comment letter in response to Cboe’s response letter.⁸

This order institutes proceedings under Section 19(b)(2)(B) of the Exchange Act⁹ to determine whether to approve or disapprove the proposed rule changes.

II. Description of the Proposed Rule Changes

The Exchange proposes to adopt Rule 3.66 to provide that an OEMS¹⁰ operated in a manner independent from the Exchange despite affiliation with the Exchange will not be deemed a facility of the Exchange as that term is defined in the Act. Section 3(a)(2) of the Act defines “facility” as follows:

The term “facility” when used with respect to an exchange includes its premises, tangible or intangible property whether on the premises or not, any right to the use of such premises or property or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including, among other things, any system of communication to or from the exchange, by ticker or otherwise, maintained by or with the consent of the exchange), and any right of the exchange to the use of any property or service.¹¹

The Exchange’s proposed Rule 3.66 would provide that for so long as the Exchange provides or is affiliated with any entity that provides, or the Exchange or an affiliate has a contractual relationship with any entity that provides, an OEMS platform, such OEMS will not be regulated as a “facility” of the Exchange and thus not subject to Section 6 of the Act if it meets certain conditions. These proposed conditions are:

(a) use of the OEMS is voluntary (*i.e.*, solely within the discretion of a TPH) and not required for a TPH to access to the Exchange (*i.e.*, the OEMS is a nonexclusive means of access to the Exchange);

(b) if a TPH using the OEMS establishes a direct connection to the Exchange via an Exchange port, that connection is established in the same manner and in accordance with the same terms, conditions, and fees as any third-party OEMS as set forth in the Exchange’s Rules, technical specifications, and Fees Schedule;

(c) the OEMS (or the entity that owns the OEMS) is not a registered broker-dealer;

(d) for any orders ultimately routed through the OEMS to the Exchange:

(1) users and their brokers are solely responsible for routing decisions; and

(2) the Exchange processes those orders in the same manner as any other orders received by the Exchange (*i.e.*, orders submitted through the OEMS to the Exchange receive no preferential treatment on the Exchange);

(e) any fees charged to a user of the OEMS are unrelated to that user’s Exchange activity or to Exchange fees set forth on the Exchange’s fees schedule;

(f) the OEMS and its users use any premises or service from the Exchange that is a facility, such as market data, pursuant to the same terms, conditions, and fees as any other user of Exchange premises and services as set forth in the Exchange’s Rules, technical specifications, and Fees Schedule;

(g) a third-party not required to register as a national securities exchange under Section 6 of the Act can offer a similar OEMS; and

(h) the Exchange has established and maintains procedures and internal controls reasonably designed to prevent the OEMS from receiving any competitive advantage or benefit as a result of its affiliation/relationship with the Exchange, including the provision of information to the entity or personnel operating the OEMS regarding updates to the System (such as technical specifications) until such information is available generally to similarly situated market participants.

The Exchange notes generally that OEMSs as such are not subject to the rule filing requirements of Section 19(b) of the Act. In limited instances however when the Exchange or an Exchange affiliate owns an OEMS platform, Commission staff has advised the Exchange that affiliation with those entities caused the OEMSs to be considered “facilities” under the Act and are thus subject to the rule filing requirements under Section 19(b) of the Act.¹² The Exchange, however, believes that even if an OEMS is offered by an Exchange affiliate, if it is operated as a separate business from the Exchange and is operated on the same terms as OEMSs that are not offered by the Exchange or an Exchange affiliate, it is not a facility as defined by the Act. The Exchange seeks to codify this interpretation of the Act in its rulebook. The Exchange states that such an OEMS platform receives no advantage over

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 99620 (February 28, 2024), 89 FR 15907 (“Notice”).

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 99963 (February 13, 2020), 89 FR 29389 (April 22, 2024). The Commission designated June 3, 2024, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

⁶ See letters to Vanessa Countryman, Secretary, Commission, from: Tyler Gellasch, President and CEO, Healthy Markets Association, dated March 25, 2024 (“Healthy Markets Letter”); Jim Considine, Chief Financial Officer, McKay Brothers, LLC, dated March 26, 2024 (“McKay Letter”); Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., dated March 26, 2024 (“Bloomberg Letter”); Gregory Babyak, Global head of Regulator Affairs, Bloomberg L.P., dated May 24, 2024. Comment letters can be accessed at [SEC.gov](https://www.sec.gov/Comments) | Comments on SR–CBOE–2024–008.

⁷ See letter to Vanessa Countryman, Secretary, Commission, from Laura G. Dickman, Vice President, Associate General Counsel, Cboe Global Markets, Inc., dated April 24, 2024 (“Exchange Response”). The Exchange Response is available on the Commission’s website at: [srcboe2024008–460951–1202654.pdf](https://www.sec.gov/Comments) (*sec.gov*).

⁸ See letter to Vanessa Countryman, Secretary, Commission, from: Gregory Babyak, Global head of Regulator Affairs, Bloomberg L.P., dated May 24, 2024 (“Bloomberg Response Letter”). Comment letters can be accessed at [SEC.gov](https://www.sec.gov/Comments) | Comments on SR–CBOE–2024–008.

⁹ 15 U.S.C. 78s(b)(2)(B).

¹⁰ For a description of the functionalities of an OEMS, see Notice at 89 FR 15907–08.

¹¹ 15 U.S.C. 78c(a)(2).

¹² 15 U.S.C. 78s(b)(1).

other OEMS platforms as a result of its affiliation with the Exchange and orders from such an OEMS are handled by the Exchange pursuant to its Rules in the same manner as orders from any other OEMSs. The Exchange also “notes it currently offers certain port fee waivers to users of the Silexx platform [affiliated with the Exchange] and different pricing for certain functionality to TPHs and non-TPHs.”¹³ The Exchange does not provide fee waivers to OEMS users not affiliated with Silexx.

III. Summary of Comments Received and Exchange’s Response

The Commission has received several comment letters regarding this proposal.¹⁴ All commenters expressed concern regarding this proposal’s position regarding what is considered a “facility” with respect to an “exchange” and encouraged the Commission to consider any precedent that this proposal may set.¹⁵ Two commenters recommended that the Commission should reject or disapprove this proposal.¹⁶

One commenter stated that the definition of a “facility” is a key pillar of the Commission’s regulatory framework and a vital component in setting the Commission’s scope of authority over exchanges.¹⁷ The commenter further stated that this proposal falls squarely within a history of the exchanges’ efforts to limit the Commission’s authority to oversee core exchange functions¹⁸ and that this proposal would redefine the well-established definition of a “facility” and “exchange” that was recently affirmed by the D.C. Circuit.¹⁹ Two commenters found that the affiliated OEMS clearly falls under the statutory definition of a “facility” of an “exchange” and that these exchange-affiliated OEMSs have been considered for some time, to fall within the definition of “facility.”²⁰

In response to the commenters, the Exchange stated that its proposal, contrary to commenters’ views, does not attempt to redefine the term “facility” and that its proposal applies the definition of “facility,” which it notes predates the existence of OEMSs, “as interpreted by the D.C. Circuit, to a

specific modern trading tool.”²¹ The Exchange further stated that the recent D.C. Circuit decision supports the Exchange’s view that “OEMSs operated by the Exchange or an Exchange affiliate but independently from the Exchange are not facilities of an exchange as defined in the Act.”²² In response to the Exchange’s statements, a commenter reiterated its assertion that these affiliated OEMSs are clearly in scope of the definition of “facility” and posited that “[a]t heart, the Exchange wishes to continue providing the same OEMS services . . . yet simply re-define ‘facility’ in a manner that removes these Exchange-affiliated OEMSs from the ambit of ‘facility.’”²³ The commenter also explained that allowing the Exchange to “exempt themselves” out of the applicable statute would effectively permit the Exchange “to change the contours of the statute” with broad implications.²⁴ The commenter stated that the Exchange completely misinterpreted the D.C. Circuit decision and that the Court instead expressly determined that the definition of both “exchange” and “facility” should be interpreted broadly under the Act.²⁵ The commenter further stated that “[t]he Exchange’s central factual argument [.] that the exchange-owned OEMSs are independently operated from the interests and control of the Exchange appears to be without merit and contrary to the facts provided in the proposal.”²⁶

In addition, the commenter stated that acceptance of the position put forth in this proposal to allow exchanges to be the final arbiter of what is a “facility” and to also overturn a settled Commission decision would be an enormous departure from established precedent.²⁷ One commenter cautioned that when exchange services are excluded from the definition of a “facility” and are not subject to the Act and Commission oversight, exchanges are allowed to provide services in an unfairly discriminatory manner, impose unnecessary and inappropriate burdens on competition and impede a free and open market in contravention of Sections 6(b)(5) and (8) of the Act.²⁸ The commenter further cautioned that exchanges have used affiliates and third-party service providers to obscure whether a service is a “facility” of an

exchange.²⁹ In addition, one commenter stated that this proposal is the Exchange’s attempt to offer OEMS services free from Commission oversight and the obligations imposed upon exchanges by the Act.³⁰ Commenters also stated that the Exchange failed to provide the Commission or the public with sufficient information with which to perform its analysis with respect to whether this proposal is consistent with the Act.³¹ These commenters further stated that without the essential details of the Exchange’s OEMS and the scope of services offered on the Exchange, it would be difficult, if not impossible, for the Commission to ensure that this proposal is consistent with the Act and the rules and regulations thereunder.³² One commenter also stated that this proposal contains no information as to how the particular rule is designed to protect investors and the public interest, as required under the Act.³³

The Exchange responded that its proposal is nothing more than a proposed rule change as required by the Commission’s rule filing process³⁴ and that the proposal includes sufficient information describing the proposed rule change and why it is consistent with Section 6(b) of the Act.³⁵ The Exchange further stated that the proposal describes the primary functions of an OEMS with a similar level of detail as prior Cboe Options rule filings regarding OEMSs, none of which, as stated by the Exchange, were disapproved or suspended by the Commission or commented on as being inconsistent with the Act’s rule filing requirements.³⁶ In its response letter, a commenter stated that the Exchange has not provided any meaningful explanation as to why the proposal is consistent with the Act and further that the proposal appears to remove the investor protections of the Act and otherwise limit Commission oversight.³⁷ The commenter also reiterated that these exchange-affiliated OEMSs have been considered by the Commission for some time to fall within the definition of a “facility” under the Act.³⁸

One commenter stated that the Exchange is improperly seeking a statutory exemption for which the

¹³ Notice at n.13.

¹⁴ See *supra* notes 6, 8.

¹⁵ See Bloomberg Letter, Healthy Markets Letter, and McKay Letter.

¹⁶ See Bloomberg Letter and Healthy Markets Letter.

¹⁷ See Bloomberg Letter, at 3.

¹⁸ See Bloomberg Letter, at 6.

¹⁹ See Bloomberg Letter, at 2–3.

²⁰ See Bloomberg Letter, at 7. See also Healthy Markets Letter, at 4

²¹ See Exchange Response, at 1–2.

²² See Exchange Response, at 2.

²³ See Bloomberg Response Letter, at 2–3.

²⁴ See Bloomberg Response Letter, at 5.

²⁵ See Bloomberg Response Letter, at 7–9.

²⁶ See Bloomberg Response Letter, at 12–13.

²⁷ See Bloomberg Letter, at 7.

²⁸ See McKay Letter, at 1–2.

²⁹ See McKay Letter, at 2.

³⁰ See Healthy Markets Letter, at 3.

³¹ See Bloomberg Letter, at 7–8. See also Healthy Markets Letter, at 8–9.

³² See Bloomberg Letter, at 7–8. See also Healthy Markets Letter, at 8–9.

³³ See Bloomberg Letter, at 8.

³⁴ See Exchange Response, at 3.

³⁵ See Exchange Response, at 4.

³⁶ See Exchange Response, at 4.

³⁷ See Bloomberg Response Letter, at 11–12.

³⁸ See Bloomberg Response Letter, at 6.

Commission has detailed procedures that the Exchange has not followed.³⁹ The commenter explained that while it would object to the Commission granting such an exemption, requesting exemptive relief would at least be within the Commission's authority. The commenter further stated that the Exchange however is not asking the Commission for exemptive relief and is instead asking the Commission to "ignore the plain language of the statute."⁴⁰

In response, the Exchange stated that commenters' views that exemptive relief is needed are unwarranted and "[a]n exemption is unnecessary if the statute is inapplicable to that product or service, as the Exchange asserts is the case for a Rule 3.66 OEMS."⁴¹

IV. Proceedings To Determine Whether To Approve or Disapprove SR-CBOE-2024-008 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act⁴² to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposal.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,⁴³ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the consistency of the proposal with Sections 6(b)(5)⁴⁴ and 6(b)(8)⁴⁵ of the Act. Section 6(b)(5) of the Act requires that the rules of a national securities exchange be designed, among other things, to promote just and equitable principles of trade, 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, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Section 6(b)(8) of the Act requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

As discussed above, the Exchange is proposing to codify in its rulebook that OEMSs that meet the conditions described above will be not considered "facilities" as that term is defined by the Act even if they are operated by the Exchange or an Exchange affiliate. The Commission received comment letters that express concern regarding the proposal, including that the Exchange did not provide sufficient information to establish that the proposal is consistent with the Act.

The Commission notes that, under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change."⁴⁶ The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,⁴⁷ and any failure of an SRO to provide this information may result in the Commission not having sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rule and regulations.⁴⁸

The Commission believes it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act⁴⁹ to determine whether the proposal should be approved or disapproved. The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposal is consistent with the Act.

V. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other

concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of data, views, and arguments, the Commission will consider, pursuant to Rule 19b-4 under the Act,⁵⁰ any request for an opportunity to make an oral presentation.⁵¹

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by June 27, 2024. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 11, 2024. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice.⁵² In particular, the Commission seeks comment on the following questions:

1. Has the Exchange demonstrated how the proposal is consistent with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to "promote just and equitable principles of trade, 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" and not be "designed to permit unfair discrimination between customers, issuers, brokers, or dealers"?⁵³ Are there additional facts that commenters believe the Commission should consider to assess whether the proposal is consistent with Section 6(b)(5)? If so, please provide.

2. Has the Exchange demonstrated how the proposal is consistent with Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange "not impose any burden on competition not necessary or appropriate in furtherance of the

⁵⁰ 17 CFR 240.19b-4.

⁵¹ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

⁵² See Notice, *supra* note 3.

⁵³ 15 U.S.C. 78f(b)(5).

³⁹ See Healthy Markets Letter, at 7.

⁴⁰ See Healthy Markets Letter, at 7–8.

⁴¹ See Exchange Response, at 5.

⁴² 15 U.S.C. 78s(b)(2)(B).

⁴³ *Id.*

⁴⁴ 15 U.S.C. 78f(b)(5).

⁴⁵ 15 U.S.C. 78f(b)(8).

⁴⁶ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

⁴⁷ See *id.*

⁴⁸ See *id.*

⁴⁹ 15 U.S.C. 78s(b)(2)(B).

purposes of [the Act].”⁵⁴ Are there additional facts that commenters believe the Commission should consider in order to assess whether the proposal is consistent with Section 6(b)(8)? If so, please provide.

3. Are there any potential competitive advantages that could be realized by an Exchange-affiliated OEMS “facilitating transactions in securities”⁵⁵ that could arise from that OEMS operating outside the Commission review process? If so, please identify these potential advantages. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CBOE-2024-008 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-CBOE-2024-008. 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 (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 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-CBOE-2024-008 and should be submitted by June 27, 2024. Rebuttal comments should be submitted by July 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-12367 Filed 6-5-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100254; File No. 10-242]

In the Matter of the Application of 24X National Exchange LLC for Registration as a National Securities Exchange; Order Instituting Proceedings To Determine Whether To Grant or Deny an Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934

May 31, 2024.

I. Introduction

On February 6, 2024, 24X National Exchange LLC (“24X”) filed with the Securities and Exchange Commission (“Commission”) a Form 1 application under the Securities Exchange Act of 1934 (“Act”), seeking registration as a national securities exchange under Section 6 of the Act.¹ Notice of the application was published for comment in the **Federal Register** on March 4, 2024.² The Commission received five comments on the Form 1³ and a letter responding to the comments from 24X.⁴ Two commenters expressed support the 24X Form 1,⁵ one commenter suggested

⁵⁶ 17 CFR 200.30-3(a)(57).

¹ 15 U.S.C. 78f.

² See Securities Exchange Act Release No. 99614 (Feb. 27, 2024), 89 FR 15621 (“Notice”).

³ The public comment file for 24X’s Form 1 (File No. 10-242) is available on the Commission’s website at: <https://www.sec.gov/comments/10-242/10-242.htm>.

⁴ See letter from David Sassoon, General Counsel, 24X, to Commission, dated May 30, 2024 (“24X Letter”).

⁵ See letters from James J. Angel, Ph.D., CFP, CFA, Associate Professor of Finance, Georgetown University, McDonough School of Business, to Commission, dated Apr. 5, 2024 (“Angel Letter I”) (stating that “[t]he 24X Application should be approved” because it will “provide additional convenience to investors and facilitate futures trading,” promote innovation and competition, improve price discovery during regular trading hours, and reduce risks for market participants.) and dated May 13, 2024 (discussing the information provided in the Glover and deHaan Letter, *infra* note 6, and stating that “[s]ince we already have 24-hour trading, it is best that it be on regulated

a “cautious approach to expanding trading hours” because their “research indicates that increasing trading hours has negative consequences for retail investment performance”⁶ and one commenter stated that it “believe[s] there are several aspects of the Application that require careful review and analysis by the Commission, or additional information and clarification from 24X, before the Application is permitted to move forward.”⁷

Section 19(a)(1) of the Act⁸ requires the Commission, within ninety days of the date of publication of notice of an application for registration as a national securities exchange, or such longer period as to which the applicant consents, to, by order, grant such registration⁹ or institute proceedings to determine whether such registration should be denied.¹⁰ This order is instituting proceedings under Section 19(a)(1)(B) of the Act¹¹ to determine whether 24X’s application for registration as a national securities exchange should be granted or denied, and provides notice of the grounds for denial under consideration by the Commission, as set forth below.

II. Description of 24X’s Proposed Trading System

24X proposes to operate a fully automated electronic trading platform for the trading of listed NMS stocks¹² pursuant to unlisted trading privileges (“UTP”) 23 hours per day,¹³ 7 days per week, including certain holidays, subject to certain trading pauses, as

national securities exchanges” because it “will create the highest level of investor protection.” (“Angel Letter II”); letter from Stan Sater, Senior Legal Counsel, Polygon.io, Inc., to Commission, dated Apr. 25, 2024 (“Polygon Letter”).

⁶ See Letter from Andrew Glover, University of Washington and Ed deHaan, Professor of Accounting, Stanford University, to Commission, dated Apr. 22, 2024 (“Glover and deHaan Letter”).

⁷ See Letter from Eun Ah Choi, Senior Vice President, Nasdaq, Inc., to Commission, dated Apr. 25, 2024 (“Nasdaq Letter”) at 2.

⁸ 15 U.S.C. 78s(a)(1).

⁹ 15 U.S.C. 78s(a)(1)(A).

¹⁰ 15 U.S.C. 78a(a)(1)(B).

¹¹ 15 U.S.C. 78s(a)(1)(B).

¹² See 17 CFR 242.600(b)(55) (defining “NMS Stock”).

¹³ Unless otherwise noted, all times referred to in this order are Eastern Time (“ET”). As described further below, 24X proposes to define four different trading sessions. See proposed 24X Rules 1.5(c) (defining the “24X Market Session”); 1.5(l) (defining the “Core Market Session”); 1.5(x) (defining the “Post-Market Session”); and 1.5(y) (defining the “Pre-Market Session”). In addition, 24X proposes, among others, the following terms: “24X Trading Day” (see proposed 24X Rule 1.5(b)); “Exchange Trading Hours other than the 24X Market Session” (see proposed 24X Rule 1.5(q)); “Extended Hours Trading” (see proposed 24X Rule 1.5(r)); “Regular Trading Hours” (see proposed 24X Rule 1.5(cc)); and “U.S. Business Day” (see proposed 24X Rule 1.5(kk)).

⁵⁴ 15 U.S.C. 78f(b)(8).

⁵⁵ 15 U.S.C. 78f(b)(5).

provided in 24X's proposed rules.¹⁴ 24X would not maintain a physical trading floor.¹⁵ Liquidity would be derived from quotes as well as orders to buy and orders to sell submitted to 24X electronically by exchange members.¹⁶ 24X proposes to operate a fully automated electronic limit order book with a continuous matching function¹⁷ and orders resting on the book would be ranked in price/time priority.¹⁸ 24X proposes to accept Market Orders,¹⁹ Limit Orders²⁰ and Pegged Orders²¹ with various modifiers and time-in-force instructions, although subject to certain limitations²² during the 24X Market Session.²³ Specifically, Market Orders would be accepted only during the Core Market Session, Pegged Orders would be accepted only during the Pre-Market

Session, the Core Market Session, and the Post-Market Session, and Limit Orders would be accepted during all sessions.²⁴ Orders may be submitted in round lots, odd lots or mixed lots.²⁵ 24X proposes to permit orders to be entered, cancelled, modified, executed on or routed away from 24X during the Pre-Market Session, the Core Market Session, and the Post-Market Session.²⁶ 24X would also permit orders to be entered, canceled, modified or executed on the Exchange during the 24X Market Session.²⁷ Market makers would be required to provide continuous two-sided quotes of at least 100 shares during Regular Trading Hours.²⁸

24X proposes certain rules to govern trading during Exchange Trading Hours other than the 24X Market Session,²⁹ while other rules and requirements would apply specifically to trading during the 24X Market Session.³⁰

One novel feature of 24X's Form 1 is that 24X proposes to extend the hours of exchange trading of certain NMS stocks³¹ to include overnight and weekend trading and trading on certain holidays.³² As noted above, 24X proposes certain rules that would apply specifically during its proposed 24X Market Session. For example, 24X proposes to implement certain "24X Price Bands" to moderate risk and volatility during the 24X Market

Session.³³ As discussed below,³⁴ 24X proposes certain trading pauses during the 24X Market Session.³⁵ 24X also proposes to require that 24X Members make certain disclosures to investors concerning risks associated with trading during Extended Hours Trading, as discussed below.³⁶ In its Form 1, 24X states that it will join and participate in any applicable plan that other national securities exchanges and/or market centers have joined, including, for example, the three Equity Data Plans³⁷ that currently govern the collection, consolidation, processing, and dissemination of core data.³⁸ 24X further states that it is "working with such [Equity Data Plans] to expand their operation to include the 24X Market Session."³⁹

¹⁴ See, e.g., proposed 24X Rule 11.15(c); Exhibit E-1 to 24X's Form 1 at 4. See also *infra* Section III.A.1. (discussing 24X's proposed trading pauses).

¹⁵ See Exhibit E-1 of 24X's Form 1 at 2.

¹⁶ 24X proposes to have one class of membership open to registered broker-dealers. See proposed 24X Rule 2.3 (stating, in part, that "any registered broker or dealer that is and remains a member of a national securities association registered under Section 15A(a) of the Act or a member of another national securities exchange registered under Section 6(a) of the Act or any person associated with such a registered broker or dealer shall be eligible to be, and to remain, a Member").

¹⁷ See Exhibit E-1 of 24X's Form 1 at 2.

¹⁸ See proposed 24X Rule 11.8(a).

¹⁹ 24X proposes to define the term "Market Order," in part, as "[a]n order to buy or sell a stated amount of a security that is to be executed at the NBBO or better when the order reaches the Exchange." See 24X proposed Rule 11.7(a).

²⁰ 24X proposes to define the term "Limit Order" as "[a]n order to buy or sell a stated amount of a security at a specified price or better. A marketable Limit Order is a Limit Order to buy (sell) at or above (below) the lowest (highest) Protected Offer (Protected Bid) for the security." See proposed 24X Rule 11.7(b).

²¹ 24X proposes to define the term "Pegged Order," in part, as "[a] User may indicate to peg an order to a reference price, including an instruction of Primary Peg (the NBB for buy orders and NBO for sell orders, with or without offsets) or an instruction of Midpoint Peg (the midpoint of the NBBO). The System's calculation of the NBBO would not take into account any Pegged Orders that are resting on the 24X Book. A new timestamp is created for a Pegged Order each time it is automatically re-priced." See proposed 24X Rule 11.7(c).

²² See proposed 24X Rule 11.7 (describing, among other things, order types eligible for the various 24X trading sessions).

²³ See, e.g., proposed 24X Rule 11.7; Exhibit B of 24X's Form 1; and proposed 24X Rule 1.5(c) (defining the term "24X Market Session" as "(i) the time between 8:00 p.m. and 4:00 a.m. Eastern Time, (ii) any time that falls on a Saturday or a Sunday Eastern Time, (iii) any time that falls on one of the following U.S. holidays: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Good Friday, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day Eastern Time, or such other U.S. holiday(s) as published by the Exchange from time to time; provided, however, it shall not include any trading pauses as described in Rule 11.15(c)").

²⁴ See proposed 24X Rule 11.7(a)(4) for Market Orders, proposed 24X Rule 11.7(c)(4) for Pegged Orders, and proposed 24X Rule 11.7(b) for Limit Orders.

²⁵ See proposed 24X Rule 11.6(q). See also Exhibit E-1 of 24X's Form 1 at 5.

²⁶ See proposed 24X Rule 11.1(b).

²⁷ See proposed 24X Rule 11.1(c) (providing, in part, that "to the extent that other Trading Centers are open during the 24X Market Session, orders may be routed away to such Trading Centers during the 24X Market Session").

²⁸ See proposed 24X Rule 11.20(a)(1). The term "Regular Trading Hours" is defined as "the time between 9:30 a.m. and 4:00 p.m. Eastern Time each U.S. Business Day." See proposed 24X Rule 1.5(cc).

²⁹ See proposed 24X Rule 11.1(a). 24X proposes to define the term "Exchange Trading Hours other than the 24X Market Session" as "the Pre-Market Session, Core Market Session and Post-Market Session." See proposed 24X Rule 1.5(q).

³⁰ See proposed 24X Rule 11.1(a). For example, the proposed rules make specific provisions for the 24X Market Session with respect to matters such as order types permitted and certain volatility moderators that would be in place. See, e.g., Exhibit E-1 to 24X's Form 1; proposed 24X Rules 11.7, 11.15.

³¹ See proposed 24X Rule 11.2 (describing securities eligible for trading on 24X).

³² See proposed 24X Rule 11.1 (setting out the hours of trading and trading days for 24X).

³³ See, e.g., proposed 24X Rule 11.15; *infra* Section III (discussing proposed Rule 11.15 in greater detail); Exhibit E-1 to 24X's Form 1. As proposed, trade executions occurring during times other than during Extended Hours Trading would be governed by the National Market System Plan to Address Extraordinary Market Volatility pursuant to Rule 608 of Regulation NMS. See, e.g., proposed 24X Rules 11.21, 11.22; Exhibit E-1 to 24X's Form 1. 24X proposes to define the term "Extended Hours Trading" as "trading during the Pre-Market Session, Post-Market Session and 24X Market Session." See proposed 24X Rule 1.5(r).

³⁴ See *infra* Section III.

³⁵ See, e.g., *infra* Section III (discussing proposed 24X Rule 11.15(c) in greater detail); proposed 24X Rule 11.15(c); Exhibit E-1 to 24X's Form 1; and 24X proposed Rule 1.5(b) (defining the term "24X Trading Day," in part, as "the 23-hour period commencing at 8:00 p.m. on one calendar day and ending at 7:00 p.m. on the next calendar day . . . [s]ubject to any trading pauses, halts or suspensions as described in 24X's proposed rules.").

³⁶ See proposed 24X Rule 3.21.

³⁷ The three equity data plans that currently govern the collection, consolidation, processing, and dissemination of exclusive Securities Information Processor ("SIP") data are (1) the Consolidated Tape Association Plan ("CTA Plan"), (2) the Consolidated Quotation Plan ("CQ Plan"), and (3) the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation, and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis ("UTP Plan") (collectively, the "Equity Data Plans").

³⁸ See Exhibit E to 24X's Form 1. See also proposed 24X Rule 11.11 (providing, in part, that 24X proposes to report executions to the appropriate consolidated transaction reporting system "to the extent required by the Act and the rules and regulations thereunder."). On May 1, 2024, 24X submitted a request for temporary conditional exemptive relief from Rules 601 and 602 of Regulation NMS and the Equity Data Plans until such time as the Equity Data Plans can establish a mechanism to collect, consolidate and disseminate quotation and transaction information during the 24X Market Session. See letter from David Sassoon, General Counsel, 24X National Securities Exchange LLC, to Commission, dated May 1, 2024.

³⁹ See Exhibit E to 24X's Form 1. 24X further states that it would "likewise join all other applicable Plans as deemed necessary and in the interest of its Users, including, but not limited to, the NMS Plan to Address Extraordinary Market

Another novel feature of 24X's Form 1 is that 24X proposes to enter into a technology services agreement with MEMX Technologies, LLC ("MEMX Technologies") to license the technology underlying 24X.⁴⁰

A more detailed description of the manner of operation of 24X's proposed system can be found in Exhibit E to 24X's Form 1. The proposed rulebook for 24X can be found in Exhibit B to 24X's Form 1, and the governing documents for 24X, 24X US Holdings, LLC⁴¹ and 24X Bermuda Holdings, LLC⁴² can be found in Exhibit A and Exhibit C. A complete set of forms concerning membership and access can be found in Exhibit F.

III. Proceedings To Determine Whether To Grant or Deny the Application and Grounds for Potential Denial Under Consideration

As required by Section 19(a)(1)(B) of the Act,⁴³ the Commission is hereby providing notice of grounds for denial under consideration, as set forth below. Institution of such proceedings is appropriate at this time in view of the issues raised by the application. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Under Section 19(a)(1) of the Act, the Commission shall grant an application for registration as a national securities exchange if the Commission finds that the requirements of the Act and the rules and regulations thereunder with respect to the applicant are satisfied. The Commission shall deny such application for registration if it does not make such a finding.⁴⁴ Under Section 6(b) of the Act, an exchange shall not be registered as a national securities exchange unless the Commission determines that it has satisfied the relevant requirements of the Act.⁴⁵ In particular, Section 6(b)(1) of the Act requires that the Commission find that an exchange is so organized and has the capacity to carry out the purposes of the

Act.⁴⁶ In addition, under Section 6(b)(3) of the Act, the Commission must find that the rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker or dealer.⁴⁷ Section 6(b)(5) of the Act requires that the rules of the exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, 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 mechanisms of a free and open market and a national market system, and in general to protect investors and the public interest.⁴⁸ Finally, under Section 6(b)(8) of the Act, the Commission must find that the rules of the exchange do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Act.⁴⁹

The Commission is particularly interested in commenters' views as to whether 24X's proposed rules that would extensively expand the hours of trading in NMS stocks, as described in more detail below, are consistent with Section 6(b)(5) of the Act such that the proposed rules are designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and in general protect investors and the public interest. The Commission is also interested in commenters' views as to whether 24X's proposed technology services agreement is consistent with Section 6(b)(1) of the Act such that 24X would be so organized and have the capacity to be able to carry out the purposes of the Act.

A. 24X Trading Sessions

24X proposes to offer significantly expanded trading outside of regular trading hours for NMS stocks by operating a national securities exchange

23 hours a day,⁵⁰ seven days a week, 365 days a year, including holidays, subject to certain trading pauses, as provided in 24X's proposed rules.⁵¹ While several exchanges offer a pre-market trading session starting as early as 4:00 a.m. ET on each U.S. business day,⁵² and most exchanges offer a post-close trading session until 8:00 p.m. ET on each U.S. business day,⁵³ 24X's proposal would significantly expand exchange trading hours such that exchange trading would be conducted on a largely continuous basis.⁵⁴

24X proposes to offer four trading sessions as follows: a "Core Market Session"⁵⁵ that corresponds with Regular Trading Hours each U.S. Business Day;⁵⁶ a "Post-Market Session"⁵⁷ that would run from 4:00 p.m. to 7:00 p.m. ET on each U.S. Business Day; a "Pre-Market Session"⁵⁸ that would run from 4:00 a.m. to 9:30 a.m. ET on each U.S. Business Day; and a "24X Market Session"⁵⁹ that would run from 8:00 p.m. to 4:00 a.m. ET and any time that falls on weekends and certain holidays,⁶⁰ not including any trading pauses as described in 24X's proposed rules.⁶¹

1. 24X Market Session

24X proposes to apply some, but not all, of the rules that would apply during Exchange Trading Hours other than the 24X Market Session to trading that would occur during the 24X Market Session.⁶² Market Orders and Pegged Orders would not be eligible for execution during the 24X Market

⁵⁰ See *supra* note 14 and accompanying text.

⁵¹ See *id.*

⁵² See, e.g., NYSE Arca, Inc., Cboe EDGX Exchange, Inc. and The Nasdaq Stock Market LLC.

⁵³ See, e.g., NYSE Arca, Inc., NYSE American LLC, NYSE Chicago, Inc., NYSE National, Inc., Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., and The Nasdaq Stock Market LLC.

⁵⁴ See, e.g., proposed 24X Rule 11.1; Exhibit E-1 to 24X's Form 1.

⁵⁵ See proposed 24X Rule 1.5(l).

⁵⁶ See *id.* See also proposed 24X Rule 1.5(kk) (defining the term "U.S. Business Day" as "any Monday, Tuesday, Wednesday, Thursday or Friday other than any of the following U.S. holidays if they are celebrated on a Monday, Tuesday, Wednesday, Thursday or Friday: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Good Friday, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day Eastern Time, or such other U.S. holiday(s) as published by the Exchange from time to time").

⁵⁷ See proposed 24X Rule 1.5(x).

⁵⁸ See proposed 24X Rule 1.5(y).

⁵⁹ See proposed 24X Rule 1.5(c).

⁶⁰ See *id.*

⁶¹ See proposed 24X Rules 1.5(c), 11.15(c). See also *infra* Section III.A.1 (discussing proposed trading pauses during the 24X Market Session in greater detail).

⁶² See, e.g., proposed 24X Rules 11.1, 11.16.

Volatility, the NMS Plan Governing the Consolidated Audit Trail (the "CAT NMS Plan"), the NMS Plan for the Selection and Reservation of Securities Symbols, and the 17d-2 Plans for Allocation of Regulatory Responsibilities." See *id.*

⁴⁰ See *infra* Section III (discussing the proposed technical services agreement between 24X and MEMX Technologies in greater detail). See also Exhibit E to 24X's Form 1.

⁴¹ 24X is wholly owned by its direct parent company, 24X US Holdings, LLC, which in turn is wholly-owned by 24X Bermuda Holdings LLC. See, e.g., Exhibits C, E, to 24X's Form 1.

⁴² See *supra* note 41 and accompanying text.

⁴³ 15 U.S.C. 78s(a)(1)(B).

⁴⁴ 15 U.S.C. 78s(a)(1).

⁴⁵ 15 U.S.C. 78f.

⁴⁶ 15 U.S.C. 78f(b)(1).

⁴⁷ 15 U.S.C. 78f(b)(3).

⁴⁸ 15 U.S.C. 78f(b)(5).

⁴⁹ 15 U.S.C. 78f(b)(8).

Session⁶³ and only Limit Orders would be permitted during the 24X Market Session.⁶⁴ The proposed rules further provide that, to the extent that other Trading Centers are open during the 24X Market Session, orders may be routed away to such Trading Centers during the 24X Market Session.⁶⁵

24X proposes that only certain NMS stocks would be eligible to trade during the 24X Market Session.⁶⁶ Specifically, 24X proposes that “[a]ny security in the Nasdaq-100® Index, S&P 500® Index, Russell 2000® Index and the top 50 exchange-traded funds by average daily volume during a given month”⁶⁷ would be eligible to become designated for trading on 24X during the 24X Market Session.⁶⁸ 24X further proposes rules for allowing Members⁶⁹ to request that 24X designate additional securities for trading during the 24X Market Session.⁷⁰

24X proposes certain pauses in trading during the 24X Market Session. Specifically, 24X proposes to pause trading at 8:00 a.m. ET each Saturday and resume trading at 11:00 a.m. ET each Saturday.⁷¹ Orders outstanding at

7:59:59 a.m. ET each Saturday would be automatically cancelled.⁷² 24X further proposes to pause trading at 7:00 p.m. ET every day and resume trading at 8:00 p.m. ET every day.⁷³ Orders outstanding at 6:59:59 p.m. ET every day would be automatically cancelled.⁷⁴ 24X also proposes that it would have authority to pause trading during the 24X Market Session at such other times as 24X may determine is necessary for technological or other purposes.⁷⁵ Furthermore, 24X proposes to provide that if there are any material corporate actions with respect to a particular security (*i.e.*, corporate actions that may affect a stock price, stock additions and subtractions, and similar actions) during the 24X Market Session, 24X would pause trading in the underlying security until trading resumes on the primary listing market for the security.⁷⁶

24X proposes to require that Members make certain disclosures to investors concerning risks associated with trading during Extended Hours Trading, including the 24X Market Session.⁷⁷

for the UTP Plan conducts testing on weekends during a portion of the 24X Market Session. *See* Nasdaq Letter at 4. In response, 24X stated that proposed 24X Rule 11.15(c)(3) addresses how industry-wide testing would be handled during the 24X Market Session. 24X also stated that proposed 24X Rule 11.15(c)(4) addresses other types of trading pauses and states that 24X would pause trading during the 24X Market Session at “such other times as the Exchange may determine is necessary for technological or other purposes.” *See* 24X Letter at 5.

⁷² *See* proposed 24X Rule 11.15(c)(1).

⁷³ *See, e.g.*, proposed 24X Rule 11.15(c)(2); Exhibit E–1 to 24X’s Form 1.

⁷⁴ *See* proposed 24X Rule 11.15(c)(2).

⁷⁵ *See* proposed 24X Rule 11.15(c)(4). 24X proposes to require that notice of such pause as well as notice of resumption of trading, will be provided. *See, e.g.*, proposed 24X Rule 11.15(c)(4); Exhibit E–1 to 24X’s Form 1.

⁷⁶ *See* proposed 24X Rule 11.15(c)(5); Exhibit E–1 to 24X’s Form 1. 24X proposes other trading halts, pauses, and suspensions. *See, e.g.*, proposed 24X Rule 11.1(e) (providing 24X’s Chief Executive Office with power to halt or suspend trading in any and all securities, and to determine the duration of any such halt “when he deems such action necessary for the maintenance of fair and orderly markets, the protection of investors, or otherwise in the public interest.”); proposed 24X Rules 11.21, 11.22. One commenter stated that “while 24X provides examples of corporate actions that would be deemed material, it does not explicitly define the term of material corporate action, nor does it provide details on how it would handle material corporate actions that are announced during the 24X Market Session.” *See* Nasdaq Letter at 3. In response, 24X stated that “material corporate action” would include “all actions that the primary listing markets would determine to require a trading halt under their rules.” *See* 24X Letter at 4.

⁷⁷ *See* proposed 24X Rule 3.21. One commenter stated, among other things that “[their] research indicates that increasing trading hours has negative consequences for retail investment performance.” *See* Glover and deHaan Letter. In the 24X Letter, 24X stated that retail trading “outside of regular market hours is not a new phenomenon” and that its proposed disclosures under proposed 24X Rule

Specifically, 24X proposes to require that “[n]o Member may accept an order from a customer for execution during Extended Hours Trading without disclosing to such customer that Extended Hours Trading involves material trading risks, including the possibility of lower liquidity, high volatility, changing prices, unlinked markets, an exaggerated effect from news announcements, wider spreads and any other relevant risk.”⁷⁸ 24X proposes to require that such investor disclosures provide information substantially similar to that provided under the proposed rule and address the following risks: (1) lower liquidity, (2) higher volatility, (3) changing prices, (4) unlinked markets, (5) news announcements, (6) wider spreads, (7) trading during hours in which financial market infrastructure companies are closed, and (8) lack of calculation or dissemination of underlying index value or intraday indicative value.⁷⁹

The proposed 24X Market Session rules relating to risk and volatility moderators would, as noted above,⁸⁰ differ from those applicable during the Core Market Session.⁸¹ During the Core Market Session, 24X would participate in the Plan to Address Extraordinary Market Volatility (“LULD Plan”).⁸² The LULD Plan, however, is currently not effective during the proposed 24X Market Session. 24X proposes a certain “24X Price Band” that would be in effect during the 24X Market Session.⁸³ As proposed, during the 24X Market Session, a 24X Price Band would be calculated for each relevant security by multiplying the “Reference Price,” as specified in 24X proposed Rule 11.15, by the applicable “Percentage Parameter,” also set out in proposed 24X Rule 11.15. This figure (rounded to the nearest \$0.01) would then be added

3.21 “address the additional risks posed by the 24X Market Sessions.” *See* 24X Letter at 6.

⁷⁸ *See* proposed 24X Rule 3.21; Exhibit E–1 to 24X’s Form 1. 24X further proposes the disclosures required pursuant to this proposed 24X Rule 3.21 may take the form provided in or that contains information substantially similar to that provided under proposed 24X Rule 3.21(a)–(h).

⁷⁹ *See, e.g.*, proposed 24X Rule 3.21; Exhibit E–1 to 24X’s Form 1.

⁸⁰ *See supra* Section II.

⁸¹ *See, e.g.*, proposed 24X Rule 11.22; Exhibit E–1 to 24X’s Form 1. 24X also proposes a limit order price protection rule that would reject limit orders that are priced outside of specified thresholds. *See* proposed 24X Rule 11.9(g).

⁸² *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (Order Approving the Eighteenth Amendment to the National Market System Plan to Address Extraordinary Market Volatility).

⁸³ *See* proposed 24X Rule 11.15. One commenter stated that 24X’s proposed Price Bands “should be sufficient to prevent extremely erroneous trades.” *See* Angel Letter I at 3.

⁶³ *See* proposed 24X Rule 11.16(b). *See also* proposed 24X Rules 11.7(a)(4), 11.7(c)(4).

⁶⁴ *See* proposed 24X Rules 11.7(b)(6), 11.16(b). 24X’s proposed rules would permit orders to be entered, cancelled, modified or executed on 24X during the 24X Market Session. *See* proposed 24X Rule 11.1(c).

⁶⁵ *See* proposed 24X Rule 11.1(c).

⁶⁶ *See* proposed 24X Rule 11.2(a).

⁶⁷ *See* proposed 24X Rule 11.2. *See also* proposed 24X Rule 11.2(g) (setting out, among other things, the proposed methodology for this calculation).

⁶⁸ *See* proposed 24X Rule 11.2(a).

⁶⁹ The term “Member” would be defined under the proposed rules as “any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ‘member’ of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, 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.” *See* proposed 24X Rule 1.5(t).

⁷⁰ *See* proposed 24X Rule 11.2(h) (setting out, among other things, the proposed rules for such Member requests). One commenter stated that “24X should provide more transparency on the minimum time frame that market participants will receive notice of securities that will be available for trading during the 24X Market Session.” *See* Nasdaq Letter at 3. In response, 24X stated that proposed 24X Rule 11.2(f) would provide sufficient notice of securities that would be made available for trading or that would not be made available for trading in the 24X Market Session and that it “does not anticipate that there would be substantial daily changes in the symbols traded during the 24X Market Session.” *See* 24X Letter at 3.

⁷¹ *See, e.g.*, proposed 24X Rule 11.15(c)(1); Exhibit E–1 to 24X’s Form 1. One commenter stated that the Form 1 “does not sufficiently explain how 24X will coordinate with primary listing exchanges and the SIP to implement regulatory trading halts and pauses during the entirety of the 24X Market Session” and further stated that the exclusive SIP

to the Reference Price to calculate the “Upper 24X Price Band” and subtracted from the Reference Price to calculate the “Lower 24X Price Band.”⁸⁴ No trades would be allowed outside the 24X Price Bands. As further proposed, the Reference Price of a given security would be defined as either the last sale price for the security in the 24X Post-Market Session prior to the start of the 24X Market Session, or if such last sale price is not available, the primary listing market’s most recent closing price for the security during Regular Trading Hours.⁸⁵ Five minutes after the start of the 24X Market Session, the Reference Price would be required to be updated every 30 seconds to reflect the average price of the security over the last preceding five minute period of the 24X Market Session, but only if the new Reference Price would be at least 1% above or below the existing Reference Price.⁸⁶ In addition, 24X proposes that 24X may set a new Reference Price under certain circumstances. Specifically, as proposed, 24X would set a new Reference Price as the Upper/Lower 24X Price Band if orders received from three separate and distinct Members are displayed for at least 100 shares on the 24X Book at the Upper 24X Price Band or Lower 24X Price Band for 30 seconds.⁸⁷ As proposed, any such adjustment could be made only once in any 30 second period. 24X proposes that trades executed during the 24X Market Session will only be reviewed under proposed 24X Rule 11.14, Clearly Erroneous Executions, if the trade was executed when the 24X Price Bands and/or Reference Prices under proposed 24X Rule 11.15 were not operating correctly due to technical or other circumstances.⁸⁸

Further, 24X states that it would join and participate in the three Equity Data Plans⁸⁹ that currently govern the collection, consolidation, processing, and dissemination of core data.⁹⁰ The

Equity Data Plans do not operate during the times that cover the 24X Market Session.⁹¹ 24X states that it is “working with such [Equity Data Plans] plans to expand their operation to include the 24X Market Session.”⁹²

24X’s proposal to provide for continuous trading on an exchange outside of Regular Trading Hours, subject to certain trading pauses, raises several issues, many of which have been considered previously in the context of trading in the pre-market and post-market trading sessions. These issues include the need for heightened investor disclosures and consolidated last sale and quotation information in the after-hours market, as well as the potential risks associated with trading outside of regular hours, including, among others, the risk of greater price volatility, reduced liquidity, wider spreads, and fewer investor protections.⁹³ As other exchanges have proposed expanded trading hours to include pre-market and post-market sessions, the Commission has approved such expansion where certain safeguards were implemented to mitigate these concerns.⁹⁴ Such

consolidated transaction reporting system “to the extent required by the Act and the rules and regulations thereunder.”).

⁹¹ One commenter stated that stated that “the SIPs and the other SROs should evolve. Because of the SIPs’ hours . . . 24X [would] transmit quotation and transaction information to the SIPs when the SIPs are not open and, therefore, [could not] transmit this data in real-time to those consuming the SIP Feed.” See Polygon Letter at 2.

⁹² See Exhibit E to 24X’s Form 1. See also *supra* notes 36–38 and accompanying text.

⁹³ See, e.g., Special Study: Electronic Communication Networks and Afterhours Trading, Division of Market Regulation, Commission (June 2000), <https://www.sec.gov/news/studies/ecnafter.htm>; Investor Bulletin: After-Hours Trading, Office of Investor Education and Advocacy, Commission (May 2011), <https://www.sec.gov/files/afterhourstrading.pdf>; and Investor Publications, Commission, After-Hours Trading: Understanding the Risks (Nov. 8, 2008), <https://www.sec.gov/reportspubs/investor-publications/investorpubsafterhours.htm>; Investor Bulletin: Extended Hours Trading (June 6, 2022), <https://www.sec.gov/oiea/investor-alerts-and-bulletins/extended-hours-trading-investor-bulletin>. Staff reports, Investor Bulletins, and other staff documents (including those cited herein) represent the views of Commission staff and are not a rule, regulation, or statement of the Commission. The Commission has neither approved nor disapproved the content of these documents and, like all staff statements, they have no legal force or effect, do not alter or amend applicable law, and create no new or additional obligations for any person. The Commission has expressed no view regarding the analysis, findings, or conclusions contained herein.

⁹⁴ See, e.g., Securities and Exchange Act Nos. 77607 (Apr. 13, 2016), 81 FR 23032 (Apr. 19, 2016) (Order Approving Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Adopt an Early Trading Session and Three New Time-In-Force Instructions), at 23034; 42003 (Oct. 13, 1999), 64 FR 56554 (Oct. 20, 1999) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 by National

safeguards include, among other things, requiring specific disclosures to investors regarding the heightened risks of after-hours trading,⁹⁵ establishing risk and volatility moderators, and implementing a corresponding expansion of the operational hours of the exclusive SIPs⁹⁶ to help ensure the availability of consolidated last sale and quotation information.

a. Extended Hours Investor Disclosures

The Commission is considering whether 24X’s application to operate as an exchange that permits continuous trading, subject to certain proposed trading pauses, is consistent with Section 6(b)(5) of the Act, which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and in general protect investors and the public interest, particularly during the 24X Market Session. One commenter suggested a “cautious approach to expanding trading hours” because their research “indicates that increasing trading hours has negative consequences for retail investment performance.”⁹⁷ In response, 24X stated that the proposed disclosures “provide investors with the information to understand the potential risks of trading in the 24X Market Session.”⁹⁸ The Commission is considering and requests comment on whether 24X’s proposed investor disclosures⁹⁹ are sufficient to highlight what appear to be the unique risks associated with continuous trading, subject to certain trading pauses, during the 24X Market Session.

Association of Securities Dealers, Inc. Relating to the Extension of Certain Nasdaq Services and Facilities Until 6:30 p.m. Eastern Time); 42004 (Oct. 13, 1999), 64 FR 56548 (Oct. 20, 1999) (Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 and Order Granting Accelerated Approval of Proposed Rules Change and Amendment Nos. 1 and 2 by the Chicago Stock Exchange Relating to the Implementation of an Extended Hours Trading Session).

⁹⁵ See, e.g., FINRA Rule 2265; Investors Exchange Rule 3.290; NYSE American Exchange Rule 7.34E; Cboe BYX Exchange Rule 3.21.

⁹⁶ The exclusive SIPs, which collect, consolidate, and disseminate consolidated data, including the NBBO, in the equity markets are currently governed by the Equity Data Plans. See *supra* note 37 and accompanying text.

⁹⁷ See Glover and deHaan Letter.

⁹⁸ See 24X Letter at 5.

⁹⁹ See proposed 24X Rule 3.21.

⁸⁴ See, e.g., proposed 24X Rule 11.15; Exhibit E–1 to 24X’s Form 1.

⁸⁵ Proposed 24X Rule 11.15(a)(2). As further proposed, if neither of those prices are available, the initial Reference Price for the 24X Price Band for the security would be the previous day’s closing price for the security on the primary listing market for the security. If none of those prices are available, the initial Reference Price for the 24X Price Band for the security would be the previous day’s last sale price for the security on the primary listing market for the security during Regular Trading Hours. See *id.*

⁸⁶ See, e.g., proposed 24X Rule 11.15(a)(2); Exhibit E–1 to 24X’s Form 1.

⁸⁷ See proposed 24X Rule 11.15(a)(4).

⁸⁸ See proposed 24X Rule 11.14(d)(4).

⁸⁹ See *supra* note 3737 and accompanying text.

⁹⁰ See Exhibit E to 24X’s Form 1. See also proposed 24X Rule 11.11 (providing that 24X proposes to report executions to the appropriate

Specifically, the Commission is evaluating whether these disclosures are sufficient to inform investors of the potentially greater risks associated with what would constitute a significant expansion of afterhours trading during the proposed 24X Market Session.

b. Trading Pauses, Halts, Suspensions

In addition, the Commission is considering whether 24X's proposal to implement certain trading pauses during the 24X Trading Day,¹⁰⁰ in light of 24X's proposed model for trading 23 hours a day, including weekends and holidays, subject to certain trading pauses,¹⁰¹ is consistent with 6(b)(5) of the Act, which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and in general protect investors and the public interest, particularly during the 24X Market Session. One commenter stated that the 24X Form 1 did not explain how 24X would coordinate with the primary listing exchanges and the exclusive SIPs with regard to implementing regulatory trading halts and pauses during the 24X Market Session.¹⁰² In response, 24X stated that its proposed rules address trading halts and pauses, including those that may occur during the 24X Market Session.¹⁰³ Among other things, the Commission is evaluating whether the proposed pauses and resumption of trading would be conducted in a manner that would both further the objectives of the proposed rule with respect to system maintenance and participation in industry-wide testing, as well as facilitate transactions in securities and promote the maintenance of fair and orderly markets and the protection of investors, consistent with Section 6(b)(5) of the Act. The Commission requests commenters' views on 24X's proposed rules on trading pauses and resumptions of trading during the 24X Market Session.

c. Volatility Moderators, Risk Controls

The Commission is also considering whether the proposed 24X rules to

address certain risks associated with trading during the 24X Market Session—and, specifically, the proposed risk and volatility moderators—are consistent with the Act. Certain mechanisms that address volatility in individual symbols and the equities market are not available during the after-hours sessions.¹⁰⁴ Currently, the exchanges have adopted rules to determine whether an execution is clearly erroneous that apply to their after-hours sessions.¹⁰⁵ As noted above, subject to certain exceptions, 24X proposes to utilize its volatility moderator in place of the clearly erroneous execution rules in the 24X Market Session.¹⁰⁶ The Commission is considering whether the risk and volatility moderators proposed¹⁰⁷ for use during the 24X Market Session only on 24X, are consistent with Section 6(b)(5) of the Act which requires that an exchange's rules be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general protect investors and the public interest. The Commission requests commenters' views on 24X's proposed risk and volatility moderators during the 24X Market Session.

d. Equity Data Plans, Consolidated Data

The Commission also is considering whether 24X's application to operate as an exchange during the 24X Market Session, in light of the fact that the Equity Data Plans currently do not operate during this time, is consistent with Section 6(b)(5) of the Act, which requires among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions

in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and in general protect investors and the public interest. While 24X commits to “working with such [Equity Data Plans] to expand their operation to include the 24X Market Session,”¹⁰⁸ at this time, the Equity Data Plans do not operate during the times that cover the 24X Market Session. One commenter stated that the 24X trading sessions should align with the operational hours for the exclusive SIPs to avoid potential risks related to a lack of transparency.¹⁰⁹ In response, 24X stated that it has been actively working with the exclusive SIPs to effect changes necessary to accommodate the 24X Market Session, and that it has requested temporary exemptive relief with regard to the reporting of certain quoting and transaction activity during the 24X Market Session until the exclusive SIPs are ready.¹¹⁰ 24X stated that it would publish the same information that would be required to be reported to the exclusive SIPs during the 24X Market Session at no cost to investors during the time any such exemption were in effect.¹¹¹ The Commission requests commenters' views on 24X's proposed operation during the 24X Market Session when the Equity Data Plans are not operating.

e. Market Surveillance

Further, the Commission is considering and requests comment on other issues raised by commenters about 24X's proposal to substantially extend trading hours. Commenters raise concerns about whether 24X's proposal is consistent with the requirements of Section 6(b)(5) of the Act that an exchange's rules be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general protect investors and the public interest. Specifically, one commenter questioned the impact that proposal may have on market surveillance and stated that 24X's Form

¹⁰⁴ Specifically, LULD trading pauses and market wide circuit breakers are unavailable during after-hours trading.

¹⁰⁵ See, e.g., MEMX Rule 11.15; Nasdaq Rule 11890; NYSE Rule 7.10; CboeEDGX Rule 11.15.

¹⁰⁶ One commenter stated that 24X's proposed system “should be sufficient to prevent extremely erroneous executions.” See Angel Letter I at 3.

¹⁰⁷ See, e.g., proposed 24X Rule 11.15 (setting out rules governing, among other things, operation of the proposed “24X Price Band”); Exhibit E-1 to 24X's Form 1.

¹⁰⁸ See Exhibit E to 24X's Form 1.

¹⁰⁹ See Nasdaq Letter at 3. See also Polygon Letter at 2.

¹¹⁰ See 24X Letter at 2–3. 24X stated that such relief would facilitate competition “without adversely affecting the regulatory goals of Rule [sic] 601 and 602.” See *id.*

¹¹¹ See *id.*

¹⁰⁰ See *supra* note 14 and accompanying text.

¹⁰¹ See *id.*

¹⁰² See Nasdaq Letter at 4.

¹⁰³ See 24X Letter at 4 and 5.

1 is unclear with respect to (1) how 24X will manage real-time surveillance during the 24X Market Session, (2) how the existing surveillance, trading halt and trade review infrastructure will work in the context of the 24X Market Session, including how 24X will coordinate with self-regulatory organizations (“SROs”), and (3) the impact such extended trading would have on investors, listed companies, and other market participants.¹¹² The commenter also raised concerns in connection with market-wide surveillance more broadly, including how 24X would propose to integrate itself into the national market system and coordinate with primary listing exchanges to perform its regulatory surveillance obligations during the 24X Market Session.¹¹³ In response, 24X stated that it “will surveil the trading in the 24X Market Session as it does with the other 24X trading sessions.”¹¹⁴ 24X further stated that it expects that listed companies will continue to follow applicable requirements of the primary listing market, including those of significant events, and that 24X will coordinate with the primary listing markets with regard to their regulatory roles to their listed companies.¹¹⁵

f. Issuer Disclosures

A commenter stated that listed companies disclose material information outside of Regular Trading Hours and questioned how the 24X Market Session would affect the current processes for listed companies to disclose, and for investors to consider, material information.¹¹⁶ The commenter also stated that the proposed 24X rules did not provide details on how material corporate actions announced during the 24X Market Session would be handled.¹¹⁷ 24X stated that proposed 24X Rule 11.15(c) would address those circumstances in which a listed company may have significant events during the 24X Market Session, and that, as provided under that rule, 24X

proposes to pause trading in the relevant security until trading resumes on the primary listing market.¹¹⁸ 24X stated that “material corporate action” would include all actions that the primary listing markets would determine to require a trading halt under their rules.¹¹⁹

B. Technology Services Agreement With MEMX Technologies, LLC

24X proposes to enter into an technology services agreement with MEMX Technologies, to license the technology underlying 24X.¹²⁰ Specifically, 24X states that, pursuant to this agreement, MEMX Technologies would provide technology support services to 24X, including “(1) the development and testing of software and hardware necessary to operate the matching engine and connectivity to other exchanges via a third-party routing broker(s) and third party-developed functions (including clearing, custody and client connectivity); (2) the provision of technical support in order for [24X] to operate and monitor the [exchange]; and (3) the provision of ongoing system availability commitments, updates, fixes, and technology support.”¹²¹

The Commission is evaluating whether the proposed technical services agreement between 24X and MEMX Technologies would raise concerns under Section 6(b)(1) of the Act,¹²² including Regulation SCI thereunder.¹²³ The Commission is considering whether, under the terms of the technology services agreement between 24X and MEMX Technologies, as described in the 24X Form 1, 24X would be so organized and have the capacity to be able to carry out the purposes of the Act and to comply and enforce compliance by its members and persons associated with its members with the Act and the rules thereunder. Specifically, the Commission is considering, and requests commenters’ views on, whether 24X would be capable of exercising sufficient control

over the operation of 24X, and be sufficiently independent from MEMX Technologies, to enable 24X to comply with requirements under the Act and applicable rules, including, among other things, Regulation SCI, which requires an SCI entity to have written policies and procedures reasonably designed to ensure that its SCI systems have levels of capacity, integrity, resilience, availability and security adequate to maintain the SCI entity’s operation capability.¹²⁴

IV. Request for Written Comment

The Commission requests that interested persons provide written views and data with respect to 24X’s Form 1 and the questions included above or other relevant issues. 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 No. 10–242 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 No. 10–242. 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/other>). Copies of the submission, all subsequent amendments, all written statements with respect to 24X’s Form 1 filed with the Commission, and all written communications relating to the application between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Do not include personal identifiable information in submissions; you should submit only information that you wish

¹¹² See Nasdaq Letter at 3. The commenter further stated that 24X’s Form 1 would be the first occurrence of a national securities exchange that utilizes unlisted trading privileges to operate outside the trading hours of the primary listing exchanges, which proposal “poses a series of surveillance questions and a burden on listing exchange.” See *id.*

¹¹³ See Nasdaq Letter at 2.

¹¹⁴ See 24X Letter at 4.

¹¹⁵ 24X stated that, for example, in recognition of the primary listing market’s role, 24X proposes to pause trading in the event of a material corporate action that occurs during the 24X Market Session and only resume trading once trading resumes on the primary listing market, as described in 24X proposed Rule 11.15(c). See 24X Letter at 4.

¹¹⁶ See Nasdaq Letter at 4.

¹¹⁷ *Id.*

¹¹⁸ See 24X Letter at 4–5.

¹¹⁹ *Id.*

¹²⁰ See Exhibit E to 24X’s Form 1.

¹²¹ 24X’s Form 1 further provides, in part, that “[a]ll services provided to the Exchange by MEMX Technologies will be based upon requirements and instructions determined by the Exchange.” 24X further states that, although MEMX Technologies would provide the technology support services, the Exchange would be responsible for operating and monitoring its Exchange-related systems and administering Exchange Rules and other rules and regulations applicable to the Exchange. See Exhibit E to 24X’s Form 1.

¹²² 15 U.S.C. 78f(b)(1).

¹²³ 17 CFR 242.1000–1007; Securities Exchange Act Release No. 73639 (Nov. 19, 2014), 79 FR 72252 (Dec. 5, 2014) (“SCI Adopting Release”).

¹²⁴ 17 CFR. 242.1000–1007. An SCI entity is responsible for having in place policies and procedures to ensure that it is able to satisfy the requirements of Regulation SCI for SCI systems operated on its behalf by a third party. See SCI Adopting Release, 79 FR at 72275–76.

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 No. 10–242 and should be submitted on or before June 27, 2024.

By the Commission.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–12377 Filed 6–5–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100253; File No. SR–MEMX–2024–23]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule Related to the Options Regulatory Fee ("ORF")

May 31, 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 28, 2024, MEMX LLC ("MEMX" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members³ and non-Members of the Exchange (the "Fee Schedule") pursuant to Exchange Rules 15.1(a) and (c) to extend the current sunset date of May 31, 2024 applicable to the Options Regulatory Fee ("ORF") to October 31, 2024. The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal immediately. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Options Fee Schedule related to the ORF to extend the current sunset date of May 31, 2024 to October 31, 2024, and thus continue charging the previously established ORF in the amount of \$0.0015 per contract side through October 31, 2024. As discussed herein, the ORF sunset date of May 31, 2024 was initially proposed to provide time for the Exchange to discuss alternative ORF models with its Members. However, those discussions have made clear that there is not yet consensus among market participants on a path forward that would address industry concerns in a manner that would effect change broadly across all U.S. options exchanges. Thus, the Exchange proposes to extend the automatic sunset date of May 31, 2024 until October 31, 2024 in order to provide it additional time to inform its approach to the ORF after the sunset date while continuing to fund a portion of its regulatory program via ORF so that it may operate on equal footing with each of the sixteen (16) other options exchanges that charge similar regulatory fees in amounts that far exceed the relatively modest amounts collected by the Exchange.

As background, MEMX previously filed a proposal to establish an ORF in the amount of \$0.0015 per contract side that would automatically sunset on September 30, 2024 (the "Initial ORF Filing").⁴ The Initial ORF Filing was published for comment in the **Federal Register** on October 4, 2023.⁵ The Commission received no comments on

the Initial ORF Filing before November 24, 2023. On that date, the Commission issued a Suspension of and Order Instituting Proceedings to Determine whether to Approve or Disapprove a Proposed Rule Change to Amend its Fee Schedule to Establish an Options Regulatory Fee ("the OIP") and requested public comment and additional information on various aspects of the Initial ORF Filing.⁶ To date, the Commission has received no comment letters in response to the OIP. The Exchange withdrew the Initial ORF Filing on December 1, 2023 and submitted a new proposal for immediate effectiveness ("Second ORF Filing").⁷

The Second Filing and Subsequent Filings proposed the same fee as in the Initial ORF Filing, but with a modified sunset date of May 31, 2024, which was four months prior to the proposed sunset date in the Initial ORF Filing. On May 1, 2024, the Exchange proposed to remove the automatic sunset date of May 31, 2024 altogether,⁸ however, as described more fully below, the Exchange withdrew that filing and replaced it with a new filing that proposed a new sunset date of October 31, 2024 in order to provide more time to attempt to reach a consensus on ORF moving forward, while also operating on a level playing field with incumbent options exchanges that are allowed to recoup a portion of their regulatory costs via the ORF.⁹ In order to make certain clarifying changes, on May 23, 2024, the Exchange withdrew that proposal and replaced it with SR–MEMX–2024–22. Lastly, in order to correct an inadvertent error, on May 28,

⁶ See Securities Exchange Act Release No. 99017 (November 24, 2023), 88 FR 83590 (November 30, 2023) (SR–MEMX–2023–25). Additionally, on November 24, 2023, solely for the purposes of consistent billing for the entire month of November 2023, the Exchange filed SR–MEMX–2023–31 with the Commission, which proposed to keep the Initial ORF rate of \$0.0015 per contract side that had been charged since September 27th in place for November 24 through November 30, 2023. See Securities Exchange Act Release No. 99112 (December 7, 2023) (SR–MEMX–2023–31).

⁷ See SR–MEMX–2023–33. In order to make certain clarifying changes, the Exchange withdrew the Second ORF Filing on December 13, 2023, and submitted a third proposal for immediate effectiveness ("Third ORF Filing"). See SR–MEMX–2023–34. Again, in order to make certain clarifying changes, the Exchange withdrew the Third ORF Filing on December 19, 2023, and submitted a fourth proposal for immediate effectiveness ("Fourth ORF Filing"). See SR–MEMX–2023–36. On December 20, 2023, in order to correct an inadvertent administrative error, the Exchange withdrew the Fourth ORF Filing and submitted a fifth proposal for immediate effectiveness ("Fifth ORF Filing" and together with the Third ORF Filing and Fourth ORF Filing, the "Subsequent Filings"). See SR–MEMX–2023–38.

⁸ See SR–MEMX–2024–17.

⁹ See SR–MEMX–2024–20.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Exchange Rule 1.5(p).

⁴ See Securities Exchange Act Release No. 98585 (September 28, 2023), 88 FR 68692 (October 4, 2023) (SR–MEMX–2023–25).

⁵ See *supra* note 4.

2024, the Exchange withdrew SR–MEMX–2024–22 and is replacing it with the current filing.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Members' customer options business, including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs. Currently, all other registered options exchanges impose ORF on their members, and those exchanges also charge ORF for executions occurring on MEMX Options cleared by their customers.¹⁰

¹⁰ See Securities Exchange Act Release Nos. 58817 (October 20, 2008), 73 FR 63744 (October 27, 2008) (SR–CBOE–2008–05) (notice of filing and immediate effectiveness of Cboe Exchange, Inc. ("CBOE") adopting an ORF applicable to transactions across all options exchanges); 61133 (December 9, 2009), 74 FR 66715 (December 16, 2009) (SR–Phlx–2009–100) (notice of filing and immediate effectiveness of Nasdaq PHLX LLC ("Phlx") adopting an ORF applicable to transactions across all options exchanges); 61154 (December 11, 2009), 74 FR 67278 (December 18, 2009) (SR–ISE–2009–105) (notice of filing and immediate effectiveness of Nasdaq ISE, LLC ("ISE") adopting an ORF applicable to transactions across all options exchanges); 61388 (January 20, 2010), 75 FR 4431 (January 27, 2010) (SR–BX–2010–001) (notice of filing and immediate effectiveness of Nasdaq OMX BX, Inc. ("BX") adopting an ORF applicable to transactions across all options exchanges); 70200 (August 14, 2013), 78 FR 51242 (August 20, 2013) (SR–Topaz–2013–01) (notice of filing and immediate effectiveness of Nasdaq GEMX, LLC ("GEMX"), formerly known as ISE Gemini and Topaz Exchange, adopting an ORF applicable to transactions across all options exchanges); 64400 (May 4, 2011), 76 FR 27118 (May 10, 2011) (SR–NYSEAmex–2011–27) (notice of filing and immediate effectiveness of NYSE Amex LLC ("NYSE AMEX") adopting an ORF applicable to transactions across all options exchanges); 64399 (May 4, 2011), 76 FR 27114 (May 10, 2011) (SR–NYSEArca–2011–20) (notice of filing and immediate effectiveness of NYSE Arca, Inc. ("NYSE Arca") adopting an ORF applicable to transactions across all options exchanges); 65913 (December 8, 2011), 76 FR 77883 (December 14, 2011) (SR–NASDAQ–2011–163) (notice of filing and immediate effectiveness of Nasdaq Options Market ("NOM") adopting an ORF applicable to transactions across all options exchanges); 66979 (May 14, 2012), 77 FR 29740 (May 18, 2012) (SR–BOX–2012–002) (notice of filing and immediate effectiveness of BOX Options Exchange LLC ("BOX") adopting an ORF applicable to transactions across all options exchanges); 67596 (August 6, 2012), 77 FR 47902 (August 10, 2012) (SR–C2–2012–023) (notice of filing and immediate effectiveness of C2 Options Exchange, Inc. ("C2") adopting an ORF applicable to transactions across all options exchanges); 68711 (January 23, 2013), 78 FR 6155 (January 29, 2013) (SR–MIAX–2013–01) (notice of filing and immediate effectiveness of Miami International Securities Exchange LLC ("MIAX") adopting an ORF applicable to transactions across all options exchanges); 74214

The Exchange notes that in 2019, the Commission issued suspensions of and orders instituting proceedings to determine whether to approve or disapprove a proposed rule change to modify the Options Regulatory Fee of NYSE American, NYSE Arca, MIAX, MIAX Pearl, MIAX Emerald, Cboe, Cboe EDGX Options, and C2.¹¹ Each of those exchanges had filed to increase their ORF, and the Commission indicated that each of those filings lacked detail and specificity, signaling that more information was needed to speak to whether the proposed increased ORFs were reasonable, equitably allocated and not unfairly discriminatory, particularly given that the ORF is assessed on transactions that clear in the "customer" range and regardless of the exchange on which the transaction occurs. The Commission also noted that the filings provided only broad general statements regarding options transaction volume and did not provide any information on those exchanges' historic or projected options regulatory costs (including the costs of regulating activity that cleared in the "customer" range and the costs of regulating activity that occurred off exchange), the amount of regulatory

(February 5, 2015), 80 FR 7665 (February 11, 2015) (SR–BATS–2015–08) (notice of filing and immediate effectiveness of Cboe BZX Exchange, Inc. ("BZX") formerly known as BATS, adopting an ORF applicable to transactions across all options exchanges); 80025 (February 13, 2017), 82 FR 11081 (February 17, 2017) (SR–BatsEDGX–2017–04) (notice of filing and immediate effectiveness of Cboe EDGX Exchange, Inc. ("EDGX") formerly known as Bats EDGX Exchange, Inc., adopting an ORF applicable to transactions across all options exchanges); 80875 (June 7, 2017), 82 FR 27096 (June 13, 2017) (SR–PEARL–2017–26) (notice of filing and immediate effectiveness of MIAX Pearl, LLC ("MIAX Pearl") adopting an ORF applicable to transactions across all options exchanges); 85127 (February 13, 2019), 84 FR 5173 (February 20, 2019) (SR–MRX–2019–03) (notice of filing and immediate effectiveness of Nasdaq MRX, LLC ("MRX") adopting an ORF applicable to transactions across all options exchanges); 85251 (March 6, 2019), 84 FR 8931 (March 12, 2019) (SR–EMERALD–2019–01) (notice of filing and immediate effectiveness of MIAX Emerald LLC ("MIAX Emerald") adopting an ORF applicable to transactions across all options exchanges).

¹¹ See Securities Exchange Act Release No. 87168 (September 30, 2019), 84 FR 53210 (October 4, 2019) (SR–Emerald–2019–29); Securities Exchange Act Release No. 87167 (September 30, 2019), 84 FR 53189 (October 4, 2019) (SR–PEARL–2019–23); Securities Exchange Act Release No. 87169 (September 30, 2019), 84 FR 53195 (October 4, 2019) (SR–MIAX–2019–35); Securities Exchange Act Release No. 87170 (September 30, 2019), 84 FR 53213 (October 4, 2019) (SR–CBOE–2019–040); Securities Exchange Act Release No. 87172 (September 30, 2019), 84 FR 53192 (October 4, 2019) (SR–CboeEDGX–2019–051); Securities Exchange Act Release No. 87171 (September 30, 2019), 84 FR 53200 (October 4, 2019) (SR–C2–2019–018); Securities Exchange Act Release No. 86832 (August 30, 2019), 84 FR 46980 (September 6, 2019) (SR–NYSEArca–2019–49); Securities Exchange Act Release No. 86833 (August 30, 2019), 84 FR 47029 (September 6, 2019) (SR–NYSEAMER–2019–27).

revenue they had generated and expected to generate from the ORF as well as other sources, or the "material portion" of options regulatory expenses that they sought to recover from the ORF. Each of those exchanges withdrew their filings, but continue charging ORF today as discussed above. Since that time, MEMX Options is the first new options exchange to launch and as noted previously, its Initial ORF Filing was also suspended.¹² Unlike its competitors noted above, however, the Exchange is the only exchange that did not have a previously implemented ORF to continue charging notwithstanding said suspensions. As such, the Exchange proposed to establish an ORF but implemented a sunset date of May 31, 2024, in order to allow it time to inform its approach to the ORF moving forward.

MEMX is a new exchange operator founded by a diverse group of market participants to bring competition to the U.S. securities markets. Over the past months, the Exchange has engaged with retail brokers, market makers, and other options market participants on potential paths to address industry concerns about existing ORF practices. The result of those efforts have made clear that there is not yet consensus among market participants on a path forward that would address their stated concerns in a manner that would effect change broadly across all U.S. options exchanges. As such, the Exchange proposes additional time to work towards a permanent ORF solution by gathering relevant data internally as well from other industry participants, while continuing to charge as other options exchanges currently do, until October 31, 2024, at which time its ORF will automatically sunset.

The Exchange notes that if, during the proposed sunset period of May 31, 2024 through October 31, 2024, a viable alternative methodology for the ORF presents itself, the Exchange would endeavor to implement said alternative prior to the proposed sunset date. In other words, the existence of the sunset date of October 31, 2024 to the Exchange's current ORF would not preclude it from filing to modify its ORF methodology prior to that date, if applicable.

As a new exchange, not having the opportunity to fund a portion of its regulatory program through the same regulatory fee charged by every other options exchange would place an undue disadvantage upon the Exchange's regulatory program and options business as a whole. Further, the

¹² See *supra* note 6.

Exchange emphasizes that other exchanges will be charging ORF for transactions occurring on MEMX Options, and as such, it follows that the Exchange that is primarily responsible for monitoring those transactions should also be able to charge the ORF for activity occurring on its own market, as well as transactions it surveils on away markets. Again, the Exchange is committed to facilitating and joining efforts to revamp the ORF, however, it must be afforded additional time to do so while recouping a portion of its regulatory costs via the ORF as all other options exchanges do.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹³ in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁴ in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act¹⁵ in that it is designed to promote just and equitable principles of trade, 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 and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The ORF is designed to recover a material portion of the costs of supervising and regulating Members' customer options business including performing routine surveillances and investigations, as well as policy, rulemaking, interpretive, and enforcement activities. Extending the current ORF sunset date to October 31, 2024 is reasonable because continued collection of ORF will serve to balance the Exchange's regulatory revenue against the anticipated regulatory costs, thereby ensuring proper regulatory funding. Moreover, the Exchange's ORF rate is significantly lower than the amount of ORF assessed by other exchange groups.¹⁶

The Exchange notes that while certain individual options exchanges do charge a lower ORF than that currently charged by the Exchange, each of these options exchanges is part of an exchange "group" (i.e., affiliated with other options exchanges). In turn, each of these exchange groups charges more than two (2) to five (5) times the amount of ORF as a group when compared to the Exchange's ORF rate.¹⁷ While each additional options exchange is its own legal entity with regulatory obligations under the Act to regulate its members, there is significant scale that can be achieved for an exchange group that operates multiple exchanges, including with respect to regulation, and this scale allows such options exchanges to operate with a lower assessment of ORF. In other words, the initial fixed costs associated with implementing an exchange group's options regulatory program are scalable as additional options exchanges are launched by that exchange group.

Extending the sunset date is also reasonable because doing so would allow the Exchange additional time to inform its approach to ORF moving forward while recouping a portion of its regulatory expenses via the ORF as other options exchanges do. If the Exchange were not allowed to charge an ORF during this additional time period, then after the sunset date of May 31, 2024, it would be forced to pay for its regulatory program solely out of business revenues while working towards an alternative ORF solution, unlike every other competing exchange, each of which would continue to assess an ORF, including on transactions executed on MEMX Options, indefinitely. This would impact

Schedule, Section 5, which provides an ORF rate of \$0.0016 per contract, BOX Options Fee Schedule Section II(C), which provides an ORF rate of \$0.00295 per contract, MIAx Options Fee Schedule, Section 2(b), which provides an ORF rate of \$0.0019 per contract, MIAx Pearl Fee Schedule, Section 2(b), which provides an ORF rate of \$0.0018 per contract.

¹⁷ Each of MIAx Emerald, Cboe BZX Options, Cboe C2 Options, Cboe EDGX Options, Nasdaq ISE Gemini, Nasdaq ISE and Nasdaq BX Options charges a lower rate than \$0.0015 per contract, which is the rate proposed by the Exchange. However, the Cboe exchanges, comprised of four options exchanges, charges an aggregate ORF rate of \$0.0021 per contract (more than the Exchange's current rate), the MIAx exchanges, comprised of three options exchanges, charges an aggregate ORF rate of \$0.0043 per contract (nearly 3 times the Exchange's current rate); and the Nasdaq exchanges, comprised of six options exchanges, charges an aggregate ORF rate of \$0.0084 per contract (nearly 6 times the Exchange's current rate). The Exchange notes that the NYSE exchanges, comprised of two options exchanges, charges an aggregate ORF rate of \$0.011 per contract (over 7 times the Exchange's current rate).

MEMX's ability to assure adequate funding of its regulatory program.

Extending the ORF sunset date to October 31, 2024 is also equitable and not unfairly discriminatory because prior to the proposed sunset date, the ORF would continue to be objectively allocated to Members in a manner that is consistent with the ORF imposed by the other sixteen (16) options exchanges. The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than 75% of the Exchange's regulatory costs, which is consistent with the Exchange's by-laws that state in Section 17.4(b): "[a]ny Regulatory Funds shall not be used for non-regulatory purposes or distributed, advanced or allocated to any Company Member, but rather, shall be applied to fund regulatory operations of the Company (including surveillance and enforcement activities) . . ."¹⁸

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. This proposal will not create an unnecessary or inappropriate intra-market burden on competition because the Exchange's ORF is designed to enable the Exchange to recover a material portion of the Exchange's cost related to its regulatory activities. This proposal will not create an unnecessary or inappropriate inter-market burden on competition because it will be a regulatory fee that supports regulation and customer protection in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

The Exchange's ORF, as described herein, is lower than or comparable to fees charged by other options exchanges (though as noted above, some exchange groups do have options exchanges operating with a lower ORF on a standalone basis).

The Exchange notes that while it does not believe that its ORF will impose any burden on inter-market competition, the Exchange being precluded from

¹⁸ See MEMX LLC—LLC Agreement at <https://info.memxtrading.com/regulation/governance/>.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(4).

¹⁵ 15 U.S.C. 78f(b)(5).

¹⁶ See, e.g., NYSE Arca Options Fees and Charges, Options Regulatory Fee ("ORF") and NYSE American Options Fees Schedule, Section VII(A), which provide that ORF is assessed at a rate of \$0.0055 per contract for each respective exchange. See also Nasdaq PHLX, Options 7 Pricing Schedule, Section 6(D), which provides for an ORF rate of \$0.0034 per contract, Cboe Options Fee Schedule, which provides an ORF rate of \$0.0017 per contract, Nasdaq Options Market, Options 7 Pricing

charging an ORF after May 31st but prior to the proposed sunset date of October 31st would, in-fact, represent a significant burden on the Exchange's ability to assure adequate funding of its regulatory program. As noted above, the Exchange is a new entrant in the highly competitive environment for equity options trading. As also noted above, all sixteen (16) other registered options exchanges currently impose the ORF on their members, and such ORF fees imposed by other options exchanges currently do and will continue to extend to executions occurring on the Exchange. The Exchange believes that it is likely that a viable ORF alternative may be presented during the proposed sunset period, and the Exchange is not precluded from adopting said alternative during the proposed sunset period. However, in order to be treated similarly to these exchanges, it must, in fact, impose an ORF on its Members during this additional sunset period, and the inability to do so would result in an unfair disadvantage to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act¹⁹ and Rule 19b-4(f)(2)²⁰ thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-MEMX-2024-23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MEMX-2024-23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MEMX-2024-23 and should be submitted on or before June 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²¹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-12366 Filed 6-5-24; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-035, OMB Control No. 3235-0029]

Proposed Collection; Comment Request; Extension: Rule 17f-2(c)

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 17f-2(c) (17 CFR 240.17f-2(c)), 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 17f-2(c) allows persons required to be fingerprinted pursuant to Section 17(f)(2) of the Act to submit their fingerprints to the Attorney General of the United States or its designee (*i.e.*, the Federal Bureau of Investigation ("FBI")) through a registered national securities exchange or a registered national securities association (collectively, also known as "self-regulatory organizations" or "SROs") pursuant to a fingerprint plan filed with, and declared effective by, the Commission. Fingerprint plans have been declared effective for the American, Boston, Chicago, New York, and Philadelphia stock exchanges and for the Financial Industry Regulatory Authority ("FINRA") and the Chicago Board Options Exchange. Currently, FINRA accounts for the bulk of the fingerprint submissions.

It is estimated that 3,800 respondents submit approximately 278,455 sets of fingerprints (consisting of approximately 258,646 electronic sets and 19,809 hard copy sets) to SROs on an annual basis. The Commission estimates that it takes approximately 15 minutes to create and submit each fingerprint card. The total time burden is therefore estimated to be approximately 69,614 hours per year.

In addition, the SROs charge an estimated \$31 fee for processing fingerprint cards submitted electronically, resulting in a total annual cost to all 3,800 respondents of approximately \$8,018,026 per year. The SROs charge an estimated \$41 fee for processing fingerprint cards submitted in hard copy, resulting in a total annual

¹⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁰ 17 CFR 240.19b-4(f)(2).

²¹ 17 CFR 200.30-3(a)(12).

cost to all 3,800 respondents of approximately \$812,169 per year. The combined cost to all respondents is thus approximately \$8,830,195 per year.

Because the FBI will not accept fingerprint cards directly from submitting organizations, Commission approval of fingerprint plans from certain SROs is essential to carry out the Congressional goal to fingerprint securities industry personnel. Filing these plans for review assures users and their personnel that fingerprint cards will be handled responsibly and with due care for confidentiality.

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 August 5, 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: June 3, 2024.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024-12442 Filed 6-5-24; 8:45 am]

BILLING CODE 8011-01-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2024-0002]

Social Security Ruling, SSR 24-1p. Titles II and XVI: How We Apply Medical-Vocational Profiles

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 24-1p. This SSR explains how we apply the medical-vocational profiles in establishing disability under titles II and

XVI of the Social Security Act (Act) and our implementing regulations. This ruling rescinds and replaces SSR 82-63.

DATES: We will apply this notice on June 22, 2024.

FOR FURTHER INFORMATION CONTACT:

Mary Quatroche, Social Security Administration, Office of Disability Policy, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-4794 or TTY 410-966-5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our internet site, Social Security Online, at <https://www.ssa.gov>.

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are publishing it in accordance with 20 CFR 402.35(b)(1).

SSRs represent precedential final opinions, orders, and statements of policy and interpretations that we have adopted relating to the Federal Old Age, Survivors, and Disability Insurance program, and Supplemental Security Income program. We may base SSRs on determinations or decisions made in our administrative review process, Federal court decisions, decisions of our Commissioner, opinions from our Office of the General Counsel, or other interpretations of law and regulations.

Although SSRs do not have the same force and effect as law, they are binding on all SSA components in accordance with 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal Register** that rescinds it, or until we publish a new SSR that replaces or modifies it.

The Commissioner of Social Security, Martin O'Malley, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for the Social Security Administration, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

Policy Interpretation Ruling

SSR 24-1p: Titles II and XVI: How We Apply the Medical-Vocational Profiles

This Social Security Ruling (SSR) rescinds and replaces SSR 82-63.

Purpose: The purpose of this SSR is to explain how we apply the three medical-vocational profiles. These

profiles represent combinations of the vocational factors of age, education, and work experience that are so unfavorable that an individual who meets one of them will be found to be unable to adjust to other work at step five of the sequential evaluation process without reference to the medical-vocational guidelines. The three medical-vocational profiles are the following: arduous unskilled work, no work, and lifetime commitment.

Citations (Authority): 42 U.S.C. 416(i), 423(d), and 1382c(a); 20 CFR 404.1520, 404.1560, 404.1562, 416.920, 416.960, and 416.962.

Dates: We will apply this SSR on June 22, 2024.¹

Policy Interpretation

To be disabled under title II of the Act, or as an adult under title XVI of the Act,² a claimant must be unable to engage in any substantial gainful activity (SGA) by reason of one or more medically determinable physical or mental impairments which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of at least 12 months.³ The Act also states that an individual shall be determined to have a disability only if their physical or mental impairment(s) is of such severity that they are not only unable to do their previous work but cannot, considering their age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which they live, or whether a specific job vacancy exists for them, or whether they will be hired if

¹ We will use this SSR beginning on its applicable date. We will apply this SSR to new applications filed on or after the applicable date of the SSR and to claims that are pending on and after the applicable date. This means that we will use this SSR on and after its applicable date in any case in which we make a determination or decision. We expect that Federal courts will review our final decisions using the rules that were in effect at the time we issued the decisions. If a court reverses our final decision and remands a case for further administrative proceedings after the applicable date of this SSR, we will apply this SSR to the entire period at issue in the decision we make after the court's remand.

² Individuals under age 18 who apply for Supplemental Security Income (SSI) under title XVI of the Act are disabled if they are not performing SGA and their medically determinable physical or mental impairment(s) causes marked and severe functional limitations and can be expected to cause death or has lasted or can be expected to last for a continuous period of 12 months. See 42 U.S.C. 1382c(a)(3)(C) and 20 CFR 416.906.

³ See 42 U.S.C. 416(i), 423(d), and 1382c(a). See also 20 CFR 404.1505, 404.1521, 416.905, and 416.921.

they apply for work.⁴ The Act defines *work which exists in the national economy* as work which exists in significant numbers either in the region where such individual lives or in several regions of the country.⁵

Medical-Vocational Profiles in the Sequential Evaluation Process

We use a five-step sequential evaluation process to determine whether an adult is disabled.^{6,7} If we find at the fourth step of this process that an individual cannot perform any past relevant work (PRW) given their residual functional capacity (RFC), or that the individual has no PRW, we will decide whether the individual can adjust to other work at step five of the process.⁸ We have three medical-vocational profiles that show an inability to adjust to other work.⁹ At step five, our adjudicators must consider these medical-vocational profiles before referring to the medical-vocational guidelines.¹⁰ The three medical-vocational profiles are: (1) arduous unskilled work, (2) no work, and (3) lifetime commitment.¹¹ If an individual's medical and vocational factors match the criteria of a medical-vocational profile, we find the individual disabled.¹² If not, we

consider the medical-vocational guidelines in our disability finding.¹³

List of Questions and Answers—

The following information is in a question-and-answer format that explains how we apply the three medical-vocational profiles.

Questions—

1. *When do we consider the medical-vocational profiles in the sequential evaluation process?*

2. *What are the requirements of the arduous unskilled work profile?*

3. *What are the requirements of the no work profile, and do we consider an individual's RFC when determining whether an individual meets this profile?*

4. *What are the requirements of the lifetime commitment profile and how does the lifetime commitment profile apply to an individual who has worked at multiple jobs or for multiple employers?*

Answers

1. *When do we consider the medical-vocational profiles in the sequential evaluation process?*

We consider whether a medical-vocational profile applies at step five of the sequential evaluation process. An individual can only be found disabled based on a medical-vocational profile if we have made a finding at step four that they do not have or are unable to perform their PRW. At step five, an adjudicator must consider whether a medical-vocational profile applies before using the medical-vocational guidelines.

2. *What are the requirements of the arduous unskilled work profile?*

The arduous unskilled work profile demonstrates the inability to make an adjustment to other work for an individual who:

- is not working at SGA level,¹⁴
- has a history of 35 years or more of arduous unskilled work,¹⁵
- can no longer perform this past arduous work because of a severe impairment(s),¹⁶ and

- has no more than a marginal education.¹⁷

We use the arduous unskilled work profile for an individual whose work experience includes very short periods of semi-skilled or skilled work, as long as the individual did not acquire any transferable skills from those periods of work.¹⁸ We also use this medical-vocational profile for an individual whose work experience includes longer periods of semi-skilled or skilled work if the skill(s) acquired is not readily transferable to lighter work.¹⁹

Arduous work is physical work requiring a high level of strength or endurance. Arduous work does not have to involve any specific physical action or exertional level, but it will usually, but not always, involve physical demands that we would classify as heavy or very heavy based on the individual's description of their past work.²⁰ Work that we would not classify as heavy or very heavy may still be considered arduous if, for example, it demands a great deal of stamina or if it involves activity such as repetitive bending and lifting at a very fast pace. An adjudicator must evaluate the record to make the ultimate finding as to whether an individual's work meets this criterion.

¹⁷ See 20 CFR 404.1564 and 416.964. Marginal education means ability in reasoning, arithmetic, and language skills which are needed to do simple, unskilled types of jobs. We generally consider that formal schooling at a 6th grade level or less is a marginal education. However, the numerical grade level an individual completed in school may not reflect their actual educational abilities. 20 CFR 404.1564(b) and 416.964(b). For more information see SSR 20–1p: Titles II and XVI: How We Determine an Individual's Education Category.

¹⁸ 20 CFR 404.1568 and 416.968. We consider occupations with specific vocational preparation (SVP) levels one and two to be unskilled. Occupations with SVPs of three and four are semi-skilled, and occupations with an SVP of five or greater are skilled. See POMS DI 25015.015 Work Experience as a Vocational Factor, available at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0425015015> and DOT Appendix C, available at: https://www.occupationalinfo.org/appendxc_1.html#II and. For additional information about how we consider skills from past work under our rules, see SSR 82–41: Titles II and XVI: Work Skills and Their Transferability as Intended by the Expanded Vocational Factors Regulations Effective February 26, 1979.

¹⁹ See SSR 82–41.

²⁰ See 20 CFR 404.1567 and 416.967.

⁴ 42 U.S.C. 423(d)(2)(A) and 1382c(a)(3)(B).

⁵ *Id.*

⁶ 20 CFR 404.1520 and 416.920. The work profiles discussed in this SSR are not relevant to those claims involving individuals under age 18.

⁷ Once an individual is found disabled and receives benefits, we may periodically conduct a continuing disability review (CDR) to determine whether the individual continues to be disabled; see 20 CFR 404.1520(a)(5), 404.1594, 416.920(a)(5), and 416.994. Although the CDR rules use a different sequential evaluation process, the final two steps of the process used for CDRs (steps seven and eight in title II cases and steps six and seven in adult title XVI cases) mirror the final two steps used in the sequential evaluation process for initial claims (steps four and five); see 20 CFR 404.1594(f)(7)–(8) and 416.994(b)(5)(vi)–(vii).

⁸ 20 CFR 404.1520(a)(4)(v), and 416.920(a)(4)(v).

⁹ See 20 CFR 404.1520(g)(2), 404.1562, 416.920(g)(2), and 416.962; POMS DI 25010.001, available at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0425010001>.

¹⁰ 20 CFR 404.1562, 404.1569, Part 404 Subpart P Appendix 2, 416.962, and 416.969. For information about how we use the medical-vocational guidelines in decisionmaking, see SSR 83–10: Titles II and XVI: Determining Capability to Do Other Work—the Medical-Vocational Rules of Appendix 2.

¹¹ 20 CFR 404.1562 and 416.962; POMS DI 25010.001.

¹² *Id.*

¹³ 20 CFR 404.1569 and 416.969.

¹⁴ See 20 CFR 404.1510, 404.1572, 416.910, and 416.972.

¹⁵ See 20 CFR 404.1568 and 416.968.

¹⁶ See 20 CFR 404.1522 and 416.922.

3. *What are the requirements of the no work profile, and do we consider an individual's RFC when determining whether an individual meets this profile?*

The no work profile demonstrates the inability to make an adjustment to other work for an individual who:

- has a severe impairment(s),²¹
- has no PRW,
- is age 55 or older, and
- has no more than a limited

education.²²

Our adjudicators do not need to assess or consider RFC when applying the no work profile.

4. *What are the requirements of the lifetime commitment profile, and how does the lifetime commitment profile apply to an individual who has worked at multiple jobs or for multiple employers?*

The lifetime commitment profile demonstrates the inability to make an adjustment to other work for an individual who:

- is not working at SGA level,
- has a lifetime commitment (30 years or more) to a field of work that is unskilled, or that is skilled or semi-skilled but provided no transferable skills,
- can no longer perform this past work because of a severe impairment(s),
- is closely approaching retirement age (*i.e.*, age 60 or older),²³ and
- has no more than a limited education.

For purposes of the lifetime commitment profile, the individual's 30 years of work do not have to have been at only one job or for only one employer. The jobs must have been in one field of work, meaning that the types of work the individual performed must have been very similar to one another. Use of this medical-vocational profile is appropriate even if the individual has work experience in a

field(s) other than the one in which they have a 30-year lifetime commitment, as long as the work experience in the other field(s) is not PRW that the individual is still able to perform considering their RFC.

[FR Doc. 2024–12413 Filed 6–5–24; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2024–0003]

Social Security Ruling, SSR 24–2p. Titles II and XVI: How We Evaluate Past Relevant Work

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 24–2p. This SSR explains how we evaluate past relevant work in establishing disability under titles II and XVI of the Social Security Act (Act) and our implementing regulations. This ruling rescinds SSR 86–8 and rescinds and replaces SSRs 82–61 and 82–62.

DATES: We will apply this notice on June 22, 2024.

FOR FURTHER INFORMATION CONTACT:

Mary Quatroche, Social Security Administration, Office of Disability Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–4794 or TTY 410–966–5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at <https://www.ssa.gov>.

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are publishing it in accordance with 20 CFR 402.35(b)(1).

SSRs represent precedential final opinions, orders, and statements of policy and interpretations that we have adopted relating to the Federal Old Age, Survivors, and Disability Insurance program, and Supplemental Security Income program. We may base SSRs on determinations or decisions made in our administrative review process, Federal court decisions, decisions of our Commissioner, opinions from our Office of the General Counsel, or other interpretations of law and regulations.

Although SSRs do not have the same force and effect as law, they are binding on all SSA components in accordance with 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal**

Register that rescinds it, or until we publish a new SSR that replaces or modifies it.

The Commissioner of Social Security, Martin O'Malley, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary **Federal Register** Liaison for the Social Security Administration, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

Policy Interpretation Ruling

SSR 24–2p: Titles II and XVI: How We Evaluate Past Relevant Work

This Social Security Ruling (SSR) rescinds SSR 86–8 and rescinds and replaces SSRs 82–61 and 82–62.

Purpose: The purpose of this SSR is to explain how we determine whether an individual retains the residual functional capacity (RFC) to perform the demands of their past relevant work (PRW). This SSR explains the policy set forth in our regulations so that those regulations will be consistently applied.

Citations (Authority): 42 U.S.C. 416(i), 423(d), and 1382c(a); 20 CFR 404.1545, 404.1560, 404.1565, 416.945, 416.960, and 416.965.

Dates: We will apply this SSR on June 22, 2024.¹

Policy Interpretation

To be disabled under title II of the Act, or as an adult under title XVI of the Act,² a claimant must be unable to engage in any substantial gainful activity (SGA) by reason of one or more medically determinable physical or mental impairments which can be expected to result in death, or which has lasted or can be expected to last for

¹ We will use this SSR beginning on its applicable date. We will apply this SSR to new applications filed on or after the applicable date of the SSR and to claims that are pending on and after the applicable date. This means that we will use this SSR on and after its applicable date in any case in which we make a determination or decision. We expect that Federal courts will review our final decisions using the rules that were in effect at the time we issued the decisions. If a court reverses our final decision and remands a case for further administrative proceedings after the applicable date of this SSR, we will apply this SSR to the entire period at issue in the decision we make after the court's remand.

² Individuals under age 18 who apply for Supplemental Security Income (SSI) under title XVI of the Act are disabled if they are not performing SGA and their medically determinable physical or mental impairment(s) causes marked and severe functional limitations and can be expected to cause death or has lasted or can be expected to last for a continuous period of 12 months. See 42 U.S.C. 1382c(a)(3)(C) and 20 CFR 416.906.

²¹ For individuals aged 72 and older, we consider any medically determinable physical or mental impairment(s) that meets the duration requirement to be a severe impairment. SSR 03–3p: Policy Interpretation Ruling—Titles II and XVI: Evaluation of Disability and Blindness in Initial Claims for Individuals 65 or Older. For more information about the duration requirement, see SSR 23–1p: Titles II and XVI: Duration Requirement for Disability.

²² See 20 CFR 404.1564 and 416.964. Limited education means ability in reasoning, arithmetic, and language skills, but not enough to allow an individual with these educational qualifications to do most of the more complex job duties needed in semi-skilled or skilled jobs. We generally consider that a 7th grade through the 11th grade level of formal education is a limited education. However, the numerical grade level an individual completed in school may not reflect their actual educational abilities. 20 CFR 404.1564(b) and 416.964(b). For more information see SSR 20–1p.

²³ See 20 CFR 404.1563 and 416.963.

a continuous period of at least 12 months.³ The Act also states that an individual shall be determined to have a disability only if their physical or mental impairment(s) is of such severity that they are not only unable to do their previous work but cannot, considering their age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which they live, or whether a specific job vacancy exists for them, or whether they will be hired if they apply for work.⁴ The Act defines *work which exists in the national economy* as work which exists in significant numbers either in the region where such individual lives or in several regions of the country.⁵

Past Relevant Work in the Sequential Evaluation Process

We use a five-step sequential evaluation process to determine whether an individual is disabled.⁶ Past work is a consideration at step four of that process.

At step four of the sequential evaluation process, we consider whether, given their RFC, the individual can perform any of their PRW either as the individual actually performed it or as the work is generally performed in the national economy.⁷ If we find that the individual can perform any of their PRW, we will find that the individual is not disabled. If the individual cannot

perform any of their PRW, we go to the fifth step of the sequential evaluation process.⁸

Once an individual is found disabled and receives benefits, we may periodically conduct a continuing disability review (CDR) to determine whether the individual continues to be disabled.⁹ Although the CDR rules use a different sequential evaluation process, the final two steps of the process used for CDRs (steps seven and eight in title II cases and steps six and seven in adult title XVI cases) mirror the final two steps used in the sequential evaluation process for initial claims (steps four and five).¹⁰

List of Questions and Answers—

The following information is in a question-and-answer format that provides guidance on how we determine whether an individual retains the RFC to perform the demands of their PRW.

Questions

1. *How do we define PRW?*
2. *How do we determine whether an individual's past work was done within the past 5 years?*
3. *How do we determine whether an individual's past work started and stopped in fewer than 30 calendar days?*
4. *How do we determine whether an individual performed work long enough to learn to do it?*
5. *How do we determine whether an individual can perform PRW?*

6. *How do we determine whether an individual can perform their PRW as they actually performed it?*

7. *How do we determine whether an individual can perform their PRW as it is generally performed in the national economy?*

8. *How do we obtain evidence concerning an individual's work history?*

9. *What information do we require when determining whether work is PRW that an individual can perform?*

10. *What findings and rationale must our determination or decision include when we find an individual is able to perform PRW?*

Answers

1. *How do we define PRW?*

PRW is work that an individual has done within the past 5 years, that was SGA,¹¹ and that lasted long enough for the individual to learn to do it. Work that the individual started and stopped in fewer than 30 calendar days is not PRW.¹²

2. *How do we determine whether an individual's past work was done within the past 5 years?*

The relevant period for PRW is generally measured from the date of our determination or decision on a claim. In some situations, the relevant period is measured from an earlier date.¹³ The table below provides guidelines for common scenarios.

Type of claim	Relevant period— 5-year period ends on
Title II Disability Insurance Benefits (DIB)—Date Last Insured (DLI) in the future	The date of adjudication.
Title II DIB—DLI in the past	The DLI.
Title II Widow or Widower, or Surviving Divorced Spouse (DWB)—Prescribed Period not expired.	The date of adjudication.
Title II DWB—Prescribed Period expired	The last day of the Prescribed Period.
Title II—Full Retirement Age (FRA) in the past	The day before attainment of FRA.
Title II Childhood Disability Beneficiaries (CDB)—Initial claim filed before age 22	The date of adjudication.
Title II CDB—Initial claim filed after age 22, no relevant work after age 22	The day before attainment of age 22.
Title II CDB—Reentitlement Claim, 7-year period applies and ended in the past	The last day of the reentitlement period.
Title II CDB—Reentitlement Claim, 7-year period applies and has not yet ended, or 7-year period does not apply.	The date of adjudication.
Title XVI Adult	The date of adjudication.
Title II or Title XVI Continuing Disability Review (CDR)	The date of CDR adjudication.

³ See 42 U.S.C. 416(i), 423(d), and 1382c(a). See also 20 CFR 404.1505, 404.1521, 416.905, and 416.921.

⁴ 42 U.S.C. 423(d)(2)(A) and 1382c(a)(3)(B).

⁵ *Id.*

⁶ 20 CFR 404.1520 and 416.920. We use a different sequential evaluation process for title XVI SSI claims involving individuals under age 18.

⁷ 20 CFR 404.1520(a)(4)(iv), 404.1520(f), 404.1560(b)(2), 416.920(a)(4)(iv), 416.920(f), and 416.960(b)(2).

⁸ We may use the expedited process described in 20 CFR 404.1520(h) and 416.920(h) to consider step five before step four, when applicable.

⁹ 20 CFR 404.1520(a)(5), 404.1589, 404.1594, 416.920(a)(5), 416.989, and 416.994.

¹⁰ 20 CFR 404.1594(f)(7)–(8) and 416.994(b)(5)(vi)–(vii).

¹¹ The criteria for determining whether an individual has done SGA are set forth in our regulations at 20 CFR 404.1571–404.1575 and 416.971–416.975.

¹² 20 CFR 404.1560(b)(1)(i)–(ii) and 416.960(b)(1)(i)–(ii).

¹³ See SSR 18–1p: Titles II and XVI: Determining the Established Onset Date (EOD) in Disability Claims, which identifies the most common types of disability claims and some of the regulations that explain the non-medical requirements for those types of claims. See also POMS DI 25001.001 Medical and Vocational Quick Reference Guide, available at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0425001001>.

3. How do we determine whether an individual's past work started and stopped in fewer than 30 calendar days?

We will not consider work to be PRW if an individual started and stopped it in fewer than 30 calendar days. We consider 30 calendar days to be a period of 30 consecutive days, including weekends, starting from the first day of work. We generally do not consider the total number of hours or days worked during that period, or whether the work was full-time or part-time. The 30 calendar days requirement is separate from the consideration of SGA or whether an individual worked long enough to learn how to do the work, although the 30 calendar days may count toward the time needed for an individual to learn to do the work. If an individual was self-employed or an independent contractor, we will consider whether the individual was engaged in the same type of work for 30 calendar days, even if individual work assignments or contracts each lasted fewer than 30 calendar days.¹⁴

Example 1: On March 1, 2023, an individual began working a job that requires only a brief demonstration to learn. The individual's last day of work was March 30, 2023. The individual worked at the job for 30 calendar days because they started work on March 1, 2023, and their last day of work was on March 30, 2023. In this situation, the job would qualify as PRW if it was performed at the SGA level and during the 5-year relevant work period.

Example 2: On February 1, 2023, an individual began working a job that requires only a brief demonstration to learn. The individual's last day of work was February 28, 2023. Although the individual held the job long enough to learn to do it, the work started and stopped in fewer than 30 calendar days. In this situation, the job would not qualify as PRW, even if it was performed at the SGA level and during the 5-year relevant work period.

4. How do we determine whether an individual performed work long enough to learn to do it?

Long enough to learn means that the individual gained sufficient job experience to learn the techniques, acquire information, and develop the facility needed for average performance

in the job. The length of time this would take depends on the nature and complexity of the work, which may be expressed as specific vocational preparation (SVP).

5. How do we determine whether an individual can perform PRW?

We determine whether an individual can perform their PRW by considering whether the individual retains the RFC to meet the functional demands of any of their PRW as they actually performed it or as it is generally performed in the national economy.

6. How do we determine whether an individual can perform their PRW as they actually performed it?

When we determine whether an individual can perform their PRW as they actually performed it, we consider whether the individual retains the RFC to perform the particular functional demands peculiar to the work the individual did.

For information about the evidence we use to determine how an individual actually performed a job, see the guidance below at Question 9, *What information do we require when determining whether work is PRW that an individual can perform?*

7. How do we determine whether an individual can perform their PRW as it is generally performed in the national economy?

When we determine whether an individual can perform their PRW as it is generally performed in the national economy, we consider whether the individual retains the capacity to perform the occupation's functional demands as ordinarily required throughout the national economy.

We may rely on descriptions of occupations from reliable sources of job information to determine how occupations are generally performed. A vocational specialist or vocational expert may also provide information about how an occupation is generally performed in the national economy.

As actually performed, an individual's job may have involved functional demands that are different from those generally required for the occupation throughout the national economy. If the individual cannot meet the functional demands actually required in the former job but can meet the functional demands as generally required throughout the economy, we will find the individual able to perform PRW and not disabled.

8. How do we obtain evidence concerning an individual's work history?

An individual is the primary source for information concerning their work history, but we consider all available

evidence and information. Statements by the individual about their past work are generally sufficient for determining the skill level and physical and mental demands of such work. If the individual cannot give us all the information we need, we may try, with the individual's permission, to get it from their employer or another person who knows about the individual's work, such as a family member or a co-worker.¹⁵

We will ask the individual to tell us about all of the work they did in the last 5 years (unless the job started and stopped in fewer than 30 calendar days). The individual must tell us the dates they worked, the duties they performed, and any tools, machinery, and equipment they used. We will need to know the amount of walking, standing, sitting, lifting, and carrying the individual did during the workday, as well as any other physical or mental demands of their work.

9. What information do we require when determining whether work is PRW that an individual can perform?

To determine whether an individual can perform PRW, we need information about the physical and mental demands of PRW, particularly as relevant to the individual's RFC. This may include detailed information about strength, manipulative ability, mental demands, and other job requirements. Other information, such as information concerning dates work was performed, tools and machines used, the extent of supervision required, and a description of tasks and responsibilities, may be needed to determine whether the work is PRW that the individual can perform. If more than one job was performed during the 5-year period, we will request separate descriptions of each job the individual performed during the relevant period.

Determination of the individual's ability to do PRW requires careful consideration of:

- the individual's statements as to which past work requirements can no longer be met and the reason(s) for their inability to meet those requirements;
- the individual's RFC;¹⁶ and
- in some cases, supplementary or corroborative information from other sources on the requirements of the work as actually performed by the individual or as generally performed in the economy.

10. What findings and rationale must our determination or decision include

¹⁵ See 20 CFR 404.1565(b) and 416.965(b).

¹⁶ 20 CFR 404.1545 and 416.945 and SSR 96-8p Policy Interpretation Ruling Titles II and XVI: Assessing Residual Functional Capacity in Initial Claims.

¹⁴ This would apply to "gig economy" type jobs as well, provided they meet the other requirements. For example, an individual completed 20 different shopping trips for a grocery delivery service but did so over a period of 30 calendar days or more. We would still require the individual to report that work experience as a single delivery job, because the individual did the same job for at least 30 calendar days. This is true even though each individual shopping trip started and stopped within a period of fewer than 30 calendar days.

when we find that an individual is able to perform PRW?

A determination or decision that an individual is not disabled, based on their ability to perform at least one job or occupation that is PRW at step four of the sequential evaluation process, must contain adequate rationale and findings.

In finding that an individual has the capacity to perform PRW, the determination or decision must:

- establish the individual's RFC;
- identify the PRW the individual can do;
- consider the physical and mental demands of the PRW either as the individual actually performed the job or as the occupation is generally performed in the national economy; and
- find that the individual's RFC establishes capacity to perform the PRW either as the individual actually performed the job or as the occupation is generally performed in the national economy.

[FR Doc. 2024-12414 Filed 6-5-24; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2023-0130 (Notice No. 2024-06)]

Hazardous Materials: Request for Feedback on Tare Weight Marking Policy for Cylinders

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice; request for information.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration (PHMSA) is publishing this notice to solicit information pertaining to the current tare weight, mass weight, and water capacity marking requirements for compressed gas cylinders.

DATES: Interested parties are invited to submit comments on or before September 4, 2024. Comments received after that date will be considered to the extent possible.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA-2023-0130 by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management System; U.S. Department of Transportation,

West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Docket Management System; Room W12-140 on the ground floor of 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-2023-0130) for this notice. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

Docket: For access to the dockets to read background documents or comments received, go to <http://www.regulations.gov> or the Department of Transportation's (DOT) Docket Operations Office (see **ADDRESSES**).

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

Confidential Business Information (CBI): 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 notice 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 notice, it is important that you clearly designate the submitted comments as "CBI." Please mark each page of your submission containing CBI as "PROPIN." Submissions containing CBI should be sent to Steven Andrews, Standards and Rulemaking Division, 202-366-8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this notice.

FOR FURTHER INFORMATION CONTACT:

Noah Jacobson by email at noah.jacobson@dot.gov, or Steven Andrews by email at steven.andrews@dot.gov or by phone at 202-366-8553.

SUPPLEMENTARY INFORMATION:

I. Purpose

PHMSA is publishing this notice to solicit input pertaining to the current tare weight marking requirements in the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180)—specifically, § 178.35(f)(8)—regarding DOT specification 4B, 4BA, 4BW, and 4E cylinders used in liquefied compressed gas service to determine what, if any, effect they may have on the safe transportation of hazardous materials.

II. Background

On May 1, 2009, the Compressed Gas Association (CGA) petitioned (P-1540¹) PHMSA to revise § 178.35(f) to require DOT 4B, 4BA, 4BW, and 4E cylinders be marked with the tare weight or mass weight, and water capacity. Tare weight is the weight of the fully assembled cylinder, including the valve(s) and other permanently affixed appurtenances; mass weight is the weight of the fully assembled cylinder, excluding valve(s) and removable protective cap(s) or cover(s); and water capacity is the total volume of water the cylinder is capable of holding. The purpose of marking these measurements on the cylinder is to ensure that cylinders filled by weight, a method primarily used for liquefied gases like propane, are filled with the correct amount of material. The HMR requires that, for liquefied gases, the content of the cylinder be checked after filling by an "accurate scale"—see § 173.304a(c)—to avoid overfilling cylinders, which can cause cylinder rupture.

The CGA's petition requested that the markings be permitted to vary from the actual tare weight, mass weight, and water capacity of the cylinder to account for the accuracy of the stamped weight during manufacture. Specifically, the CGA's petition requested that for cylinders up to and including 25 pounds, the tare weight/mass weight marking be allowed a lower tolerance of three (3) percent and an upper tolerance of one (1) percent, while the tare weight/mass weight marking for cylinders larger than 25 pounds be allowed a lower tolerance of two (2) percent and an upper tolerance of one (1) percent. Similarly, the CGA's petition requested that water capacity tolerances for cylinders up to and including 25 pounds of –1 percent with no requirement for an upper tolerance, and for cylinders larger than 25 pounds of minus –0.5 percent with no requirement for an upper tolerance. In

¹ P-1540—CGA (PHMSA-2009-0146), <https://www.regulations.gov/document/PHMSA-2009-0146>.

practice, a three (3) percent tolerance in the lower bound equates to approximately 0.5 pound for typical consumer-sized propane cylinders with average stamped/stenciled tare weights between 16.6 pounds and 18 pounds (*i.e.*, a cylinder with a true tare weight of 17 pounds could be marked as low as 16.5 pounds).²

The CGA's petition was accepted on July 23, 2009, and first addressed in the HM-234 Advanced Notice of Proposed Rulemaking (ANPRM)³ titled "Hazardous Materials; Miscellaneous Amendments Pertaining to DOT Specification Cylinders (RRR)." In the ANPRM, PHMSA solicited data from the regulated community regarding the costs, benefits, and implications of the proposed cylinder markings on manufacturers, as detailed in the CGA's petition. PHMSA also sought data on alternative strategies to prevent overfilling accidents, as well as the safety advantages of the proposed markings. The goal of the ANPRM was to collect industry information to assess whether the proposed enhanced cylinder markings would offer safety benefits that justify the potential costs, particularly for small businesses.

In response to the ANPRM, commenters voiced concerns that mandating both tare weight and mass weight markings could lead to confusion among cylinder fillers due to potential discrepancies between the manufactured stamped weights. The commenters suggested that PHMSA refine the regulatory language to assign the marking of the tare weight specifically to the valve installer, given that some cylinders are not valved by the original manufacturer. The commenters also pointed out the limited space available for additional stamping on some cylinders that could affect the space for retest information. In summary, the commenters urged careful consideration of the language to prevent conflicting stamped weights, and to ensure the party best suited to mark the tare weight is clearly identified.

PHMSA then published the HM-234 NPRM⁴ titled "Hazardous Materials; Miscellaneous Amendments Pertaining to DOT Specification Cylinders (RRR)," which proposed to revise § 178.35(f) to require marking the tare weight or mass weight, in addition to the water capacity, on DOT 4B, 4BA, 4BW, and 4E cylinders. The NPRM proposed to adopt the accuracy tolerances as presented in CGA's petition. PHMSA emphasized

that while cylinder markings are crucial for safely filling liquefied compressed gas, they cannot replace comprehensive personnel training and procedures. These measures, along with ongoing requalification and maintenance of cylinders, are essential for preventing incidents. PHMSA subsequently expressed interest in receiving further comments on the possibility of extending this marking requirement to other DOT-specification cylinders, and was particularly interested in understanding the associated costs, benefits, and safety implications.

In response to the NPRM, PHMSA received comments opposing the proposed requirement to mark all DOT 4B, 4BA, 4BW, and 4E cylinders with tare weight or mass weight, and water capacity. These commenters cited concerns about the challenges and costs of implementing the proposal. In particular, commenters noted that while many DOT 4B, 4BA, 4BW, and 4E cylinders are used for liquefied gases, some are used in non-liquefied gas services, such as fire extinguishers, and these markings do not serve a useful purpose for a cylinder filled by pressure. Other commenters were generally supportive of the proposed revisions and reflected a range of perspectives on the costs, benefits, and potential unintended consequences of the proposed marking requirements. PHMSA received no comments related to existing tare-weight marking standards for consumer cylinders mandated by states.

PHMSA then published the HM-234 final rule⁵ to revise certain requirements applicable to the manufacture, use, and requalification of DOT 4B, 4BA, 4BW, and 4E cylinders. Prior to this revision in the HM-234 final rule, the HMR did not contain any requirement for liquefied compressed gas cylinders that are filled by weight to be marked with a tare weight, mass weight, or water capacity. PHMSA determined that these cylinder measurements are critical for liquefied compressed gases, which are filled by weight, rather than by pressure. Improperly filled liquefied gas cylinders (*i.e.*, overfilled cylinders) have contributed to significant hazardous materials incidents, including the 2014 Philadelphia, Pennsylvania, food truck explosion.⁶ The HM-234 final rule revised the NPRM's proposal and imposed the tare weight or mass weight, and water capacity marking

requirements to only apply to DOT 4B, 4BA, 4BW, and 4E cylinders used for liquefied compressed gases, an adjustment made in response to the comments in the NPRM. PHMSA received no comments regarding the accuracy tolerances proposed in the NPRM, and the final rule adopted them as proposed.

On January 23, 2023, PHMSA received a petition for rulemaking (P-1772)⁷ from the National Council on Weights and Measurements (NCWM) requesting that PHMSA reconsider the allowable differences on stamped tare weight versus actual tare weight for liquefied petroleum gas (LPG) cylinders. In their petition, NCWM recommends a ± 0.5 percent tolerance between actual and marked TW/MW for cylinders weighing 25 pounds or less, with an additional requirement that "good quality control practices" be followed. This tolerance is significantly tighter than the accuracy tolerances adopted in the HM-234 final rule (*i.e.*, 6x less variance is permitted in the tare weight/mass weight marking for a cylinder weighing less than 25 pounds).

The NCWM also suggested that the stamped tare weight on "used" cylinders be verified periodically to ensure accuracy. Additionally, the NCWM recommends that the allowable difference between the stamped tare weight versus the actual tare weight for cylinders more than 25 pounds be reviewed and be based on data. Finally, the NCWM suggests that the current edition of the National Institute of Standards and Technology (NIST) Handbook 44⁸ be incorporated by reference for the marking and weighing of cylinders to be filled with liquefied petroleum gas. NCWM also requests that PHMSA add an "Average Requirement" to the tare weight regulations to improve measurement accuracy and production controls, and to ensure a business is not using the allowable differences to gain a competitive advantage. The NCWM proposes the "average requirement" to mean "when used to determine the net contents of cylinders, the stamped or stenciled tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference limit shall be considered to be "not in conformance with these requirements."

PHMSA requests feedback from the public on the current regulation as

² Calculation: $17 \times .03 = .51$. $17 - .51 = 16.49$ rounded to 16.5.

³ 77 FR 31551 (May 29, 2012).

⁴ 81 FR 48978 (July 26, 2016).

⁵ 85 FR 85380 (Dec. 28, 2020).

⁶ <https://www.nafi.org/blog/propane-safety-investigation-findings-and-lessons-learned-in-the-2014-philadelphia-food-truck-explosion/>.

⁷ P-1772—National Council on Weights and Measurements, <https://www.regulations.gov/docket/PHMSA-2023-0008/document>.

⁸ National Institute of Standards and Technology (NIST) Handbook 44, <https://www.nist.gov/pml/owm/nist-handbook-44-current-edition>.

adopted in the HM-234 final rule, and on the proposed provisions in the NCWM petition.

III. PHMSA's Current Tare Weight Marking Requirement for Cylinders

The HMR mandates in § 178.35(f) that DOT 4B, 4BA, 4BW, and 4E cylinders—used for liquefied compressed gases—be marked with either tare weight or mass weight, in addition to the water capacity. For cylinders weighing 25 pounds or less at the time of manufacture, a variance is permitted with a lower tolerance of three (3) percent and an upper tolerance of one (1) percent. For cylinders weighing more than 25 pounds at the time of manufacture, a variance is allowed with a lower tolerance of two (2) percent and an upper tolerance of one (1) percent. If mass weight marking is chosen over tare weight marking, the same variance tolerances apply based on whether the manufacturing mass exceeds or is at or under 25 pounds.

IV. Request for Feedback

PHMSA requests comment on the following questions to better inform potential regulatory revisions. For all questions, please explain your answers and provide any economic, technical, or other information available to you as justification for your response:

1. Do you believe the current language for the marking of DOT cylinders in § 178.35(f)(8) leads to confusion between marked tare weight at the time of manufacture and the stamped tare weight for the filling of cylinders?

2. How should PHMSA revise the requirements in § 178.35(f)(8) for marking of tare weights on DOT 4B, 4BA, 4BW, and 4E cylinders used in liquefied compressed gas service?

3. What impact would PHMSA incorporating the current edition of NIST Handbook 44 for scales used to weigh cylinders containing liquefied compressed gases have on ensuring accurate scales in both direct sale applications and for prepackaging liquefied compressed gas cylinders in advance of sale?

4. What would be the impacts of PHMSA adding an “average requirement” to the tare weight regulations in § 178.35(f)(8) to improve measurement accuracy and production controls, and to ensure a business is not using the allowable differences to disadvantage consumers while at the same time maintaining safety compliance?

5. What would be the impacts of PHMSA reconsidering the allowable differences on stamped tare weight as opposed to actual tare weight and

applying a ± 0.5 percent tolerance for cylinders 25 pounds or less? How would PHMSA define a requirement to follow “good quality control practices” as suggested in the NCWM petition?

Issued in Washington, DC, on June 3, 2024.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2024-12395 Filed 6-5-24; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC-OCC-2024-0007]

Mutual Savings Association Advisory Committee

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The OCC announces a meeting of the Mutual Savings Association Advisory Committee (MSAAC).

DATES: A public meeting of the MSAAC will be held on Monday, June 24, 2024, beginning at 1:30 p.m. Eastern Daylight Time (EDT). The meeting will be in person and virtual.

ADDRESSES: The OCC will host the June 24, 2024 meeting of the MSAAC at the OCC's offices at 400 7th Street SW, Washington, DC 20219 and virtually.

FOR FURTHER INFORMATION CONTACT: Michael R. Brickman, Deputy Comptroller for Specialty Supervision, (202) 649-5420, Office of the Comptroller of the Currency, 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. You also may access prior MSAAC meeting materials on the MSAAC page of the OCC's website.¹

SUPPLEMENTARY INFORMATION: Under the authority of the Federal Advisory Committee Act (the Act), 5 U.S.C. 1001 *et seq.*, and the regulations implementing the Act at 41 CFR part 102-3, the OCC is announcing that the MSAAC will convene a meeting on Monday, June 24, 2024. The meeting is open to the public and will begin at 1:30 p.m. EDT. The purpose of the meeting

¹ <https://occ.gov/topics/supervision-and-examination/bank-management/mutual-savings-associations/mutual-savings-association-advisory-committee.html>.

is for the MSAAC to advise the OCC on regulatory or other changes the OCC may make to ensure the health and viability of mutual savings associations. The agenda includes a discussion of current regulatory and policy topics of interest to the industry, for example, updates on economic trends affecting mutual savings associations and the implementation of rules and policies that affect the operations and consumer compliance activities of mutual savings associations. The agenda also includes a Roundtable discussion with MSAAC members and OCC staff.

Members of the public may submit written statements to the MSAAC by emailing them to MSAAC@occ.treas.gov. The OCC must receive written statements no later than 5:00 p.m. EDT on Thursday, June 20, 2024.

Members of the public who plan to attend the meeting should contact the OCC by 5:00 p.m. EDT on Thursday, June 20, 2024, to inform the OCC of their desire to attend the meeting and whether they will attend in person or virtually, and to obtain information about participating in the meeting. Members of the public may contact the OCC via email at MSAAC@OCC.treas.gov or by telephone at (202) 649-5420. Attendees should provide their full name, email address, and organization, if any. For persons who are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to arrange telecommunications relay services for this meeting.

Michael J. Hsu,

Acting Comptroller of the Currency.

[FR Doc. 2024-12441 Filed 6-5-24; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee: Change

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting: Change.

SUMMARY: In the **Federal Register** that was originally published on May 13, 2024, this meeting was scheduled for June 19, 2024, at 11:00a.m. Eastern Time. The meeting date is being changed to, June 18, 2024, at 11:00 a.m. Eastern Time. All other meeting details remain unchanged. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, June 18, 2024.

FOR FURTHER INFORMATION CONTACT:

Robert Rosalia at 1-888-912-1227 or (718) 834-2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Tuesday, June 18, 2024, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information, please contact Robert Rosalia at 1-888-912-1227 or (718) 834-2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: May 31, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-12378 Filed 6-5-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden for Form 5305-SEP**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is

soliciting comments concerning the burden associated with Form 5305-SEP, *Simplified Employee Pension—Individual Retirement Accounts Contribution Agreement*.

DATES: Written comments should be received on or before August 5, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Please include, "OMB Number: 1545-0499—Public Comment Request Notice" in the Subject line.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317-5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at RJJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Simplified Employee Pension—Individual Retirement Accounts Contribution Agreement.

OMB Number: 1545-0499.

Document Number: 5305-SEP.

Abstract: Form 5305-SEP is used by an employer to make an agreement to provide benefits to all employees under a Simplified Employee Pension (SEP) described in Internal Revenue Code section 408(k). This form is not to be filed with the IRS but is to be retained in the employer's records as proof of establishing a SEP and justifying a deduction for contributions to the SEP.

Current Actions: There are no changes to the burden previously approved by OMB. This request is to extend the current approval for another 3 years.

Type of Review: Extension of a currently approved collection.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 4 hrs., 57 min.

Estimated Total Annual Burden Hours: 495,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: June 3, 2024.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2024-12397 Filed 6-5-24; 8:45 am]

BILLING CODE 4830-01-P

Reader Aids

Federal Register

Vol. 89, No. 110

Thursday, June 6, 2024

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

Laws **741-6000**

Presidential Documents

Executive orders and proclamations **741-6000**

The United States Government Manual **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: www.govinfo.gov.

Federal Register information and research tools, including Public Inspection List and electronic text are located at: www.federalregister.gov.

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JUNE

47439-47846.....	3
47847-48130.....	4
48131-48254.....	5
48255-48486.....	6

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR	248.....	47688
200.....	48131	270.....47688
		275.....47688

3 CFR

Proclamations:

10766.....	48223
10767.....	48225
10768.....	48227
10769.....	48229
10770.....	48231
10771.....	48233
10772.....	48233
10772.....	48255

Administrative Orders:

Presidential Permits:	
Presidential Permit of	
May 31, 2024.....	48243
Presidential Permit of	
May 31, 2024.....	48247
Presidential Permit of	
May 31, 2024.....	48251

6 CFR

Proposed Rules:

226.....	47471
----------	-------

7 CFR

800.....	48257
----------	-------

8 CFR

Proposed Rules:

106.....	48339
----------	-------

9 CFR

11.....	48131
---------	-------

10 CFR

72.....	47439
433.....	48266

13 CFR

107.....	48132
120.....	48132
125.....	48266
128.....	48266
142.....	48132
146.....	48132

14 CFR

71.....	47847, 47848, 48269,
	48271
97.....	48135, 48136
Proposed Rules:	
39.....	47879, 48139, 48348

15 CFR

922.....	48272
----------	-------

17 CFR

17.....	47439
240.....	47688

248.....	47688
270.....	47688
275.....	47688

18 CFR

50.....	47460
380.....	47460

Proposed Rules:

4.....	48351
5.....	48351
6.....	48351
7.....	48351

20 CFR

222.....	47460
235.....	47462
404.....	48138
416.....	48138

21 CFR

1.....	47463
--------	-------

24 CFR

236.....	47849
----------	-------

26 CFR

Proposed Rules:

1.....	47792
--------	-------

29 CFR

1603.....	47850
4001.....	48291
4010.....	48291
4022.....	48291
4041.....	48291
4041A.....	48291
4043.....	48291
4044.....	48291
4050.....	48291
4262.....	48291
4281.....	48291

31 CFR

542.....	48309, 48310
587.....	48324

33 CFR

165.....	47464, 47467, 47854,
	48325, 48327, 48328
173.....	47855
174.....	47855
207.....	47863
326.....	47863

Proposed Rules:

165.....	47472, 47884
----------	--------------

34 CFR

Proposed Rules:

Ch.VI.....	48356
------------	-------

36 CFR

7.....	47866
--------	-------

ii

Federal Register / Vol. 89, No. 110 / Thursday, June 6, 2024 / Reader Aids

1225.....47467	413.....47884	Proposed Rules:	49 CFR
40 CFR	431.....47884	11.....47891	Proposed Rules:
52.....47468	482.....47884	73.....47891	571.....48359
Proposed Rules:	485.....47884	74.....47891	50 CFR
52 47474, 47481, 47504	495.....47884	48 CFR	17.....48034
70.....47504	512.....47884	225.....48330	622.....47871, 48338
42 CFR	47 CFR	502.....48330	648.....47872
Proposed Rules:	9.....47869	538.....48330	680.....47872
412.....47884	64.....47869	552.....48330	Proposed Rules:
			216.....47508

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.
Last List May 29, 2024

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly

enacted public laws. To subscribe, go to https://portalguard.gsa.gov/__layouts/PG/register.aspx.
Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.