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Federal Register

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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 ENERGY

10 CFR Part 430

[EERE-2017-BT-STD-0003]

RIN 1904-AF56

Energy Conservation Program: Energy Conservation Standards for Refrigerators, Refrigerator-Freezers, and Freezers

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

ACTION: Direct final rule; confirmation of effective and compliance dates; technical correction.

SUMMARY: The U.S. Department of Energy (“DOE”) published a direct final rule to establish new energy conservation standards for refrigerators, refrigerator-freezers, and freezers in the **Federal Register** on January 17, 2024. DOE has determined that the comments received in response to the direct final rule do not provide a reasonable basis for withdrawing the direct final rule. Therefore, DOE provides this document confirming the effective and compliance dates of those standards. This document also corrects an error in the amended regulatory text as it appeared in the direct final rule published on January 17, 2024.

DATES: The technical correction in this document is effective June 13, 2024.

The effective date of May 16, 2024, for the direct final rule published January 17, 2024 (89 FR 3026) is confirmed. Compliance with the standards established in the direct final rule will be required on either January 31, 2029, or January 31, 2030, depending on product class.

ADDRESSES: The docket for this rulemaking, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All

documents in the docket are listed in the www.regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at www.regulations.gov/docket/EERE-2017-BT-STD-0003. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email:

ApplianceStandardsQuestions@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Mr. Lucas Adin, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 287-5904. Email: ApplianceStandardsQuestions@ee.doe.gov.

Mr. Matthew Schneider, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-4798. Email: matthew.schneider@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Authority

The Energy Policy and Conservation Act, Public Law 94-163, as amended (“EPCA”),¹ authorizes DOE to issue a direct final rule establishing an energy conservation standard for a product on receipt of a statement submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, that contains recommendations with respect to an energy or water conservation standard that are in accordance with the provisions of 42 U.S.C. 6295(o) or 42

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

U.S.C. 6313(a)(6)(B), as applicable. (42 U.S.C. 6295(p)(4))

The direct final rule must be published simultaneously with a notice of proposed rulemaking (“NOPR”) that proposes an energy or water conservation standard that is identical to the standard established in the direct final rule, and DOE must provide a public comment period of at least 110 days on this proposal. (42 U.S.C. 6295(p)(4)(A)–(B)) Not later than 120 days after issuance of the direct final rule, DOE shall withdraw the direct final rule if (1) DOE receives one or more adverse public comments relating to the direct final rule or any alternative joint recommendation; and (2) based on the rulemaking record relating to the direct final rule, DOE determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule. (42 U.S.C. 6295(p)(4)(C)) If DOE makes such a determination, DOE must proceed with the NOPR published simultaneously with the direct final rule and publish in the **Federal Register** the reasons why the direct final rule was withdrawn. (*Id.*)

After review of comments received, DOE has determined that it did receive adverse comments on the direct final rule. However, based on the rulemaking record, the comments did not provide a reasonable basis for withdrawing the direct final rule under the provisions in 42 U.S.C. 6295(p)(4)(C). As such, DOE did not withdraw this direct final rule and allowed it to become effective. Although not required under EPCA, where DOE does not withdraw a direct final rule, DOE publishes a summary of the comments received during the 110-day comment period and its responses to those comments. This document contains such a summary, as well as DOE’s responses to the comments.

II. Refrigerators, Refrigerator-Freezers, and Freezers Direct Final Rule

A. Background

In a final rule published on September 15, 2011 (“September 2011 Final Rule”), DOE prescribed the current energy conservation standards for refrigerators, refrigerator-freezers, and freezers manufactured on and after September 15, 2014. 76 FR 57516. These standards are set forth in DOE’s regulations at 10 CFR 430.32(a).

On November 15, 2019, DOE published a request for information (“RFI”) to collect data and information to help DOE determine whether any new or amended standards for consumer refrigerators, refrigerator-freezers, and freezers would result in a significant amount of additional energy savings and whether those standards would be technologically feasible and economically justified. 84 FR 62470 (“November 2019 RFI”).

DOE then published a notice of public meeting and availability of the preliminary technical support document (“TSD”) on October 15, 2021 (“October 2021 Preliminary Analysis”). 86 FR 57378. DOE held a public meeting on December 1, 2021, to discuss and receive comments on the preliminary TSD. The preliminary TSD that

presented the methodology and results of the preliminary analysis is available at: www.regulations.gov/document/EERE-2017-BT-STD-0003-0021.

On February 27, 2023, DOE published a NOPR and announced a public webinar to respond to initial comments (“February 2023 NOPR”). 88 FR 12452. In the February 2023 NOPR, DOE updated its analysis and proposed standards based on comments received following the publication of the October 2021 Preliminary Analysis. DOE held a public webinar on April 11, 2023, to discuss and receive comments on the February 2023 NOPR and February 2023 TSD. The February 2023 NOPR TSD is available at: www.regulations.gov/document/EERE-2017-BT-STD-0003-0045.

On September 25, 2023, DOE received a joint statement (*i.e.*, the Joint Agreement) recommending standards for refrigerators, refrigerator-freezers, and freezers that was submitted by groups representing manufacturers, energy and environmental advocates, consumer groups, and a utility.² In addition to the recommended standards for refrigerators, refrigerator-freezers, and freezers, the Joint Agreement also included separate recommendations for several other covered products.³ The Joint Agreement recommended amended standard levels for refrigerators, refrigerator-freezers, and freezers as presented in Table II.1 as follows. Details of the Joint Agreement recommendations for other products are provided in the Joint Agreement posted in the docket.⁴

TABLE II.1—RECOMMENDED AMENDED ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS

Product class	Level (based on AV (ft ³))	Compliance date
1. Refrigerator-freezers and refrigerators other than all-refrigerators with manual defrost.	6.79AV + 191.3	January 31, 2030.
1A. All-refrigerators—manual defrost	5.77AV + 164.6	January 31, 2030.
2. Refrigerator-freezers—partial automatic defrost	(6.79AV + 191.3) * K2	January 31, 2030.
3. Refrigerator-freezers—automatic defrost with top-mounted freezer	6.86AV + 198.6 + 28l	January 31, 2030.
3A. All-refrigerators—automatic defrost	(6.01AV + 171.4) * K3A	January 31, 2030.
4. Refrigerator-freezers—automatic defrost with side-mounted freezer	7.28AV + 254.9	January 31, 2030.
5. Refrigerator-freezers—automatic defrost with bottom-mounted freezer	(7.61AV + 272.6) * K5 + 28l	January 31, 2030.
5A. Refrigerator-freezer—automatic defrost with bottom-mounted freezer with through-the-door ice service.	(7.76AV + 351.9) * K5A	January 31, 2029.
6. Refrigerator-freezers—automatic defrost with top-mounted freezer with through-the-door ice service.	7.14AV + 280.0	January 31, 2030.
7. Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service.	(7.31AV + 322.5) * K7	January 31, 2030.
8. Upright freezers with manual defrost	5.57AV + 193.7	January 31, 2029.
9. Upright freezers with automatic defrost	7.33AV + 194.1 + 28l	January 31, 2030.
10. Chest freezers and all other freezers except compact freezers	7.29AV + 107.8	January 31, 2029.
10A. Chest freezers with automatic defrost	10.24AV + 148.1	January 31, 2029.
11. Compact refrigerator-freezers and refrigerators other than all-refrigerators with manual defrost.	7.68AV + 214.5	January 31, 2029.
11A. Compact all-refrigerators—manual defrost	6.66AV + 186.2	January 31, 2029.
12. Compact refrigerator-freezers—partial automatic defrost	(5.32AV + 302.2) * K12	January 31, 2029.
13. Compact refrigerator-freezers—automatic defrost with top-mounted freezer	10.62AV + 305.3 + 28l	January 31, 2029.
13A. Compact all-refrigerators—automatic defrost	(8.25AV + 233.4) * K13A	January 31, 2029.
14. Compact refrigerator-freezers—automatic defrost with side-mounted freezer	6.14AV + 411.2 + 28l	January 31, 2029.
15. Compact refrigerator-freezers—automatic defrost with bottom-mounted freezer	10.62AV + 305.3 + 28l	January 31, 2029.
16. Compact upright freezers with manual defrost	7.35AV + 191.8	January 31, 2029.
17. Compact upright freezers with automatic defrost	9.15AV + 316.7	January 31, 2029.
18. Compact chest freezers	7.86AV + 107.8	January 31, 2029.
3-BI. Built-in refrigerator-freezer—automatic defrost with top-mounted freezer	8.24AV + 238.4 + 28l	January 31, 2029.
3A-BI. Built-in All-refrigerators—automatic defrost	(7.22AV + 205.7) * K3ABI	January 31, 2029.
4-BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer	8.79AV + 307.4 + 28l	January 31, 2029.
5-BI. Built-In Refrigerator-freezers—automatic defrost with bottom-mounted freezer	(8.65AV + 309.9) * K5BI + 28l	January 31, 2029.

² The signatories to the Joint Agreement include Association of Home Appliance Manufacturers, American Council for an Energy-Efficient Economy, Alliance for Water Efficiency, Appliance Standards Awareness Project, Consumer Federation of America, Consumer Reports, Earthjustice, National Consumer Law Center, Natural Resources Defense Council, Northwest Energy Efficiency Alliance, and Pacific Gas and Electric Company. Members of AHAM's Major Appliance Division that manufacture the affected products include: Alliance

Laundry Systems, LLC; Asko Appliances AB; Beko US Inc.; Brown Stove Works, Inc.; BSH; Danby Products, Ltd.; Electrolux Home Products, Inc.; Elicamex S.A. de C.V.; Faber; Fotile America; GEA, a Haier Company; L'Atelier Paris Haute Design LLC; LG Electronics USA; Liebherr USA, Co.; Midea America Corp.; Miele, Inc.; Panasonic Appliances Refrigeration Systems (PAPRSA) Corporation of America; Perlick Corporation; Samsung; Sharp Electronics Corporation; Smeg S.p.A.; Sub-Zero

Group, Inc.; The Middle by Corporation; U-Line Corporation; Viking Range, LLC; and Whirlpool.

³ The Joint Agreement contained recommendations for 6 covered products: refrigerators, refrigerator-freezers, and freezers; clothes washers; clothes dryers; dishwashers; cooking products; and miscellaneous refrigeration products.

⁴ The term sheet is available in the docket at: www.regulations.gov/document/EERE-2017-BT-STD-0003-0103.

TABLE II.1—RECOMMENDED AMENDED ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS—Continued

Product class	Level (based on AV (ft ³))	Compliance date
5A—BI. Built-in refrigerator-freezer—automatic defrost with bottom-mounted freezer with through-the-door ice service.	$(8.21AV + 370.7) * K5ABI$	January 31, 2029.
7—BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer	$(8.82AV + 384.1) * K7BI$	January 31, 2029.
9—BI. Built-In Upright freezers with automatic defrost	$9.37AV + 247.9 + 28I$	January 31, 2029.
9A—BI. NEW PRODUCT CLASS: Upright built-in freezer w/auto defrost and through-door-ice.	$9.86AV + 288.9$	January 31, 2029.

AV = Total adjusted volume, expressed in ft³, as determined in appendices A and B of subpart B of 10 CFR part 430.

av = Total adjusted volume, expressed in Liters.

I = 1 for a product with an automatic icemaker and = 0 for a product without an automatic icemaker. Door Coefficients (e.g., K3A) are as defined in Table I.2.

Door coefficient	Products with a transparent door	Products without a transparent door with a door-in-door	Products without a transparent door or door-in-door with added external doors
K2	N/A	N/A	$1 + 0.02 * (N_d - 1)$.
K3A	1.10	N/A	N/A
K3ABI	1.10	N/A	N/A
K13A	1.10	N/A	N/A
K4	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K4BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K5	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K5BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K5A	1.10	1.06	$1 + 0.02 * (N_d - 3)$.
K5ABI	1.10	1.06	$1 + 0.02 * (N_d - 3)$.
K7	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K7BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K9	N/A	N/A	$1 + 0.02 * (N_d - 1)$.
K9BI	N/A	N/A	$1 + 0.02 * (N_d - 1)$.
K12	N/A	N/A	$1 + 0.02 * (N_d - 1)$.

Note: N_d is the number of external doors.

After carefully considering the recommended energy conservation standards for refrigerators, refrigerator-freezers, and freezers in the Joint Agreement, DOE determined that these recommendations were in accordance with the statutory requirements of 42 U.S.C. 6295(p)(4) for the issuance of a direct final rule and published a direct final rule on January 17, 2024 ("January 2024 Direct Final Rule"). 89 FR 3026. DOE evaluated whether the Joint Agreement satisfies 42 U.S.C. 6295(o),

as applicable, and found that the recommended standard levels would result in significant energy savings and are technologically feasible and economically justified. 89 FR 3026, 3100–3106. Accordingly, DOE adopted the consensus-recommended efficiency levels for refrigerators, refrigerator-freezers, and freezers as the new and amended standard levels in the January 2024 Direct Final Rule. 89 FR 3026, 3107–3108.

These standards, which are expressed as kWh/yr, apply to product classes listed in Table II.2 and Table II.3 and manufactured in, or imported into, the United States starting on January 31, 2029 or January 31, 2030, depending on product class. The January 2024 Direct Final Rule provides a detailed discussion of DOE's analysis of the benefits and burdens of the new and amended standards pursuant to the criteria set forth in EPCA. 89 FR 3026, 3100–3106.

TABLE II.2—ENERGY CONSERVATION STANDARDS FOR CONSUMER REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS WITH CORRESPONDING DOOR COEFFICIENT TABLE

[Compliance starting January 31, 2029]

Product class ("PC")	Equations for maximum energy use (kWh/yr)	
	Based on AV (ft ³)	Based on av (L)
3—BI. Built-in refrigerator-freezer—automatic defrost with top-mounted freezer	$8.24AV + 238.4 + 28I$	$0.291av + 238.4 + 28I$.
3A—BI. Built-in All-refrigerators—automatic defrost	$(7.22AV + 205.7) * K3ABI$	$(0.255av + 205.7) * K3ABI$.
4—BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer.	$(8.79AV + 307.4) * K4BI + 28I$	$(0.310av + 307.4) * K4BI + 28I$.
5—BI. Built-In Refrigerator-freezers—automatic defrost with bottom-mounted freezer.	$(8.65AV + 309.9) * K5BI + 28I$	$(0.305av + 309.9) * K5BI + 28I$.
5A. Refrigerator-freezer—automatic defrost with bottom-mounted freezer with through-the-door ice service.	$(7.76AV + 351.9) * K5A$	$(0.274av + 351.9) * K5A$.
5A—BI. Built-in refrigerator-freezer—automatic defrost with bottom-mounted freezer with through-the-door ice service.	$(8.21AV + 370.7) * K5ABI$	$(0.290av + 370.7) * K5ABI$.

TABLE II.2—ENERGY CONSERVATION STANDARDS FOR CONSUMER REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS WITH CORRESPONDING DOOR COEFFICIENT TABLE—Continued

[Compliance starting January 31, 2029]

Product class ("PC")	Equations for maximum energy use (kWh/yr)	
	Based on AV (ft ³)	Based on av (L)
7-BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service..	$(8.82AV + 384.1) * K7BI$	$(0.311av + 384.1) * K7BI$.
8. Upright freezers with manual defrost	$5.57AV + 193.7$	$0.197av + 193.7$.
9-BI. Built-In Upright freezers with automatic defrost	$(9.37AV + 247.9) * K9BI + 28I$	$(0.331av + 247.9) * K9BI + 28I$.
9A-BI. Built-In Upright freezers with automatic defrost with through-the-door ice service.	$9.86AV + 288.9$	$0.348av + 288.9$.
10. Chest freezers and all other freezers except compact freezers	$7.29AV + 107.8$	$0.257av + 107.8$.
10A. Chest freezers with automatic defrost	$10.24AV + 148.1$	$0.362av + 148.1$.
11. Compact refrigerator-freezers and refrigerators other than all-refrigerators with manual defrost.	$7.68AV + 214.5$	$0.271av + 214.5$.
11A. Compact all-refrigerators—manual defrost	$6.66AV + 186.2$	$0.235av + 186.2$.
12. Compact refrigerator-freezers—partial automatic defrost	$(5.32AV + 302.2) * K12$	$(0.188av + 302.2) * K12$.
13. Compact refrigerator-freezers—automatic defrost with top-mounted freezer	$10.62AV + 305.3 + 28I$	$0.375av + 305.3 + 28I$.
13A. Compact all-refrigerators—automatic defrost	$(8.25AV + 233.4) * K13A$	$(0.291av + 233.4) * K13A$.
14. Compact refrigerator-freezers—automatic defrost with side-mounted freezer.	$6.14AV + 411.2 + 28I$	$0.217av + 411.2 + 28I$.
15. Compact refrigerator-freezers—automatic defrost with bottom-mounted freezer.	$10.62AV + 305.3 + 28I$	$0.375av + 305.3 + 28I$.
16. Compact upright freezers with manual defrost	$7.35AV + 191.8$	$0.260av + 191.8$.
17. Compact upright freezers with automatic defrost	$9.15AV + 316.7$	$0.323av + 316.7$.
18. Compact chest freezers	$7.86AV + 107.8$	$0.278av + 107.8$.

AV = Total adjusted volume, expressed in ft³, as determined in appendices A and B of subpart B of 10 CFR part 430.

av = Total adjusted volume, expressed in Liters.

I = 1 for a product with an automatic icemaker and = 0 for a product without an automatic icemaker.

Door Coefficients (e.g., K3ABI) are as defined in the following table

Door coefficient	Products with a transparent door	Products without a transparent door with a door-in-door	Products without a transparent door or door-in-door with added external doors
K3ABI	1.10	1.0	1.0
K4BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K5BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K5A	1.10	1.06	$1 + 0.02 * (N_d - 3)$.
K5ABI	1.10	1.06	$1 + 0.02 * (N_d - 3)$.
K7BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K9BI	1.0	1.0	$1 + 0.02 * (N_d - 1)$.
K12	1.0	1.0	$1 + 0.02 * (N_d - 1)$.
K13A	1.10	1.0	1.0

Notes:¹ N_d is the number of external doors.² The maximum N_d values are 2 for K12, 3 for K9BI, and 5 for all other K values.

TABLE II.3 ENERGY CONSERVATION STANDARDS FOR CONSUMER REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS WITH CORRESPONDING DOOR COEFFICIENT TABLE

[Compliance starting January 31, 2030]

Product class	Equations for maximum energy use (kWh/yr)	
	Based on AV (ft ³)	Based on av (L)
1. Refrigerator-freezers and refrigerators other than all-refrigerators with manual defrost.	$6.79AV + 191.3$	$0.240av + 191.3$.
1A. All-refrigerators—manual defrost	$5.77AV + 164.6$	$0.204av + 164.6$.
2. Refrigerator-freezers—partial automatic defrost	$(6.79AV + 191.3) * K2$	$(0.240av + 191.3) * K2$.
3. Refrigerator-freezers—automatic defrost with top-mounted freezer	$6.86AV + 198.6 + 28I$	$0.242av + 198.6 + 28I$.
3A. All-refrigerators—automatic defrost	$(6.01AV + 171.4) * K3A$	$(0.212av + 171.4) * K3A$.
4. Refrigerator-freezers—automatic defrost with side-mounted freezer	$(7.28AV + 254.9) * K4 + 28I$..	$(0.257av + 254.9) * K4 + 28I$.
5. Refrigerator-freezers—automatic defrost with bottom-mounted freezer	$(7.61AV + 272.6) * K5 + 28I$..	$(0.269av + 272.6) * K5 + 28I$.
6. Refrigerator-freezers—automatic defrost with top-mounted freezer with through-the-door ice service.	$7.14AV + 280.0$	$0.252av + 280.0$.

TABLE II.3 ENERGY CONSERVATION STANDARDS FOR CONSUMER REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS WITH CORRESPONDING DOOR COEFFICIENT TABLE—Continued

[Compliance starting January 31, 2030]

Product class	Equations for maximum energy use (kWh/yr)	
	Based on AV (ft ³)	Based on av (L)
7. Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service.	$(7.31AV + 322.5) * K7$	$(0.258av + 322.5) * K7$.
9. Upright freezers with automatic defrost	$(7.33AV + 194.1) * K9 + 28l$...	$(0.259av + 194.1) * K9 + 28l$.

AV = Total adjusted volume, expressed in ft³, as determined in appendices A and B of subpart B of 10 CFR part 430.

av = Total adjusted volume, expressed in Liters.

l = 1 for a product with an automatic icemaker and = 0 for a product without an automatic icemaker.

Door Coefficients (e.g., K3A) are as defined in the following table.

Door coefficient	Products with a transparent door	Products without a transparent door with a door-in-door	Products without a transparent door or door-in-door with added external doors
K2	1.0	1.0	$1 + 0.02 * (N_d - 1)$.
K4	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K3A	1.10	1.0	1.0
K5	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K7	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K9	1.0	1.0	$1 + 0.02 * (N_d - 1)$.

Notes:¹ N_d is the number of external doors.² The maximum N_d values are 2 for K2, and 5 for all other K values.

As required by EPCA, DOE also simultaneously published a NOPR proposing the identical standard levels contained in the January 2024 Direct Final Rule. 89 FR 2886. DOE considered whether any adverse comment received during the 110-day comment period following the publication of the January 2024 Direct Final Rule provided a reasonable basis for withdrawal of the

direct final rule under the provisions in 42 U.S.C. 6295(p)(4)(C).

III. Comments on the Direct Final Rule

As discussed in section I of this document, not later than 120 days after publication of a direct final rule, DOE shall withdraw the direct final rule if (1) DOE receives one or more adverse public comments relating to the direct final rule or any alternative joint recommendation; and (2) based on the

rulemaking record relating to the direct final rule, DOE determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule. (42 U.S.C. 6295(p)(4)(C)(i))

DOE received comments in response to the January 2024 Direct Final Rule from the interested parties listed in Table III.1.

TABLE III.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE JANUARY 2024 DIRECT FINAL RULE

Commenter(s)	Abbreviation	Comment No. in the docket	Commenter type
Anonymous	Anonymous	117–120	Individual.
Association of Home Appliance Manufacturers (AHAM), Appliance Standards Awareness Project (ASAP), et al.	Joint Commenters	121	Manufacturers, Energy and Environmental Advocates, Consumer Groups, and a Utility.
Montana Office of the Attorney General	AG of Montana	122	State Attorney General.
State of Tennessee Office of the Attorney General	State AGs	123	State Attorney General.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.⁵ The following sections

discuss the substantive comments DOE received on the January 2024 Direct Final Rule as well as DOE's determination that the comments do not provide a reasonable basis for withdrawal of the direct final rule.

A. General Comments

In comments submitted in response to the January 2024 Direct Final Rule, the Joint Commenters, consisting of the parties who submitted the Joint Agreement, supported the standard levels specified in the January 2024 Direct Final Rule as the standards align with those levels recommended in the Joint Agreement. (Joint Commenters,

⁵ The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop energy conservation standards for air cleaners. (Docket No. EERE–2017–BT–STD–0003, which is maintained at www.regulations.gov). The references are arranged

as follows: (commenter name, comment docket ID number, page of that document).

No. 121 at p. 2) The Joint Commenters also agreed with DOE's findings that the standards in the January 2024 Direct Final Rule meet EPCA's requirements of being the maximum levels that are technologically feasible and economically justified, taking into account the criteria set forth in 42 U.S.C. 6295(o). (*Id.* at pp. 2–3) The Joint Commenters stated that the Joint Agreement was submitted by a group of stakeholders with fairly representative points of view. (*Id.* at p. 4)

DOE also received comments from numerous individual commenters who expressed support for the standards proposed in the DFR. (Anonymous, No. 117 at p. 1; Anonymous, No. 118 at p. 1; Anonymous, No. 119 at p. 1; Anonymous, No. 120 at p. 1)

The State AGs and the AG of Montana submitted comments opposing the January 2024 Direct Final Rule. (AG of Montana, No. 122, pp. 1–5; State AGs, No. 123 at pp. 2–10) However, as discussed in more detail below, DOE has determined that these comments do not provide a reasonable basis to withdraw the January 2024 Direct Final Rule.

B. Responses to Previous Stakeholder Comments

The State AGs stated their belief that comments from AHAM and General Electric in response to the February 2023 NOPR had gone unanswered in the January 2024 Direct Final Rule, specifically those concerning DOE's supply chain analysis, component availability, and economic impacts on consumers, particularly low-income households, which leaves consumers to bear the brunt of regulatory pressure on manufacturers. (State AGs, No. 123 at pp. 2–3)

In response to the comment from the State AGs that DOE did not respond in the January 2024 Direct Final Rule to the comments submitted by signatories to the Joint Agreement and other stakeholders in response to the February 2023 NOPR, DOE notes that the commenter misunderstands DOE's direct final rule authority under EPCA. As discussed in the January 2024 Direct Final Rule, DOE was conducting a rulemaking to consider amending the standards for refrigerators, refrigerator-freezers, and freezers when the Joint Agreement was submitted. *Id.* at 89 FR 3037. After receiving the Joint Agreement, DOE initiated a separate rulemaking action and subsequently issued the January 2024 Direct Final Rule after determining that the recommendations contained in the Joint Agreement were compliant with 42 U.S.C. 6295(o). *Id.* at 89 FR 3027. The

January 2024 Direct Final Rule is a separate rulemaking, conducted under a different statutory authority, from DOE's prior rulemaking in the February 2023 NOPR and DOE has no obligation to consider comments submitted in response to that prior rulemaking in a different rulemaking.

Even though DOE was not required to consider comments from the February 2023 NOPR, DOE did in fact consider comments, data and information obtained through the February 2023 NOPR. This included the issues that the State AGs asserted DOE ignored in the January 2024 Direct Final Rule. In the January 2024 Direct Final Rule, DOE specifically addressed concerns related to supply chains and component availability for vacuum-insulated panels ("VIPs") and variable-speed compressors ("VSCs") by conducting a supply chain analysis. 89 FR 3026, 3049–3051. Based on information provided by relevant manufacturers of VSCs, DOE believes that significant increases in VSCs in the U.S. market aligned with the standard levels adopted in the January 2024 Direct Final Rule are well within the production capacity of the compressor industry. And based on the information gathered from relevant VIP manufacturers, DOE expects that VIP production lines can be quickly scaled up to meet demand of future amended standards within 1 to 2 years depending on the specific VIP design), well within lead time between publication of amended standards and the compliance date for those standards. DOE also notes that the longer 5 and 6-year lead time between publication of the January 2024 Direct Final Rule and the compliance date provides more time to build production capacity than the 3-year lead time proposed in the February 2023 NOPR.

Additionally, in the January 2024 Direct Final Rule, DOE considered the impact on low-income households by performing a life-cycle-cost subgroup analysis for low-income households. *Id.* at 89 FR 3064–3065. Notably, consistent with Joint Agreement, in the January 2024 Direct Final Rule DOE adopted a lower standard level for product class 7 (side-by-side refrigerators, used by 19 percent of low-income households) than the level proposed in the February 2023 NOPR. DOE estimated that the lower standard level would result in 0.6% of low-income households experiencing a net cost due to the standard, compared with 23% at the proposed level in the February 2023 NOPR. The adopted standard level for product class 7 in the January 2024 Direct Final Rule also reduced the estimated incremental increase in purchase price to \$24.39,

compared with \$100.28 at the proposed standard level in the February 2023 NOPR.

C. Stakeholder Representation

Under 42 U.S.C. 6295(p)(4), interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by DOE, may submit a joint recommendation to the Department for new or amended energy conservation standards. The State AGs commented that the parties to the Joint Agreement are not "fairly representative of relevant points of view" as required when considering a direct final rule. (State AGs, No. 123 at pp. 4–5) The State AGs stated that many of the groups represented by AHAM, who signed the Joint Agreement, submitted comments prior to the submission of the Joint Agreement and those comments were not addressed in the Joint Agreement or the January 2024 Direct Final Rule. (*Id.* at p. 3). The State AGs further stated their belief that AHAM and manufacturers who previously opposed the February 2023 NOPR but now joined in the consensus agreement did so due to agency "arm-twisting." (*Id.* at 5).

The State AGs pointed to the other signatories of the Joint Agreement, including advocacy groups such as the Alliance for Water Efficiency, Earthjustice, Northwest Energy Efficiency Alliance, Natural Resources Defense Council, and National Consumer Law Center, as either lacking the relevant expertise on consumer refrigeration products, lacking expertise or failing to consider initial consumer or manufacturer costs, or failing to conduct their own analysis. (*Id.* at p. 4) Additionally, the State AGs noted that many of these groups failed to address concerns raised during the regulatory process in their sponsorship of the Joint Agreement. (*Id.* at p. 5)

The State AGs commented that other groups, although not a part of the Joint Agreement, provided comments on the February 2023 NOPR with regards to the proposed standards' impact on the consumers. (*Id.* at pp. 5–6) The State AGs stated that groups such as the National Apartment Association and National Multifamily Housing Council expressed concerns about the February 2023 NOPR's impact on consumer welfare in the form of increased costs and economic burdens to low-income consumers. (*Id.* at p. 6) Additionally, the State AGs stated that many states besides those party to the Joint Agreement (*i.e.*, Massachusetts, New York, and California) expressed concern about consumer welfare. (*Id.*) The State

AGs contended that a joint statement comprising of fairly representative points of view requires the concurrence of States across the ideological spectrum for DOE to proceed with a direct final rule. (*Id.*)

The AG of Montana agreed with the comment from the State AGs and commented that the signatories of the Joint Agreement were a skewed collection of ideological extremists. (AG of Montana, No. 122 at p. 1)

In response to the comments regarding whether the Joint Agreement was submitted by persons fairly representative of relevant points of view, DOE reiterates that 42 U.S.C. 6295(p)(4) reads, in relevant part, “[o]n receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary . . .” (42 U.S.C. 6295(p))

As stated in the January 2024 Direct Final Rule, DOE determined that this requirement was met. 89 FR 3026, 3038. The Joint Agreement included a trade association, AHAM, which represents 20 manufacturers of the subject covered products—refrigerators, refrigerator-freezers, and freezers. *Id.* The Joint Agreement also included environmental and energy-efficiency advocacy organizations, consumer advocacy organizations, and a gas and electric utility company. *Id.* Additionally, DOE received a letter in support of the Joint Agreement from the States of New York, California, and Massachusetts (see comment No. 104). *Id.* DOE also received a letter in support of the Joint Agreement from the gas and electric utility, San Diego Gas and Electric, and the electric utility, Southern California Edison (see comment No. 107). *Id.* Each of the listed categories of persons described in 42 U.S.C. 6295(p)(4) supported the Joint Agreement.

DOE has ample authority to accept a joint statement in these circumstances. EPCA does not require that the Joint Agreement be representative of *every* point of view. Nor does it require that a statement be submitted by *all* interested persons. Rather, it requires a statement from a sufficient number and diversity of “interested persons” such that the statement is “fairly representative of relevant points of view.” The Joint Agreement presented here is such a statement, as the Secretary determined.

Contrary to the commenters’ suggestion, EPCA does not include any requirement that “relevant points of view” must include politically opposite

points of view. Rather, EPCA ensures a diversity of opinions and interests by requiring that joint agreements be submitted by relevant points of view, including representatives of manufacturers, States, and efficiency advocates. (42 U.S.C. 6295(p)(4)(A))

Moreover, regardless of whether amended energy conservation standards are recommended as part of a joint agreement or proposed by DOE, the standards have to satisfy the same criteria in 42 U.S.C. 6295(o). Thus, once DOE has determined that a joint agreement was submitted by interested persons that are fairly representative of relevant points of view, DOE then determines whether the joint agreement satisfies the relevant statutory criteria. As a result, in evaluating whether comments provide a reasonable basis for withdrawing a direct final rule, it is the substance of the comments, not the number of stakeholders that submit statements in favor of, or opposed to, the joint agreement, that determines whether a rule should be withdrawn.

Similarly, EPCA does not require that DOE reject a joint statement merely because non-signatories have differing opinions and interests than the signatories. Nor does EPCA require that every manufacturer, industry association, or state who submitted comments on the separate February 2023 NOPR be party to the Joint Agreement. (State AGs, No. 123 at pp. 6). Finally, there is nothing in this provision of EPCA to support the interpretation from the State AGs and the AG of Montana that interested persons who did not raise concerns about a separate rulemaking or who opposed a separate rulemaking should be excluded from submitting a joint statement.

DOE also finds meritless the contention that the Joint Agreement parties are not competent to present a statement for purposes of section 6295(p). Contrary to the characterizations by the State AGs and Montana AG, the parties to the Joint Agreement have an established historical record of participation in DOE rulemakings and have submitted detailed comments in the past that demonstrate a thorough understanding of technical, legal, and economic aspects of appliance standards rulemakings, including factors affecting specific groups such as low-income households.

In a follow-up letter from the parties to the Joint Agreement, each organization provided a brief description of its background. American Council for an Energy-Efficient Economy is a nonprofit research

organization and its independent analysis advances investments, programs, and behaviors that use energy more effectively and help build an equitable clean energy future. Alliance for Water Efficiency is a nonprofit dedicated to efficiency and sustainable use of water that provides a forum for collaboration around policy, information sharing, research, education, and stakeholder engagement. Appliance Standards Awareness Project organizes and leads a broad-based coalition effort that works to advance new appliance, equipment, and lighting standards that cut emissions that contribute to climate change and other environmental and public health harms, save water, and reduce economic and environmental burdens for low- and moderate-income households. AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. The Consumer Federation of America is an association of more than 250 non-profit consumer and cooperative groups that advances the consumer interest through research, advocacy, and education. Consumer Reports is a mission-driven, independent, nonprofit member organization that empowers and informs consumers, incentivize corporations to act responsibly, and helps policymakers prioritize the rights and interests of consumers in order to shape a truly consumer-driven marketplace. Earthjustice is a nonprofit public interest environmental law organization advocating to advance clean energy and combat climate change. National Consumer Law Center supports consumer justice and economic security for low-income and other disadvantaged people in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. National Resources Defense Council is an international nonprofit environmental organization with expertise from lawyers, scientists, and other environmental specialists. The Northwest Energy Efficiency Alliance is a collaboration of 140 utilities and efficiency organizations working together to advance energy efficiency in the Northwest on behalf of more than 13 million consumers. PG&E represents one of the largest combined gas and electric utilities in the Western U.S., serving over 16 million customers across northern and central California.⁶

⁶ This document is available in the docket at: www.regulations.gov/document/EERE-2017-BT-STD-0003-0105.

Finally, DOE notes that it had no role in requesting that the parties to the Joint Agreement submit the Joint Agreement or in negotiating the terms of the Joint Agreement. As noted in the Joint Agreement itself, the parties accepted the Agreement based on the totality of the agreement. DOE's participation was limited to evaluating the joint submission under the criteria set forth in 42 U.S.C. 6295(p).

Therefore, DOE reaffirms its determination that the Joint Agreement was submitted by interested persons that are fairly representative of relevant points of view.

D. Formal Rulemaking

The State AGs commented that, given the previous comments submitted in response to February 2023 NOPR, DOE should use its direct final rule authority with caution and must return to a formal rulemaking in order to ensure the representation of diverse viewpoints and address all concerns raised during the rulemaking process. (State AGs, No. 123 at pp. 7–10)

In response, DOE notes that there is nothing in EPCA that limits DOE's direct final rule authority other than that the statement containing recommended standards must be submitted jointly by interested persons that are fairly representative of relevant points of view and that DOE must evaluate whether the recommended standards are in accordance with 42 U.S.C. 6295(o). (See 42 U.S.C. 6295(p)(4)) In the January 2024 Direct Final Rule, DOE determined that Joint Agreement was submitted jointly by interested persons that are fairly representative of relevant points of view and the adopted energy conservation standards as recommended in the Joint Agreement would result in significant energy savings and are technologically feasible and economically justified as required under 42 U.S.C. 6295(o) and provided supporting analysis. 89 FR 3026, 3038, 3078–3109.

Additionally, DOE notes it followed the procedures in 42 U.S.C. 6295(p)(4) to publish a direct final rule in the **Federal Register** simultaneously with a NOPR proposing identical standards and allow 110 days for public comment. See 89 FR 3026; 89 FR 2886. This comment period provided an ample opportunity for the public to express their views on the recommended standards. Finally, DOE has met all the requirements under its direct rule authority and, therefore, formal rulemaking procedures are not

necessary.⁷ Therefore, DOE has determined that the comment provided by the State AGs does not provide a reasonable basis for withdrawal of the January 2024 Direct Final Rule.

E. Consumer Preference

The AG of Montana stated that DOE acknowledges consumer preference but disregards it in the January 2024 Direct Final Rule. (AG of Montana, No. 122, p. 2)

With respect to the comment from the AG of Montana, DOE did not disregard consumer preference but rather noted in the January 2024 Direct Final Rule that the economics literature provides a wide-ranging discussion of how consumers trade off upfront costs and energy savings in the absence of government intervention. 89 FR 3026, 3101. Much of this literature attempts to explain why consumers appear to undervalue energy efficiency improvements, as the AG of Montana alleged in his comment. There is evidence that consumers undervalue future energy savings as a result of (1) a lack of information; (2) a lack of sufficient salience of the long-term or aggregate benefits; (3) a lack of sufficient savings to warrant delaying or altering purchases; (4) excessive focus on the short term, in the form of inconsistent weighting of future energy cost savings relative to available returns on other investments; (5) computational or other difficulties associated with the evaluation of relevant tradeoffs; and (6) a divergence in incentives (for example, between renters and owners, or builders and purchasers). *Id.* Having less than perfect foresight and a high degree of uncertainty about the future, consumers may trade off these types of investments at a higher than expected rate between current consumption and uncertain future energy cost savings. *Id.*

Potential changes in the benefits and costs associated with a standard due to changes in consumer purchase decisions were included in the analysis for the January 2024 Direct Final Rule in two ways. *Id.* First, if consumers forgo the purchase of a product in the standards case, as estimated based on price elasticity based on empirical data on appliances, this decreases sales for product manufacturers, and the impact on manufacturers attributed to lost revenue is included in the manufacturer impact analysis. *Id.* Second, DOE accounts for energy savings attributable only to products actually used by

consumers in the standards case; if a standard decreases the number of products purchased by consumers, this decreases the potential energy savings from an energy conservation standard. *Id.*

Therefore, the January 2024 Direct Final Rule did take into account consumer purchase decisions in its analysis, and DOE has determined that the comment provided by the AG of Montana does not provide a reasonable basis for withdrawal of the January 2024 Direct Final Rule.

F. Monetization of Greenhouse Gas Emissions

The AG of Montana stated his belief that greenhouse gas emissions and climate change impacts should not be part of EPCA rulemakings, but given their inclusion, DOE must consider them throughout the entire lifecycle of the product, including manufacturing and potential reductions in lifespan due to increased complexity. (AG of Montana, No. 122 at p. 3) The AG of Montana commented that the January 2024 Direct Final Rule failed to adequately address these full lifecycle impacts. (*Id.*)

In response and as stated in the January 2024 Direct Final Rule, DOE notes that it would have reached the same conclusion that the adopted standard levels were economically justified without considering the social cost of greenhouse gases. 89 FR 3026, 3072.

Nevertheless, DOE notes also that the comment from the AG of Montana points to a statement made to the U.S. Senate Subcommittee on Energy to indicate that 40 to 60 percent of the carbon footprint for many consumer products can be attributed to the supply chain.⁸ This statement cites a McKinsey report, which clarifies that this 40 to 60 percent refers to the fraction of a manufacturing company's energy and carbon footprint that can reside upstream in its supply chain.⁹ However, it does not include the energy and emissions associated with the usage phase of the appliance lifecycle, which represents more than 90 percent of the total for refrigerators.^{10 11} In the January

⁸ <https://www.energy.senate.gov/services/files/3D26FA56-F102-9E9F-BE44-52BB0085B19A>.

⁹ C. Brickman and D. Ungerman, "Climate Change and Supply Chain Management," McKinsey Quarterly, July 2008.

¹⁰ Kim, Hyung Chul, Keoleian, Gregory A. and Horie, Yuhta A., (2006), Optimal household refrigerator replacement policy for life cycle energy, greenhouse gas emissions, and cost, Energy Policy, 34, issue 15, p. 2310–2323.

¹¹ Gonzalez A., Chase A., Energy Solutions. Horowitz N. ACEEE Summer Study on Energy Efficiency in Buildings. 2012. What We Know and

⁷ DOE utilizes informal or legislative rulemaking when it promulgates rules under EPCA (*i.e.*, notice and comment rulemaking under the Administrative Procedure Act, 5 U.S.C. 553).

2024 Direct Final Rule, DOE accounted for the environmental and public health benefits associated with the more efficient use of energy, including those connected to global climate change, as they are important to take into account when considering the need for national energy conservation. (See 42 U.S.C. 6295(o)(2)(B)(i)(IV)) *Id.* This analysis focused on the estimated reduced emissions expected to result during lifetime of refrigerators, refrigerator freezers, and freezers shipped during the projection period. *Id.* at 89 FR 3071.

As a result, DOE has determined that the comment provided by the AG of Montana does not provide a reasonable basis for withdrawal of the January 2024 Direct Final Rule.

G. Efficiency and Reliability

The AG of Montana commented that DOE has dismissed comments regarding the increase in appliance complexity and its impact on reliability when considering the implementation of higher efficiency standards in the January 2024 Direct Final Rule. (AG of Montana, No. 122 at p. 4) The AG of Montana noted that increased energy efficiency in appliances during the use phase often leads to increased complexity, decreased robustness of components, and reduced engineering margins, as outlined in reliability engineering principles. (*Id.*) As a result of this increased complexity, AG of Montana stated that the mean time between failures and mean time to failure decreases, while the also reducing the economic viability of repair. (*Id.* at p. 5)

Review of refrigerator reliability information and the most reliable brands provides no indication that higher efficiency products are less reliable. The most common refrigerator reliability issues are cited as icemakers and dispensers,^{12 13} which are not associated with design options identified for efficiency improvement in DOE's analysis. While refrigeration system issues have been identified as requiring service calls, *e.g.* lack of cooling, poor control of cooling, etc., no available information has correlated prevalence of these service issues with efficiency-improving design options such as variable-speed compressors. While one company's linear compressor has been cited as a reliability issue, this

company made design changes to improve reliability and reduce service calls.¹⁴ Hence, notwithstanding conjecture that more-efficient products may experience a decrease in reliability, The AG of Montana has not provided, nor has DOE found, any evidence that more-efficient refrigerators, refrigerator-freezers, and freezers are less reliable. Therefore, DOE has determined that the comment provided by the AG of Montana does not provide a reasonable basis for withdrawal of the January 2024 Direct Final Rule.

H. EPCA Requirements

The State AGs commented that DOE should reevaluate the benefits and burdens of its rules under the factors listed in 42 U.S.C. 6295(o)(2)(B)(i)(I), (II), and (IV) (State AGs, No. 123 at pp. 7–8)

In response, in the January 2024 Direct Final Rule, DOE evaluated the benefits and burden of the standard level it ultimately adopted. 89 FR 3078–3109 DOE estimated that the adopted standards would save an estimated 5.61 quads of energy, an amount DOE considers significant. DOE estimated that the cumulative net present value (“NPV”) of consumer benefit of the adopted standard would be \$9.04 billion using a discount rate of 7 percent, and \$26.98 billion using a discount rate of 3 percent.

DOE estimated that the cumulative emissions reductions at the adopted standard are 101 Mt of carbon dioxide (“CO₂”), 31.6 thousand tons of sulfur dioxide (“SO₂”), 186 thousand tons of nitrogen oxides (“NO_x”), 0.22 tons of mercury (“Hg”), 846.5 thousand tons of methane (“CH₄”), and 0.99 thousand tons of nitrous oxide (“N₂O”). DOE estimated the monetary value of the climate benefits from reduced greenhouse gases (“GHG”) emissions (associated with the average social cost of GHG (“SC–GHG”) at a 3-percent discount rate) from the adopted standard is \$5.02 billion. DOE estimated the monetary value of the health benefits from reduced SO₂ and NO_x emissions from the adopted standard is \$3.45 billion using a 7-percent discount rate and \$9.80 billion using a 3-percent discount rate.

Using a 7-percent discount rate for consumer benefits and costs, health benefits from reduced SO₂ and NO_x emissions, and the 3-percent discount rate case for climate benefits from reduced GHG emissions, DOE estimated the total NPV from the adopted standard

is \$17.51 billion. Using a 3-percent discount rate for all benefits and costs, DOE estimated the total NPV from the adopted standard is \$441.80 billion. DOE noted that the estimated total NPV is provided for additional information, however DOE primarily relies upon the NPV of consumer benefits when determining whether a standard level is economically justified.

For the largest product classes, which are 3 (top-mount refrigerator-freezers), 5 (bottom-mount refrigerator-freezers), 5A (bottom-mount refrigerator-freezers with through-the-door-ice service), and 7 (side-by-side refrigerator-freezers with through the door ice service), DOE estimated that the adopted standards would result in a life-cycle cost savings of \$50.91, \$55.23, \$133.27, and \$142.56 and a payback period of 4.8 years, 5.6 years, 4.1 years and 1.6 years, respectively. For these product classes, DOE estimated the fraction of customers experiencing a net LCC cost would be 28.3 percent, 33.6 percent, 19.8 percent and 0.5 percent with increases in first cost of \$47.67, \$62.72, \$81.32, and \$24.39, respectively. Overall, DOE estimated that 24.4 percent of refrigerators, refrigerator-freezers, and freezers consumers would experience a net cost and the average LCC savings are positive for all product classes.

As a result of the adopted standard, DOE estimated that 9 percent of low-income households with a top-mount or single-door refrigerator-freezer (represented by PC 3 and used by 72 percent of low-income households) and 0.6 percent of low-income households with a side-by-side refrigerator-freezer (represented by PC 7 and used by 19 percent of low-income households) would experience a net cost. Additionally, DOE noted that the incremental increase in purchase price is \$24.39 for low-income PC 7 homeowners at the adopted standard level, substantially lower than the incremental increase in purchase price of \$121.58 at higher considered standard levels.

As a result of the adopted standard, DOE estimated that the projected change in industry net present value (“INPV”) ranges from a decrease of \$504.4 million to a decrease of \$383.5 million, which correspond to decreases of 10.3 percent and 7.8 percent, respectively. DOE estimated that industry must invest \$830.3 million comply with standards set at the Recommended TSL. DOE estimated that approximately 14 percent of refrigerator, refrigerator-freezer, and freezer annual shipments meet the Recommended TSL efficiencies.

Compared to higher considered standard levels, DOE noted that more

Don't Know about Embodied Energy and Greenhouse Gases for Electronics, Appliances, and Light Bulbs.

¹² <https://atlantaappliancesrepair.net/most-reliable-refrigerators-brands/>.

¹³ <https://www.consumerreports.org/appliances/refrigerators/most-and-least-reliable-refrigerator-brands-a8271265835/>.

¹⁴ <https://prudentreviews.com/reliable-refrigerator-brands/#Results-From-Yale-Appliance-Annual-Refrigerator-Reliability-Report>.

manufacturers offer standard-size refrigerator freezer products that meet the required efficiencies since PC 7 has a lower required efficiency level at the adopted standard level. For PC 7, which accounts for 11 percent of shipments, three OEMs offer products that meet the efficiency level required by the adopted standard level. Furthermore, DOE does not expect manufacturers would need to incorporate VIPs into PC 7 designs to meet the efficiencies required at the adopted standard level. For PC 5 and PC 5A, DOE noted that it understands the two product classes often share the same production lines, with shared cabinet architecture and tooling. DOE expects manufacturers would likely need to incorporate some VIPs into PC 5A designs, but not to the extent required at higher considered standard levels. Thus, for the 10 OEMs that manufacture both PC 5 and PC 5A, DOE expects that manufacturers could implement similar cabinet upgrades (i.e., partial VIP) for PC 5 and PC 5A designs to achieve the efficiencies required by the adopted standard.

DOE’s analysis of the benefits and burden of the adopted standard level utilized the January 31, 2029 (or January 31, 2030, for some product classes) compliance dates specified in the Joint Agreement as they were an integral part of the multi-product joint recommendation. These compliance dates provide manufacturers the flexibility to spread capital requirements, engineering resources, and other conversion activities over a longer period of time depending on the individual needs of each manufacturer. Furthermore, these delayed compliance dates provide additional lead time and certainty for suppliers of components that improve efficiency. The adopted standard mitigates risks raised by AHAM and multiple manufacturers in response to the February 2023 NOPR

regarding the ability for VSC and VIP component suppliers to increase supply of these key components in the 3-year lead time required by EPCA.

After considering the analysis and weighing the benefits and burdens, the Secretary concluded that the adopted standard for refrigerators, refrigerator-freezers, and freezers was economically justified. At this standard level, DOE estimated that the average LCC savings were positive for all product classes for which an amended standard was considered. An estimated 24.4 percent of all refrigerator, refrigerator-freezer, and freezer consumers would experience a net cost. An estimated 9 percent of low-income households with a top-mount or single-door refrigerator-freezer (represented by PC 3 and used by 72 percent of low-income households) and 0.6 percent of low-income households with a side-by-side refrigerator-freezer (represented by PC 7 and used by 19 percent of low-income households), would experience a net cost, which is a significantly lower percentage than under higher considered standard levels. DOE noted that for low-income PC 7 consumers, as well as across all PC 7 consumers, the adopted standard level represents the largest average LCC savings of any considered standard level. The full-fuel cycle (“FFC”) national energy savings are significant and the NPV of consumer benefits is positive at the adopted standard level using both a 3-percent and 7-percent discount rate. Notably, DOE found that the benefits to consumers would vastly outweigh the cost to manufacturers. At the adopted standard level, DOE estimated the NPV of consumer benefits, even measured at the more conservative discount rate of 7 percent is over 17 times higher than the maximum estimated manufacturers’ loss in INPV. DOE found the adopted standard levels were economically

justified even without weighing the estimated monetary value of emissions reductions. When those emissions reductions were included—representing \$5.02 billion in climate benefits (associated with the average SC–GHG at a 3-percent discount rate), and \$9.80 billion (using a 3-percent discount rate) or \$3.45 billion (using a 7-percent discount rate) in health benefits—the rationale became stronger still.

In summary, DOE determined that the adopted energy conservation standards as recommended in the Joint Agreement would result in significant energy savings and are technologically feasible and economically justified as required under 42 U.S.C. 6295(o) and provided supporting analysis. 89 FR 3026, 3078–3109. DOE notes that the State AGs did not provide any specific comments on the benefits and burdens of the adopted standards beyond emissions, and as noted previously, DOE would have reached the same conclusion that the adopted standard levels were economically justified without considering the social cost of greenhouse gases. DOE has determined that the comment provided by the State AGs does not provide a reasonable basis for withdrawal of the January 2024 Direct Final Rule.

I. Product Class Definitions

In response to the January 2024 Direct Final Rule, Joint Commenters pointed out that the description of product class 7–BI as listed in Table 2 to Paragraph (a)(2) of the January 2024 Direct Final Rule (pg. 3315) and the subsequent updates to the regulatory text in 10 CFR 430.32 include a typographical error. (Joint Commenters, No. 121 at p. 4) This original description of product class 7–BI from the DFR as well as the corrected version as amended in this confirmation document are shown in Table III.2.

TABLE III.2—PRODUCT CLASS DESCRIPTION CORRECTION

Product class	Description as stated in the DFR	Correct description (correction in bold)
7–BI	Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer.	Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service.

DOE acknowledges that the description as currently found in the January 2024 Direct Final Rule inadvertently left off part of the definition for product class 7–BI. In correcting the description of product class 7–BI in this confirmation document, DOE is aligning the product class description with the intent of the January 2024 Direct Final Rule as well

as the description found in previous rulemakings. Specifically, DOE notes that Table 1 to Paragraph (a)(1) of the January 2024 Direct Final Rule (pg. 3314), which lists the standards adopted in 2014, lists the correct description for product class 7–BI. Because this amendment is a clarifying correction and makes no substantive changes to the January 2024 Direct Final Rule, the

changes addressed in this document are technical in nature.

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the January 2024 Direct Final Rule remain unchanged for this final rule technical correction. These determinations are set forth in the

January 2024 Direct Final Rule. 89 FR 3026.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), DOE finds that there is good cause to not issue a separate notice to solicit public comment on the changes contained in this document. Issuing a separate notice to solicit public comment would be impracticable, unnecessary, and contrary to the public interest. Neither the errors nor the corrections in this document affect the substance of the January 2024 Direct Final Rule or any of the conclusions reached in support of the direct final rule. Providing prior notice and an opportunity for public comment on correcting objective, typographical errors that do not change the substance of the test procedure serves no useful purpose.

Further, this rule correcting a regulatory text error makes non-substantive changes to the test procedure. As such, this rule is not subject to the 30-day delay in effective date requirement of 5 U.S.C. 553(d) otherwise applicable to rules that make substantive changes.

J. Impact of Any Lessening of Competition

EPCA directs DOE to consider any lessening of competition that is likely to result from new or amended standards. (42 U.S.C. 629(p)(4)(A)(i) and (C)(i)(II); 42 U.S.C. 6295(o)(2)(B)(i)(V)) It also directs the Attorney General of the United States (“Attorney General”) to determine the impact, if any, of any lessening of competition likely to result from a proposed standard and to transmit such determination to the Secretary within 60 days of the publication of a proposed rule, together with an analysis of the nature and extent of the impact. (42 U.S.C. 6295(o)(2)(B)(i)(V) and (B)(ii)) To assist the Attorney General in making this determination, DOE provided the Department of Justice (“DOJ”) with copies of the January 2024 Direct Final Rule, the corresponding NOPR, and the January 2024 Direct Final Rule TSD for review. DOE has published DOJ’s comments at the end of this document.

In its letter responding to DOE, DOJ concluded that, based on its review, the proposed energy conservation standards

for refrigerators, refrigerator-freezers, and freezers are unlikely to have a significant adverse impact on competition.

IV. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 (“NEPA”), DOE had analyzed the direct final rule in accordance with NEPA and DOE’s NEPA implementing regulations (10 CFR part 1021). DOE has determined that this rule qualifies for categorical exclusion under 10 CFR part 1021, subpart D, appendix B5.1 because it is a rulemaking that establishes energy conservation standards for consumer products or industrial equipment, none of the exceptions identified in B5.1(b) apply, no extraordinary circumstances exist that require further environmental analysis, and it meets the requirements for application of a categorical exclusion. See 10 CFR 1021.410. Therefore, DOE has determined that promulgation of this direct final rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and does not require an environmental assessment or an environmental impact statement.

V. Conclusion

In summary, based on the previous discussion, DOE has determined that the comments received in response to the direct final rule for new energy conservation standards for refrigerators, refrigerator-freezers, and freezers do not provide a reasonable basis for withdrawal of the direct final rule. As a result, the energy conservation standards set forth in the direct final rule became effective on May 16, 2024. Compliance with these standards is required on and after January 31, 2029, or January 31, 2030, depending on product class.

Signing Authority

This document of the Department of Energy was signed on June 7, 2024, by Jeffrey Marootian, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is

maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 7, 2024.

Treena V. Garrett,

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

For the reasons set forth in the preamble, DOE amends part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, by making the following technical correction:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Amend § 430.32 by revising paragraph (a) to read as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

* * * * *

(a) *Refrigerators/refrigerator-freezers/freezers.* These standards do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet (1104 liters) or freezers with total refrigerated volume exceeding 30 cubic feet (850 liters). The energy standards as determined by the equations of the following table(s) shall be rounded off to the nearest kWh per year. If the equation calculation is halfway between the nearest two kWh per year values, the standard shall be rounded up to the higher of these values.

(1) The following standards apply to products manufactured on or before September 15, 2014, and before the 2029/2030 compliance dates depending on product class (see paragraphs (a)(2) and (3) of this section).

TABLE 1 TO PARAGRAPH (a)(1)

Product class	Equations for maximum energy use (kWh/yr)	
	based on AV (ft ³)	based on av (L)
1. Refrigerators and refrigerator-freezers with manual defrost	7.99AV + 225.0	0.282av + 225.0.
1A. All-refrigerators—manual defrost	6.79AV + 193.6	0.240av + 193.6.
2. Refrigerator-freezers—partial automatic defrost	7.99AV + 225.0	0.282av + 225.0.
3. Refrigerator-freezers—automatic defrost with top-mounted freezer without an automatic icemaker.	8.07AV + 233.7	0.285av + 233.7.
3-BI. Built-in refrigerator-freezer—automatic defrost with top-mounted freezer without an automatic icemaker.	9.15AV + 264.9	0.323av + 264.9.
3I. Refrigerator-freezers—automatic defrost with top-mounted freezer with an automatic icemaker without through-the-door ice service.	8.07AV + 317.7	0.285av + 317.7.
3I-BI. Built-in refrigerator-freezers—automatic defrost with top-mounted freezer with an automatic icemaker without through-the-door ice service.	9.15AV + 348.9	0.323av + 348.9.
3A. All-refrigerators—automatic defrost	7.07AV + 201.6	0.250av + 201.6.
3A-BI. Built-in All-refrigerators—automatic defrost	8.02AV + 228.5	0.283av + 228.5.
4. Refrigerator-freezers—automatic defrost with side-mounted freezer without an automatic icemaker.	8.51AV + 297.8	0.301av + 297.8.
4-BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer without an automatic icemaker.	10.22AV + 357.4	0.361av + 357.4.
4I. Refrigerator-freezers—automatic defrost with side-mounted freezer with an automatic icemaker without through-the-door ice service.	8.51AV + 381.8	0.301av + 381.8.
4I-BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer with an automatic icemaker without through-the-door ice service.	10.22AV + 441.4.2 ..	0.361av + 441.4.
5. Refrigerator-freezers—automatic defrost with bottom-mounted freezer without an automatic icemaker.	8.85AV + 317.0	0.312av + 317.0.
5-BI. Built-In Refrigerator-freezers—automatic defrost with bottom-mounted freezer without an automatic icemaker.	9.40AV + 336.9	0.332av + 336.9.
5I. Refrigerator-freezers—automatic defrost with bottom-mounted freezer with an automatic icemaker without through-the-door ice service.	8.85AV + 401.0	0.312av + 401.0.
5I-BI. Built-In Refrigerator-freezers—automatic defrost with bottom-mounted freezer with an automatic icemaker without through-the-door ice service.	9.40AV + 420.9	0.332av + 420.9.
5A. Refrigerator-freezer—automatic defrost with bottom-mounted freezer with through-the-door ice service.	9.25AV + 475.4	0.327av + 475.4.
5A-BI. Built-in refrigerator-freezer—automatic defrost with bottom-mounted freezer with through-the-door ice service.	9.83AV + 499.9	0.347av + 499.9.
6. Refrigerator-freezers—automatic defrost with top-mounted freezer with through-the-door ice service.	8.40AV + 385.4	0.297av + 385.4.
7. Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service.	8.54AV + 432.8	0.302av + 431.1.
7-BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service.	10.25AV + 502.6	0.362av + 502.6.
8. Upright freezers with manual defrost	5.57AV + 193.7	0.197av + 193.7.
9. Upright freezers with automatic defrost without an automatic icemaker	8.62AV + 228.3	0.305av + 228.3.
9I. Upright freezers with automatic defrost with an automatic icemaker	8.62AV + 312.3	0.305av + 312.3.
9-BI. Built-In Upright freezers with automatic defrost without an automatic icemaker	9.86AV + 260.9	0.348av + 260.6.
9I-BI. Built-In Upright freezers with automatic defrost with an automatic icemaker	9.86AV + 344.9	0.348av + 344.9.
10. Chest freezers and all other freezers except compact freezers	7.29AV + 107.8	0.257av + 107.8.
10A. Chest freezers with automatic defrost	10.24AV + 148.1	0.362av + 148.1.
11. Compact refrigerators and refrigerator-freezers with manual defrost	9.03AV + 252.3	0.319av + 252.3.
11A. Compact refrigerators and refrigerator-freezers with manual defrost	7.84AV + 219.1	0.277av + 219.1.
12. Compact refrigerator-freezers—partial automatic defrost	5.91AV + 335.8	0.209av + 335.8.
13. Compact refrigerator-freezers—automatic defrost with top-mounted freezer	11.80AV + 339.2	0.417av + 339.2.
13I. Compact refrigerator-freezers—automatic defrost with top-mounted freezer with an automatic icemaker.	11.80AV + 423.2	0.417av + 423.2.
13A. Compact all-refrigerator—automatic defrost	9.17AV + 259.3	0.324av + 259.3.
14. Compact refrigerator-freezers—automatic defrost with side-mounted freezer	6.82AV + 456.9	0.241av + 456.9.
14I. Compact refrigerator-freezers—automatic defrost with side-mounted freezer with an automatic icemaker.	6.82AV + 540.9	0.241av + 540.9.
15. Compact refrigerator-freezers—automatic defrost with bottom-mounted freezer	11.80AV + 339.2	0.417av + 339.2.
15I. Compact refrigerator-freezers—automatic defrost with bottom-mounted freezer with an automatic icemaker.	11.80AV + 423.2	0.417av + 423.2.
16. Compact upright freezers with manual defrost	8.65AV + 225.7	0.306av + 225.7.
17. Compact upright freezers with automatic defrost	10.17AV + 351.9	0.359av + 351.9.
18. Compact chest freezers	9.25AV + 136.8	0.327av + 136.8.

AV = Total adjusted volume, expressed in ft³, as determined in appendices A and B to subpart B of this part.
av = Total adjusted volume, expressed in Liters.

(2) The following standards apply to products manufactured on or after January 31, 2029.

TABLE 2 TO PARAGRAPH (a)(2)

Product class	Equations for maximum energy use (kWh/yr)	
	Based on AV (ft ³)	Based on av (L)
3-BI. Built-in refrigerator-freezer—automatic defrost with top-mounted freezer	$8.24AV + 238.4 + 28I$	$0.291av + 238.4 + 28I$.
3A-BI. Built-in All-refrigerators—automatic defrost	$(7.22AV + 205.7) * K3ABI$	$(0.255av + 205.7) * K3ABI$.
4-BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer.	$(8.79AV + 307.4) * K4BI + 28I$	$(0.310av + 307.4) * K4BI + 28I$.
5-BI. Built-In Refrigerator-freezers—automatic defrost with bottom-mounted freezer.	$(8.65AV + 309.9) * K5BI + 28I$	$(0.305av + 309.9) * K5BI + 28I$.
5A. Refrigerator-freezer—automatic defrost with bottom-mounted freezer with through-the-door ice service.	$(7.76AV + 351.9) * K5A$	$(0.274av + 351.9) * K5A$.
5A-BI. Built-in refrigerator-freezer—automatic defrost with bottom-mounted freezer with through-the-door ice service.	$(8.21AV + 370.7) * K5ABI$	$(0.290av + 370.7) * K5ABI$.
7-BI. Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service.	$(8.82AV + 384.1) * K7BI$	$(0.311av + 384.1) * K7BI$.
8. Upright freezers with manual defrost	$5.57AV + 193.7$	$0.197av + 193.7$.
9-BI. Built-In Upright freezers with automatic defrost	$(9.37AV + 247.9) * K9BI + 28I$	$(0.331av + 247.9) * K9BI + 28I$.
9A-BI. Built-In Upright freezers with automatic defrost with through-the-door ice service.	$9.86AV + 288.9$	$0.348av + 288.9$.
10. Chest freezers and all other freezers except compact freezers	$7.29AV + 107.8$	$0.257av + 107.8$.
10A. Chest freezers with automatic defrost	$10.24AV + 148.1$	$0.362av + 148.1$.
11. Compact refrigerator-freezers and refrigerators other than all-refrigerators with manual defrost.	$7.68AV + 214.5$	$0.271av + 214.5$.
11A. Compact all-refrigerators—manual defrost	$6.66AV + 186.2$	$0.235av + 186.2$.
12. Compact refrigerator-freezers—partial automatic defrost	$(5.32AV + 302.2) * K12$	$(0.188av + 302.2) * K12$.
13. Compact refrigerator-freezers—automatic defrost with top-mounted freezer	$10.62AV + 305.3 + 28I$	$0.375av + 305.3 + 28I$.
13A. Compact all-refrigerators—automatic defrost	$(8.25AV + 233.4) * K13A$	$(0.291av + 233.4) * K13A$.
14. Compact refrigerator-freezers—automatic defrost with side-mounted freezer.	$6.14AV + 411.2 + 28I$	$0.217av + 411.2 + 28I$.
15. Compact refrigerator-freezers—automatic defrost with bottom-mounted freezer.	$10.62AV + 305.3 + 28I$	$0.375av + 305.3 + 28I$.
16. Compact upright freezers with manual defrost	$7.35AV + 191.8$	$0.260av + 191.8$.
17. Compact upright freezers with automatic defrost	$9.15AV + 316.7$	$0.323av + 316.7$.
18. Compact chest freezers	$7.86AV + 107.8$	$0.278av + 107.8$.

AV = Total adjusted volume, expressed in ft³, as determined in appendices A and B to subpart B of this part.

av = Total adjusted volume, expressed in Liters.

I = 1 for a product with an automatic icemaker and = 0 for a product without an automatic icemaker. Door Coefficients (e.g., K3ABI) are as defined in the following table.

TABLE 3 TO PARAGRAPH (a)(2)

Door coefficient	Products with a transparent door	Products without a transparent door with a door-in-door	Products without a transparent door or door-in-door with added external doors
K3ABI	1.10	1.0	1.0.
K4BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K5BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K5A	1.10	1.06	$1 + 0.02 * (N_d - 3)$.
K5ABI	1.10	1.06	$1 + 0.02 * (N_d - 3)$.
K7BI	1.10	1.06	$1 + 0.02 * (N_d - 2)$.
K9BI	1.0	1.0	$1 + 0.02 * (N_d - 1)$.
K12	1.0	1.0	$1 + 0.02 * (N_d - 1)$.
K13A	1.10	1.0	1.0.

Notes:

¹ N_d is the number of external doors.

² The maximum N_d values are 2 for K12, 3 for K9BI, and 5 for all other K values.

(3) The following standards apply to products manufactured on or after January 31, 2030.

TABLE 4 TO PARAGRAPH (a)(3)

Product class	Equations for maximum energy use (kWh/yr)	
	Based on AV (ft ³)	Based on av (L)
1. Refrigerator-freezers and refrigerators other than all-refrigerators with manual defrost.	6.79AV + 191.3	0.240av + 191.3.
1A. All-refrigerators—manual defrost	5.77AV + 164.6	0.204av + 164.6.
2. Refrigerator-freezers—partial automatic defrost	(6.79AV + 191.3) * K2	(0.240av + 191.3) * K2.
3. Refrigerator-freezers—automatic defrost with top-mounted freezer	6.86AV + 198.6 + 28I	0.242av + 198.6 + 28I.
3A. All-refrigerators—automatic defrost	(6.01AV + 171.4) * K3A	(0.212av + 171.4) * K3A.
4. Refrigerator-freezers—automatic defrost with side-mounted freezer	(7.28AV + 254.9) * K4 + 28I ...	(0.257av + 254.9) * K4 + 28I.
5. Refrigerator-freezers—automatic defrost with bottom-mounted freezer	(7.61AV + 272.6) * K5 + 28I ...	(0.269av + 272.6) * K5 + 28I.
6. Refrigerator-freezers—automatic defrost with top-mounted freezer with through-the-door ice service.	7.14AV + 280.0	0.252av + 280.0.
7. Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service.	(7.31AV + 322.5) * K7	(0.258av + 322.5) * K7.
9. Upright freezers with automatic defrost	(7.33AV + 194.1) * K9 + 28I ...	(0.259av + 194.1) * K9 + 28I.

AV = Total adjusted volume, expressed in ft³, as determined in appendices A and B to subpart B of this part.

av = Total adjusted volume, expressed in Liters.

I = 1 for a product with an automatic icemaker and = 0 for a product without an automatic icemaker. Door Coefficients (e.g., K3A) are as defined in the following table.

TABLE 5 TO PARAGRAPH (a)(3)

Door coefficient	Products with a transparent door	Products without a transparent door with a door-in-door	Products without a transparent door or door-in-door with added external doors
K2	1.0	1.0	1 + 0.02 * (N _d - 1).
K3A	1.10	1.0	1.0.
K4	1.10	1.06	1 + 0.02 * (N _d - 2).
K5	1.10	1.06	1 + 0.02 * (N _d - 2).
K7	1.10	1.06	1 + 0.02 * (N _d - 2).
K9	1.0	1.0	1 + 0.02 * (N _d - 1).

Notes:

¹ N_d is the number of external doors.

² The maximum N_d values are 2 for K2, and 5 for all other K values.

* * * * *

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix A

March 18, 2024

Ami Grace-Tardy
Assistant General Counsel for
Legislation, Regulation and Energy Efficiency
U.S. Department of Energy
Washington, DC 20585
Ami.Grace-Tardy@hq.doe.gov

Re: Energy Conservation Standards for
Consumer Refrigerators, Refrigerator-
Freezers, and Freezers, DOE Docket No.
EERE-2017-BT-STD-0003

Dear Assistant General Counsel Grace-Tardy:

I am responding to your January 18, 2024 letter seeking the views of the Attorney General about the potential impact on competition of proposed energy conservation standards for refrigerators, refrigerator-freezers, and freezers.

Your request was submitted under Section 325(o)(2)(B)(i)(V) of the Energy Policy and Conservation Act, as amended (EPCA), 42 U.S.C. 6295(o)(2)(B)(i)(V), which requires the Attorney General to make a determination of the impact of any lessening of competition

likely to result from the imposition of proposed energy conservation standards. The Attorney General's responsibility for responding to requests from other departments about the effect of a program on competition has been delegated to the Assistant Attorney General for the Antitrust Division in 28 CFR 0.40(g). The Assistant Attorney General for the Antitrust Division has authorized me, as the Policy Director for the Antitrust Division, to provide the Antitrust Division's views regarding the potential impact on competition of proposed energy conservation standards on his behalf.

In conducting its analysis, the Antitrust Division examines whether a proposed standard may lessen competition, for example, by substantially limiting consumer choice, by placing certain manufacturers at an unjustified competitive disadvantage, or by inducing avoidable inefficiencies in production or distribution of particular products. A lessening of competition could result in higher prices to manufacturers and consumers.

We have reviewed the proposed standard contained in the Notice of proposed rulemaking and the related Technical Support Document. We have also reviewed public comments and information provided by industry participants.

Based on this review, our conclusion is that the proposed energy conservation standards for refrigerators, refrigerator-freezers, and freezers are unlikely to have a significant adverse impact on competition.

Sincerely,

/s/

David G.B. Lawrence,
Policy Director.

[FR Doc. 2024-12893 Filed 6-12-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2023–2363; Airspace
Docket No. 22–AAL–33]

RIN 2120–AA66

**Revocation of Colored Federal Airway
Amber 15 and Amendment of Alaskan
Very High Frequency Omnidirectional
Range Federal Airway V–428 in Alaska**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Colored Federal Airway Amber 15 (A–15) within United States (U.S.) airspace due to the pending decommissioning of the Nabesna, Sumner Strait, Haines, and Nichols Nondirectional Radio Beacons (NDB) in Alaska. Additionally, this action amends Alaskan Very High Frequency Omnidirectional Range (VOR) Federal Airway V–428 due to the pending decommissioning of the Haines NDB.

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

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

FOR FURTHER INFORMATION CONTACT: Steven Roff, 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 Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a NPRM for Docket No. FAA 2023–2363 in the **Federal Register** (88 FR 88281; December 21, 2023), proposing to revoke A–15 and amend V–428 in Alaska. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Colored Federal airways are published in paragraph 6009 and Alaskan VOR Federal airways are published in paragraph 6010 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

The FAA is amending to 14 CFR part 71 to revoke Colored Federal Airway A–15 in its entirety and amend Alaskan VOR Federal Airway V–428 due to the pending decommissioning of supporting Navigational Aids (NAVAID).

A–15: This action revokes A–15 in its entirety.

V–428: As amended, V–428 extends between the Biorka Island VORTAC and the Sisters Island VORTAC.

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 airspace action of revoking A–15 and amending V–428 in Alaska 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), and paragraph 5–6.5k, which categorically excludes from further environmental review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. 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, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6009(c) Amber Federal Airways.

* * * *

A–15 [Removed]

* * * *

Paragraph 6010(b) Alaskan VOR Federal Airways.

* * * *

V–428 [Amended]

From Biorka Island, AK; to Sisters Island, AK.

* * * *

Issued in Washington, DC, on June 7, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–12854 Filed 6–12–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–1004; Airspace Docket No. 23–ASO–18]

RIN 2120–AA66

Amendment of Class E Airspace; Greenville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends Class E surface area airspace for the Pitt-Greenville Airport, NC, and Class E airspace extending upward from 700 feet above the surface for the Greenville, NC, area in support of an instrument approach procedure designed for the

ECU Health Medical Center Heliport. This action reissues the Class E airspace amendment information contained in the rule published for Docket No. FAA–2023–1004. It includes the legal authority information which provides the regulatory basis for the Class E airspace amendment actions that was inadvertently omitted in that rule.

DATES: Effective 0901 UTC on June 13, 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: This final rule 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 a day, 365 days a 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: Justin T. Rhodes, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone: (404) 305–5478.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends and establishes Class E airspace in the Greenville, NC, area to support Instrument Flight Rule (IFR) operations.

History

The FAA published a final rule for Docket No. FAA–2023–1004 in the **Federal Register** (88 FR 54227; August 10, 2023; later corrected September 26,

2023 (88 FR 65797) effective October 5, 2023) amending the Class E surface area airspace and the Class E airspace extending upward from 700 feet above the surface for the Greenville, NC, area. In that rule, the legal authority information was inadvertently omitted.

The FAA is reissuing the final rule for the Class E airspace amendment actions previously published in the rule for Docket No. FAA–2023–1004 to include the legal authority information inadvertently omitted in that rule and provide the regulatory basis for the Class E airspace amendment actions in the Greenville, NC, area.

Incorporation by Reference

Class E airspace designations are published in paragraphs 6002 and 6005 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 amending the Class E surface area airspace for the Pitt-Greenville Airport, Greenville, NC, by increasing the radius to 4.6 miles (previously 4.4 miles) and replacing the outdated term Notice to Airmen with Notice to Air Missions. Additionally, this action amends the Greenville, NC, Class E airspace extending upward from 700 feet above the surface by increasing the radius to 7.1 miles (previously 6.4 miles) of the Pitt-Greenville Airport, establishing an extension 1.1 miles each side of the Pitt-Greenville Airport 008° bearing extending from the 7.1-mile radius to 13.4 miles northeast of the airport and establishing Class E airspace extending upward from 700 feet above the surface within a 6.2-mile radius of the ECU Health Medical Center.

This rule is an administrative action that reissues the Class E airspace amendment information contained in the rule for Docket No. FAA–2023–1004, published previously, and includes the legal authority information inadvertently omitted in that rule which provides the regulatory basis for the Class E airspace amendment actions;

therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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

Lists 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, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

ASO NC E2 Greenville, NC [Amended]

Pitt-Greenville Airport, NC
(Lat 35°38′09″ N, long 77°23′03″ W)

That airspace extending upward from the surface within a 4.6-mile radius of Pitt-Greenville Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO NC E5 Greenville, NC [Amended]

Pitt-Greenville Airport, NC
(Lat 35°38′09″ N, long 77°23′03″ W)
ECU Health Medical Center Heliport
(Lat 35°36′32″ N, long 77°24′19″ W)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of the Pitt-Greenville Airport and 1.1 miles on each side of the Pitt-Greenville Airport 008° bearing extending from the 7.1-mile radius of the airport to 13.4 miles northeast of the airport, and that airspace extending upward from 700 feet above the surface within a 6.2-mile radius of the ECU Health Medical Center Heliport.

* * * * *

Issued in College Park, Georgia, on April 18, 2024.

Patrick Young,

*Manager, Airspace & Procedures Team North,
Eastern Service Center, Air Traffic
Organization.*

[FR Doc. 2024–08883 Filed 6–12–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–2006; Airspace
Docket No. 23–AAL–18]

RIN 2120–AA66

Amendment of Alaskan Very High Frequency Omnidirectional Range Federal Airway V–508 in the Vicinity of Aniak, AK

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Alaskan Very High Frequency Omnidirectional Range (VOR) Federal Airway V–508 in the vicinity of Aniak, AK. The FAA is taking this action due to the pending

decommissioning of the Aniak, AK, Nondirectional Radio Beacon (NDB).

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

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

FOR FURTHER INFORMATION CONTACT: Steven Roff, 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 Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a NPRM for Docket No. FAA 2023–2006 in the **Federal Register** (88 FR 65834; September 26, 2023), proposing to amend V–508 in the vicinity of Aniak, AK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the

proposal to the FAA. No comments were received.

Incorporation by Reference

Alaskan VOR Federal airways are published in paragraph 6010(b) 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 amending Alaskan Federal Airway V–508. The airspace action is described below.

V–508: As amended, Alaskan Federal Airway V–508 extends between the Middleton Island, AK, VOR/distance measuring equipment (VOR/DME) the Kenai, AK, VOR/DME, and the Sparrevohn, AK, VOR/DME.

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 airspace action of amending Alaskan VOR Federal Airway V–508 in the vicinity of Aniak, AK 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), and paragraph 5–6.5k, which categorically excludes from further environmental review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. 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, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6010(b) Alaskan VOR Federal Airways.

* * * * *

V–508 [Amended]

From Middleton Island, AK; Kenai, AK; to Sparrevohn, AK.

* * * * *

Issued in Washington, DC, on June 7, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–12891 Filed 6–12–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–2200; Airspace Docket No. 22–AAL–27]

RIN 2120–AA66

Revocation of Colored Federal Airway Blue 28 (B–28) in the Vicinity of Sitka, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Colored Federal airway B–28 in the vicinity of Sitka, AK due to the pending decommissioning of the Sitka and Nichols Nondirectional Radio Beacons (NDB) in Alaska.

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

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

FOR FURTHER INFORMATION CONTACT: Steven Roff, 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 Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a NPRM for Docket No. FAA 2023–2200 in the **Federal Register** (88 FR 85135; December 7, 2023), proposing to revoke B–28 in the vicinity of Sitka, Alaska. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Colored Federal Airways are published in paragraph 6009 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 revoking Colored Federal Airway B–28, in its entirety in Alaska. The FAA is taking this action due to the pending decommissioning the Sitka and Nichols NDBs in Alaska.

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 airspace action of revoking Colored Federal Airway B–28 in Alaska 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), and paragraph 5–6.5k, which categorically excludes from further environmental review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. 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, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6009(d) Blue Federal Airways.

* * * * *

B–28 [Remove]

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Issued in Washington, DC, on June 7, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–12855 Filed 6–12–24; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Rules and Regulations

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: The National Labor Relations Board (NLRB) is issuing a final rule amending its rules and regulations to reflect the closure of the New York, New York office of the Division of Judges.

DATES: The effective date is July 15, 2024.

FOR FURTHER INFORMATION CONTACT: Roxanne L. Rothschild, Executive Secretary, National Labor Relations Board, 1015 Half St. SE, Washington, DC 20570–0001, (202) 273–1940 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The NLRB Division of Judges (DOJ) currently has 36 administrative law judges, including the chief judge, deputy chief judge, and one associate chief judge, who hear, decide, and settle unfair labor practice cases nationwide. The judges are formally assigned to one of three offices in Washington, DC, New York, NY, and San Francisco, CA, and receive their case assignments through those offices.

The NLRB has decided to close the New York DOJ office and reassign the

administrative law judges and clerical staff to other offices. It is doing so for several reasons. First, the office's longtime head, Associate Chief Judge Kenneth Chu, retired at the end of May 2024. Second, the New York office currently has the smallest number of judges (four) and cases. Third, following the pandemic, the NLRB's administrative law judges have significantly expanded their telework, and this is particularly true among the judges assigned to the New York office. Fourth, closing the New York DOJ office will save the NLRB the cost of renting that facility and allow the NLRB to redirect those funds to other mission critical needs.

The remaining New York administrative law judges, and an eventual successor to Associate Chief Judge Chu, will be reassigned to the Washington, DC DOJ office. They will continue to telework and perform their duties as before, but will receive their case assignments from the Chief Administrative Law Judge or the Deputy Chief Judge until a new Associate Chief Judge is selected, and be assisted by the administrative professionals in the DC office.

Accordingly, consistent with the foregoing, the NLRB is revising § 102.24(a) of its rules and regulations to delete the references to the New York DOJ office and reflect the current structure of the Agency's field organization. Furthermore, consistent with former procedural revisions of its rules and regulations, the NLRB is eliminating redundant invocations of specific place names in § 102.24(a).

This action is not subject to the advance notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553), or the requirements of Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801). As indicated above, the action relates solely to agency organization, management, or personnel matters. It will have no adverse impact on the ability of the NLRB Division of Judges to cover the trial docket in the northeastern region of the country or elsewhere. Nor will it impose any additional paperwork, reporting, or other costs, burdens, or responsibilities on parties, practitioners, or others who participate in hearings before the NLRB's administrative law judges.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

For the reasons stated in the preamble, the National Labor Relations

Board amends 29 CFR part 102 as follows:

PART 102—RULES AND REGULATIONS, SERIES 8

- 1. The authority citation for part 102 continues to read as follows:

Authority: 29 U.S.C. 151, 156. Section 102.117 also issued under 5 U.S.C. 552(a)(4)(A), and § 102.119 also issued under 5 U.S.C. 552a(j) and (k). Sections 102.143 through 102.155 also issued under 5 U.S.C. 504(c)(1).

- 2. Amend § 102.24 by revising paragraph (a) to read as follows:

§ 102.24 Motions; where to file; contents; service on other parties; promptness in filing and response; default judgement procedures; summary judgement procedures.

(a) All motions under §§ 102.22 and 102.29 made prior to the hearing must be filed in writing with the Regional Director issuing the complaint. All motions for default judgment, summary judgment, or dismissal made prior to the hearing must be filed in writing with the Board pursuant to the provisions of § 102.50. All other motions made prior to the hearing, including motions to reschedule the hearing under circumstances other than those set forth in § 102.16(a), must be filed in writing with the Chief Administrative Law Judge, the Deputy Chief Administrative Law Judge, or an Associate Chief Administrative Law Judge, as the case may be. All motions made at the hearing must be made in writing to the Administrative Law Judge or stated orally on the record. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 102.45, must be filed with the Administrative Law Judge, care of the Chief Administrative Law Judge, the Deputy Chief Administrative Law Judge, or an Associate Chief Administrative Law Judge, as the case may be. Motions must briefly state the order or relief applied for and the grounds therefor. All motions filed with a Regional Director or an Administrative Law Judge as set forth in this paragraph (a) must be filed together with an affidavit of service on the parties. All motions filed with the Board, including motions for default judgment, summary judgment, or dismissal, must be filed with the Executive Secretary of the Board in Washington, DC, together with an affidavit of service on the parties. Unless otherwise provided in this part, motions, oppositions, and replies must be filed promptly and within such time as not to delay the proceeding.

* * * * *

Dated: June 10, 2024.

For the Board:

Roxanne L. Rothschild,

Executive Secretary.

[FR Doc. 2024–13004 Filed 6–12–24; 8:45 am]

BILLING CODE 7545–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2024–0506]

RIN 1625–AA08

Special Local Regulation; Elizabeth River, Norfolk Harbor, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary regulation for waters of the Elizabeth River, in Norfolk, Virginia to protect personnel, vessels, and the marine environment from potential hazards created by a boat parade that is scheduled for the afternoon of June 15, 2024. Parade participants operating within the regulated area must comply with all instructions given by the on-scene Patrol Commander (PATCOM). Vessels or persons entering the regulated area during the enforcement period are subject to the direction and control of the on-scene PATCOM as designated and specifically authorized by the Captain of the Port, Sector Virginia.

DATES: This rule is effective on June 15, 2024, from noon to 6 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0506 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email LCDR Ashley Holm, Sector Virginia Waterways Management Division, U.S. Coast Guard; telephone 757–668–5581, email Ashley.E.Holm@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Patrol Commander

§ Section
SLR Special Local Regulation
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) because it would be impracticable to publish an NPRM, consider comments, and publish a final rule before this rule needs to be in place to serve its purpose. The Coast Guard only recently learned that the number of participants in this event will be significantly larger than originally anticipated, and that an existing rule to address this event will be inadequate to regulate vessel traffic.

The marine event sponsor of a boat parade is expecting to draw a high concentration of vessels to the Norfolk Harbor area along the proposed parade route. Traditionally, the Norfolk Harbor area serves as a major thoroughfare for commercial traffic, naval operations, ferry routes, and several other recreational uses through the connecting waters of the James River, Elizabeth River, and Lower Chesapeake Bay. The Coast Guard is establishing a Special Local Regulation (SLR) to monitor the parade before, during, and after the event to minimize impacts on this congested waterway. We must promulgate this rule by June 15, 2024, to ensure the safety of individuals, property, and the marine environment.

Also, 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 impracticable because prompt action is needed to respond to the potentially significant increase in vessel traffic not local to the area and to the risks associated with large congregations of vessels navigating unfamiliar waters.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. Captains of the Port are authorized by 33 CFR 100.35 to issue SLRs. The Captain of the Port (COTP), Sector Virginia has determined that potential hazards associated with the proposed parade starting June 15, 2024, will be a

safety concern for anyone within the vicinity of the parade route. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the SLR during the enforcement period of this rule.

IV. Discussion of the Rule

This rule establishes an SLR from noon until 6 p.m. on June 15, 2024. The SLR will cover all navigable waters within the Elizabeth River from shoreline to shoreline beginning in the vicinity of the Craney Island Flats proceeding south through the Norfolk Harbor Reaches and ending at the Waterside District in Norfolk, Virginia, to promote safety along the “Mid-Atlantic Trump Boat Parade” route. The southern boundaries of the SLR are bound by the following fixed structures; all waters north of the I-264 Norfolk/Portsmouth (Downtown Tunnel), east of the West Norfolk Bridge and west of the Berkley Bridge. This SLR will also temporarily establishes the southern area of Anchorage N (Hospital Point) as a First Amendment area, where people may lawfully assemble and convey their message in a safe manner to their intended audience, to be used at the discretion of the Coast Guard Patrol Commander (PATCOM) as a spectator area. All waters from surface to bottom within the southern area of Anchorage N (Hospital Point), as specified in 33 CFR 110.168 and bound by a northern boundary line drawn easterly from Hospital Point.

The duration of the SLR has been tailored to protect personnel, vessels, and the marine environment in these navigable waters when the parade is scheduled to occur, while minimizing the burden on routine vessel traffic. Vessels or persons entering the SLR during the enforcement period are subject to the direction and control of the on-scene PATCOM, as designated and specifically authorized by the Captain of the Port, Virginia.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a

“significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on two considerations. The special local regulation will be enforced for only six hours on one day. Also, persons and vessels may still enter, transit through, anchor in, or remain within the regulated area or anchor in the spectator area, during the enforcement period if authorized by the COTP Virginia or a designated representative, who will be onsite to direct the movement of vessels such that unsafe conditions are avoided but will otherwise not interfere with commercial vessels or normal traffic in the area.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the 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 call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you

wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a

significant effect on the human environment. This rule involves an SLR lasting only 6 hours that will monitor entry to the SLR for the duration of the enforcement period to cover before, during and after the parade has concluded. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A Memorandum For Record supporting this determination is available. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels. All non-participant vessels or persons engaged in protest activity will be directed to the southern part of Anchorage N (Hospital Point) if they wish to remain in the regulated area.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS.

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

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

■ 2. Add § 100. T599-0506 to read as follows:

§ 100. T599-0506 **Special Local Regulation; Elizabeth River, Norfolk Harbor, Norfolk, VA.**

(a) *Regulated area.* The regulations in this section apply to the following areas (coordinates are based on Datum NAD 1983):

(1) All navigable waters of Hampton Roads Harbor, from surface to bottom, encompassed by a line connecting the following northern boundary points beginning from a position on the north coast of the Craney Island Disposal Area at 36°55.49' N, 076°22.40' W; leading north to position 36°56.64' N, 076°22.40' W; then east to the coast of Norfolk at 36°56.64' N, 076°19.73' W following all waters of the Elizabeth River from shoreline to shoreline; Craney Island

Flats, Craney Island Reach, Lamberts Bend to Town Point Reach from surface to bottom, encompassed by the following southern boundary points; all waters west of the Berkely Bridge, north of the I-264 Norfolk/Portsmouth (Downtown Tunnel) and east of the West Norfolk Bridge. Any waters that are covered by a Department of Defense Restricted Area or Danger Zone are excluded from this regulated area.

(2) All navigable waters from surface to bottom within the southern area of Anchorage N (Hospital Point), as specified in 33 CFR 110.168, and bound by a northern boundary line drawn easterly from Hospital Point.

(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 law enforcement officer designated by or assisting the Captain of the Port Sector Virginia (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels directly engaged in the parade present within the established SLR during the enforcement period of the parade.

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

(2) To seek permission to enter, contact the COTP by calling the Sector Virginia Command Center at 757-638-6635 or contact the COTP's designated representative on Marine band Radio, VHF-FM channel 16 (156.8 MHz). Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(3) All non-participants, including those engaged in protest activity, may be directed by a designated representative to enforcement area described in section (a)(2) of this section, where they must remain during the effective period unless otherwise authorized or directed.

(4) The COTP will provide notice of the regulated area via broadcast notice to mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from noon to 6 p.m. on Saturday, June 15, 2024.

Dated: June 7, 2024.

J.A. Stockwell,

Captain, U.S. Coast Guard, Captain of the Port, Sector Virginia.

[FR Doc. 2024–12845 Filed 6–12–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2023–0057; FRL–11847–02–R4]

Air Plan Approval; North Carolina; Revision to Approved Motor Vehicle Emissions Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the North Carolina State Implementation Plan (SIP), submitted by the North Carolina Department of Environmental Quality (NCDEQ), Division of Air Quality, on December 19, 2022. The revision updates the 2026 on-road and nonroad emissions inventories and safety margins and allocates a portion of the newly available 2026 safety margins in the 2008 8-hour Ozone Maintenance Plan to the 2026 nitrogen oxides (NO_x) and volatile organic compounds (VOC) motor vehicle emissions budgets (“budgets”) for the North Carolina portion of the Charlotte-Rock Hill, NC–SC bi-state Area (hereinafter referred to as the “North Carolina portion of the Charlotte Maintenance Area”) to accommodate updates from the EPA Motor Vehicle Emissions Simulator (MOVES3) model. The SIP revision also revises the current 2026 budgets based on the MOVES3 updates and recalculates new available safety margins. NCDEQ’s December 19, 2022, submission supplements the revised 2008 8-hour Ozone Maintenance Plan submitted by NCDEQ on July 16, 2020, and approved by EPA on August 25, 2021. EPA is approving North Carolina’s December 19, 2022, SIP revision pursuant to section 110(a)(1) of the Clean Air Act (CAA) and deeming the budgets adequate for transportation conformity purposes because they meet the applicable statutory and regulatory requirements.

DATES: This rule is effective July 15, 2024.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–

2023–0057. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Dianna Myers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9207. Ms. Dianna Myers can also be reached via electronic mail at Myers.Dianna@epa.gov.

SUPPLEMENTARY INFORMATION:

I. This Action

EPA is approving NCDEQ’s December 19, 2022, SIP revision which updates the 2026 on-road and nonroad emissions inventories with the latest (at the time of NCDEQ’s submission) approved EPA mobile emissions model, MOVES3, allocates a portion of the newly available safety margin, revises the 2026 NO_x and VOC budgets, and recalculates the available safety margins for the North Carolina portion of Charlotte 2008 8-hour Ozone Maintenance Area¹ for transportation conformity purposes.

The revised 2026 NO_x and VOC budgets from NCDEQ’s December 19, 2022, SIP revision will replace the existing budgets in the State’s 2008 8-hour Ozone Maintenance Plan approved on August 25, 2021. *See* 86 FR 47387. When today’s action is effective, the

¹ The North Carolina portion of the Charlotte Maintenance Area for the 2008 8-hour ozone national ambient air quality standards (NAAQS or standards) is comprised of the following counties: Mecklenburg County in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan, and Union Counties.

newly revised 2026 budgets must be used in future transportation conformity analyses for the Area according to the Transportation Conformity Rule. *See* 40 CFR 93.118. Therefore, the August 25, 2021, approved budgets will no longer be applicable for transportation conformity purposes.

This action revises the 2026 on-road and nonroad emissions inventories and the NO_x and VOC safety margins using MOVES3. The revision also allocates a portion of the revised available safety margins to the 2026 NO_x and VOC budgets and recalculates new available safety margins. The emissions inventories for point and area sources from NCDEQ’s July 16, 2020, SIP revision remain the same. EPA is approving North Carolina’s December 19, 2022, SIP revision because it continues to demonstrate maintenance for the Charlotte Maintenance Area.

II. Background

Effective July 20, 2012, EPA designated the Charlotte-Rock Hill, NC–SC Area as Marginal nonattainment for the 2008 8-hour ozone national ambient air quality standard (hereinafter referred to as NAAQS or standard). The North Carolina portion of the Charlotte 2008 Maintenance Area includes Mecklenburg in its entirety and portions of Cabarrus, Gaston, Iredell, Lincoln, Rowan, and Union Counties. The Charlotte Maintenance Area also includes a portion of York County located in Rock Hill, South Carolina. *See* 77 FR 30088 (May 21, 2012). The North Carolina portion of the Charlotte Maintenance Area is comprised of three metropolitan planning organizations (MPOs): the Charlotte Regional Transportation Planning Organization (CRTPO) which covers Iredell, Mecklenburg, and Union Counties; the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) which covers Cabarrus and Rowan Counties; and the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) which covers Gaston, Cleveland, and Lincoln Counties. Although Cleveland County is included in the GCLMPO planning boundary, it was not included in the North Carolina portion of the Charlotte Maintenance Area. Each MPO has its own budget referred to as a “sub-area budget.” The York County, South Carolina, portion of this maintenance area has a separate MPO and budgets. The South Carolina portion of the maintenance area implements transportation conformity independent of the North Carolina portion.

EPA originally approved NCDEQ's 2008 8-hour ozone redesignation request and maintenance SIP for the North Carolina portion of the Charlotte Maintenance Area on July 28, 2015 (80 FR 44873), with base year NO_x and VOC actual emissions inventories for 2014; projected, future, and interim year inventories for 2015, 2018, and 2022; and projected final year emission inventory for 2026. On August 17, 2015 (80 FR 49164), EPA approved North Carolina's section 110(l) noninterference demonstration requesting relaxation of the Federal Reid Vapor Pressure requirement from 7.8 pounds per square inch (psi) to 9.0 psi and a revision to the 2026 NO_x and VOC sub-area budgets for Mecklenburg and Gaston Counties only. See 80 FR 44868 (July 28, 2015).

On September 11, 2019 (84 FR 47889), EPA approved NCDEQ's July 25, 2018, SIP revision related to North Carolina's

I/M Program. The September 11, 2019, SIP approval updated the on-road mobile source inventory and revised the 2026 sub-area VOC and NO_x budgets; these remain the current SIP-approved budgets and inventories. The revised 2026 budgets became effective on October 11, 2019.

On August 25, 2021, EPA approved NCDEQ's July 16, 2020, SIP revision which allocated a portion of the available safety margin to the 2026 sub-area NO_x and VOC budgets to accommodate updates to the travel demand model used to calculate vehicle miles traveled in the Area. See 86 FR 47387. The revision to the 2026 sub-area budgets became effective on September 24, 2021.

EPA's analysis of North Carolina's December 19, 2022, SIP submittal indicates that maintenance will continue to be demonstrated for the

Charlotte Maintenance Area with the revised MOVES3 on-road and nonroad emissions inventories, revised safety margins and new allocations of the available safety margins to the 2026 budgets because the total level of emissions from all source categories remains equal to or less than the attainment level of emissions.

In a notice of proposed rulemaking (NPRM) published on April 12, 2024 (89 FR 25849), EPA proposed to approve the December 19, 2022, SIP revision. The details of North Carolina's submittal and the rationale for EPA's action are explained further in the April 12, 2024, NPRM. Comments on the NPRM were due on or before May 13, 2024. EPA did not receive any comments on the April 12, 2024, NPRM.

Tables 1 through 3, below, provide the Revised NO_x and VOC Total Man-Made Emissions and Safety Margins.²

TABLE 1—REVISED TOTAL MAN-MADE NO_x EMISSIONS FOR NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA
[Tons/day]

County	2014	2015	2018	2022	2026
Cabarrus *	11.49	10.73	6.78	5.44	4.61
Gaston *	27.89	27.62	12.03	6.41	7.87
Iredell *	6.86	6.49	5.41	4.68	4.42
Lincoln *	4.36	4.71	6.41	4.29	2.48
Mecklenburg	56.71	52.97	39.16	33.52	34.95
Rowan *	11.74	11.31	8.28	7.01	6.02
Union *	11.13	10.36	6.63	5.09	4.40
Total	130.18	124.19	84.69	66.44	64.75

* Emissions for the portion of the county included in the maintenance area.

TABLE 2—REVISED TOTAL MAN-MADE VOC EMISSIONS FOR NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA
[Tons/day]

County	2014	2015	2018	2022	2026
Cabarrus *	11.50	11.27	9.51	9.23	8.57
Gaston *	12.96	12.74	11.53	10.94	10.42
Iredell *	6.33	6.22	5.29	5.11	4.88
Lincoln *	6.55	6.47	4.81	4.66	4.63
Mecklenburg	50.10	49.16	45.31	44.47	43.72
Rowan *	12.59	12.38	12.47	12.19	11.96
Union *	13.09	12.85	10.91	10.68	10.39
Total	113.12	111.09	99.82	97.28	94.57

* Emissions for the portion of the county included in the maintenance area.

TABLE 3—REVISED SAFETY MARGINS FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA

Year	NO _x (tons/day)	VOC (tons/day)
2014	N/A	N/A
2015	– 5.99	– 2.03
2018	– 45.49	– 13.30

² A safety margin is the difference between the attainment level of emissions from all source categories (i.e., point, area, on-road, and nonroad)

and the projected level of emissions in the maintenance year from all source categories.

TABLE 3—REVISED SAFETY MARGINS FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA—Continued

Year	NO _x (tons/day)	VOC (tons/day)
2022	– 63.74	– 15.84
2026	– 65.43	– 18.55

Table 4 provides the Revised On-road NO_x and VOC Emissions Inventories and Table 5 provides the NO_x and VOC Percentage of the On-Road Emissions Allocated to the Motor Vehicle Emissions Budget.

TABLE 4—REVISED ON-ROAD MOBILE SOURCE NO_x AND VOC SUMMER DAY EMISSIONS IN 2014 AND 2026 FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA

County	2014 NO _x		2014 VOC		2026 NO _x		2026 VOC	
	tons/day	kg/day	tons/day	kg/day	tons/day	kg/day	tons/day	kg/day
Cabarrus *	6.60	5,989	4.15	3,765	2.43	2,208	1.76	1,600
Gaston *	8.11	7,357	4.61	4,179	2.45	2,224	1.68	1,524
Iredell *	3.36	3,045	1.95	1,768	1.29	1,171	0.86	782
Lincoln *	3.00	2,723	1.91	1,737	1.06	963	0.76	688
Mecklenburg *	26.99	24,488	14.40	13,060	12.08	10,957	7.14	6,476
Rowan *	6.42	5,825	3.76	3,408	1.94	1,757	1.37	1,246
Union *	5.67	5,146	3.54	3,210	2.29	2,074	1.62	1,471
Total	60.15	54,572	34.32	31,127	23.54	21,354	15.19	13,787

* Emissions for the portion of the county included in the maintenance area.

TABLE 5—PERCENTAGE OF ON-ROAD EMISSIONS ALLOCATED TO THE 2026 MOTOR VEHICLE EMISSIONS BUDGET

County	NO _x (%)	VOC (%)
Cabarrus	65	67
Gaston	60	62
Iredell	62	62
Lincoln	62	62
Mecklenburg	57	57
Rowan	65	67
Union	60	62

Based on the on-road emissions inventory revisions in Table 4, the following tables provide the NO_x and VOC sub-area budgets with the proposed safety margin allocations in kg/day for transportation conformity purposes for 2026 (2014 is only shown for illustration because no changes are being made to the budgets for that year).

TABLE 6—CABARRUS-ROWAN METROPOLITAN PLANNING ORGANIZATION (CRMPO) BUDGETS IN 2014 AND 2026 [kg/day] *

	2014 NO _x	2014 VOC	2026 NO _x	2026 VOC
Base On-road Emissions	11,814	7,173	3,965	2,846
Safety margin allocated to budget			2,578	1,907
Conformity budget	11,814	7,173	6,543	4,753

* Includes the portions of Cabarrus and Rowan Counties in the maintenance area.

TABLE 7—GASTON-CLEVELAND-LINCOLN METROPOLITAN PLANNING ORGANIZATION (GCLMPO) BUDGETS IN 2014 AND 2026 [kg/day] *

	2014 NO _x	2014 VOC	2026 NO _x	2026 VOC
Base On-road Emissions	10,079	5,916	3,187	2,212
Safety margin allocated to budget			1,930	1,371
Conformity budget	10,079	5,916	5,117	3,583

* Includes the portions of Gaston and Lincoln Counties in the maintenance area. Although Cleveland County is included in the MPO, it is not included in the Charlotte ozone maintenance area.

TABLE 8—PROPOSED CHARLOTTE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CRTPO) ROCKY RIVER RURAL PLANNING ORGANIZATION (RRRPO) BUDGETS IN 2014 AND 2026

[kg/day] *

	2014 NO _x	2014 VOC	2026 NO _x	2026 VOC
Base On-road Emissions	32,679	18,038	14,202	8,729
Safety margin allocated to budget			8,215	5,089
Conformity budget	32,679	18,038	22,417	13,818

* Includes all of Mecklenburg County and a portion of Iredell and Union Counties in the maintenance area.

The remaining new safety margins after the allocation to the 2026 budgets are 51.41 tons/day and 9.33 tons/day for

NO_x and VOC, respectively, as shown below in Table 9.

TABLE 9—NEW SAFETY MARGINS FOR THE NORTH CAROLINA PORTION OF THE CHARLOTTE MAINTENANCE AREA

Year	NO _x (tons/day)	VOC (tons/day)
2014	N/A	N/A
2015	– 5.99	– 2.03
2018	– 45.49	– 13.30
2022	– 63.74	– 15.84
2026	– 51.41	– 9.33

III. Final Action

EPA has evaluated North Carolina's submittal and has determined that it meets the applicable requirements of the CAA and EPA regulations and is consistent with EPA policy. Therefore, EPA is approving NCDEQ's December 19, 2022, SIP revision to revise the Charlotte 2008 8-hour Ozone Maintenance Plan that updates the 2026 on-road and nonroad emissions inventories and safety margins with MOVES3 and allocates a portion of the newly available 2026 safety margins to the budgets. The SIP revision also updates the current 2026 budgets with MOVES3 and recalculates new available safety margins. The revised budgets ensure continued attainment of the 2008 8-hour ozone NAAQS through the maintenance year 2026. In addition, EPA is deeming the budgets adequate for transportation conformity purposes because the budgets meet the adequacy criteria in the conformity rule at 40 CFR 93.118(e)(4). Once this action is effective, the newly revised MOVES3 2026 budgets for NO_x and VOC identified in Tables 6 through 8 will be used by the MPOs in future transportation conformity determinations.

Within 24 months from the effective date of this approval, the transportation partners are required to demonstrate conformity to the revised NO_x and VOC budgets pursuant to 40 CFR 93.104(e).

IV. Statutory and Executive Order Reviews

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

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

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental Protection, Air Pollution Control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter,

Ozone, Reporting and Recordkeeping Requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 4, 2024.

Jeananne Gettle,

Acting Regional Administrator, Region 4.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart II—North Carolina

■ 2. In § 52.1770 (e), amend the table by adding a new entry for “MVEB Revision to the 2008 8-hour Ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area” at the end of the table.

The addition reads as follows:

§ 52.1770 Identification of plan.

*	*	*	*	*
(e)	*	*	*	*

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
* * *	*	*	*	*
MVEB Revision to the 2008 8-hour Ozone Maintenance Plan for the North Carolina portion of the bi-state Charlotte Area.	12/19/2022	6/13/2024	[Insert first page of Federal Register citation].	

[FR Doc. 2024–12805 Filed 6–12–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2023–0381; EPA–R03–OAR–2023–0380; FRL–9822–02–R3]

Air Plan Approval; West Virginia; 2006 24-Hour Fine Particulate Matter Limited Maintenance Plans for the Charleston Area and the West Virginia Portion of the Steubenville-Weirton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the State of West Virginia through the West Virginia Department of Environmental Protection (WVDEP). The revisions pertain to second 10-year

limited maintenance plans (LMPs) for the 2006 24-hour fine particulate matter (PM_{2.5}) national ambient air quality standard (NAAQS). The LMPs address the Charleston, West Virginia area (Charleston Area) and the West Virginia portion of the Steubenville-Weirton, Ohio-West Virginia area (West Virginia portion of the Steubenville-Weirton Area). EPA is approving the Charleston Area LMP and the West Virginia portion of the Steubenville-Weirton Area LMP because they provide for the maintenance of the 2006 24-hour PM_{2.5} NAAQS through the end of their respective second 10-year maintenance periods. In addition, EPA is finalizing the process to find the LMPs adequate for transportation conformity purposes. EPA is approving these revisions to the West Virginia SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on July 15, 2024.

ADDRESSES: EPA has established dockets for these actions under Docket ID No.

EPA–R03–OAR–2023–0381 (Charleston Area) and EPA–R03–OAR–2023–0380 (West Virginia portion of the Steubenville-Weirton Area). All documents in the dockets are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, *e.g.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through www.regulations.gov, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT:

Ellen Schmitt, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia,

Pennsylvania 19103. The telephone number is (215) 814-5787. Ms. Schmitt can also be reached via electronic mail at schmitt.ellen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On November 13, 2009 (74 FR 58688), EPA designated the Charleston (West Virginia) Area and the Steubenville-Weirton (Ohio-West Virginia) Area as nonattainment for the 2006 24-hour PM_{2.5} NAAQS.¹ See 74 FR 58775 (November 13, 2009) and 40 CFR 81.349 (Charleston, West Virginia) and, also see 40 CFR 81.336 (Steubenville-Weirton, Ohio) and 40 CFR 81.349 (Steubenville-Weirton, West Virginia).

WVDEP submitted to EPA a redesignation request for the Charleston Area on December 6, 2012 and for the West Virginia portion of the Steubenville-Weirton Area on June 8, 2012. EPA redesignated the Charleston Area and the West Virginia portion of the Steubenville-Weirton Area to attainment for the 2006 24-hour PM_{2.5} NAAQS on March 31, 2014 (79 FR 17884) and on March 18, 2014 (79 FR 15019), respectively, and approved the associated maintenance plans into the West Virginia SIP.

On March 29, 2022, WVDEP, on behalf of the State of West Virginia, submitted two LMPs to fulfill the second 10-year planning requirement of CAA section 175A(b) to ensure PM_{2.5} NAAQS compliance for the Charleston Area and the West Virginia portion of the Steubenville-Weirton Area. These LMPs are designed to maintain the 2006 24-hour PM_{2.5} NAAQS within their respective areas through the end of the second 10-year portion of the maintenance period beyond redesignation or 2034. EPA is approving the plans because they meet all applicable requirements under CAA sections 110 and 175A. As a general matter, the LMPs rely on the same control measures and contingency provisions to maintain the 2006 24-hour PM_{2.5} NAAQS during the second 10-year portion of the maintenance period as the maintenance plans submitted by WVDEP for the first 10-year period. On March 27, 2024 (89 FR 21222), EPA published a notice of proposed rulemaking (NPRM) for the State of West Virginia, proposing approval of the LMPs because the State made a showing, consistent with EPA's LMP guidance, that the areas' PM_{2.5} concentrations are well below the 2006

24-hour PM_{2.5} NAAQS, have been historically stable, and that it has met all other maintenance plan requirements.

Additionally, in the March 27, 2024, action, EPA proposed that the LMPs demonstrated that it is unreasonable to expect that these areas would experience enough motor vehicle emissions growth for a violation of the NAAQS to occur, per EPA's transportation conformity regulations.²

Further explanation of the CAA requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the NPRM. The public comment period for the proposed rulemaking ended on April 26, 2024. EPA received no comments on the proposal and is finalizing our action as proposed.

II. Final Action

In accordance with sections 110(k) and 175A of the CAA, and for the reasons set forth in the NPRM, EPA is finalizing approval of West Virginia's second 10-year LMPs for the Charleston Area and the West Virginia portion of the Steubenville-Weirton Area for the 2006 24-hour PM_{2.5} NAAQS. EPA's review of the air quality data for the areas indicate that they continue to show attainment well below the level of the 2006 PM_{2.5} NAAQS and meet all the LMP qualifying criteria set forth in the PM_{2.5} LMP Guidance. EPA finds the 2006 24-hour PM_{2.5} LMPs for the Charleston Area and the West Virginia portion of the Steubenville-Weirton Area to be sufficient to provide for maintenance of the 2006 24-hour PM_{2.5} NAAQS in their respective areas over the second 10-year maintenance period, through 2034, and thereby satisfy the requirements for such a plan under CAA section 175A(b). EPA is approving these second 10-year LMPs and notifying the public that EPA finds the LMPs adequate for transportation conformity purposes because they meet the adequacy criteria in 40 CFR 93.118(e)(4). After 2024, the motor vehicle emissions in these areas may be treated as essentially not constraining for the second 10-year maintenance period because EPA concludes that it is unreasonable to expect that the area will experience enough motor vehicle emissions growth that a violation of the PM_{2.5} NAAQS would result. Therefore, all actions for transportation plans and transportation improvement programs that would require a transportation conformity determination for the Charleston Area or for the West Virginia portion of the Steubenville-Weirton

Area under EPA's transportation conformity rule provisions are considered to have already satisfied the regional emissions analysis requirements in 40 CFR 93.118. See 40 CFR 93.109(e). The applicable areas will no longer be required to perform regional emissions analyses as part of the conformity process, but must meet project-level conformity analyses requirements as well as other transportation conformity criteria. EPA is approving these second maintenance plans as revisions to the West Virginia SIP.

III. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because

¹ On October 17, 2006 (71 FR 61144), EPA lowered the level of the 24-hour PM_{2.5} NAAQS to 35 µg/m³ based on a 3-year average of the annual 98th percentile values of 24-hour concentrations.

² See 40 CFR 93.109(e).

application of those requirements would be inconsistent with the Clean Air Act;

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

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

WVDEP did not evaluate environmental justice considerations as part of its SIP submissions; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ

analysis and did not consider EJ in this final rule. Due to the nature of the action being taken here, this rule is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally 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. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition

for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the Charleston Area LMP and the West Virginia portion of the Steubenville-Weirton Area LMP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Adam Ortiz,

Regional Administrator, Region III.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (e) is amended by adding the entries for “2006 24-hour PM_{2.5} Standard Second Maintenance Plan for the West Virginia Portion of the Steubenville-Weirton OH-WV Area” and “2006 24-hour PM_{2.5} Standard Second Maintenance Plan for the Charleston Area” at the end of the table to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * *	* * *	* * *	* * *	* * *
2006 24-hour PM _{2.5} Standard Second Maintenance Plan for the West Virginia Portion of the Steubenville-Weirton OH-WV Area.	Brooke and Hancock Counties.	March 29, 2022	June 13, 2024, [INSERT FEDERAL REGISTER CITATION].	2nd maintenance plan (limited maintenance plan).
2006 24-hour PM _{2.5} Standard Second Maintenance Plan for the Charleston Area.	Kanawha and Putnam Counties.	March 29, 2022	June 13, 2024, [INSERT FEDERAL REGISTER CITATION].	2nd maintenance plan (limited maintenance plan).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 85 and 86

[EPA-HQ-OAR-2022-0829; FRL-8953-05-OAR]

RIN 2060-AV49

Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a final rule published in the **Federal Register** of April 18, 2024, which will be effective June 17, 2024. The final rule established new emission standards for light-duty and medium-duty motor vehicles. This document corrects inadvertent errors introduced in preparing the regulatory text for publication. These corrections do not include any substantives change to the final rule.

DATES: This correction is effective June 17, 2024.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2022-0829. Publicly available docket materials are available either electronically at www.regulations.gov or in hard copy at Air and Radiation Docket and Information Center, EPA Docket Center, EPA/DC, EPA WJC West Building, 1301 Constitution Ave. NW, Room 3334, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Alan Stout, Assessment and Standards Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4805; email address: stout.alan@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is making the following corrections for inadvertent errors in the regulatory text for the final rule:

- Revising 40 CFR 85.2103(c) to remove references to a nonexistent paragraph (e).
- Revising 40 CFR 86.1 to remove references to nonexistent sections 86.1823-01, 86.1824-01, and 86.1825-01.
- Revising 40 CFR 86.1806-27(a)(7) by referring to California's LEV standards in general instead of specifically to the LEV III standards.
- Restoring the content of 40 CFR 86.1818-12(c)(4), which was inadvertently over-written by re-

organizing the section content. The paragraph is moved to 40 CFR 86.1818-12(a)(4). The restored paragraph describes an option for waiving greenhouse gas standards for emergency vehicles.

- Eliminating the specific paragraph reference for battery-related testing in 40 CFR 86.1829-15(a)(2)(ii). The intended reference was to all of 40 CFR 86.1815-27, where we discuss the range of battery-related testing requirements that apply. We note especially that battery-related testing requirements apply differently for vehicles certified based on California procedures as specified in 40 CFR 86.1815-27(h).

Section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal. Such notice and opportunity for comment is unnecessary as the technical corrections are for minor typographical and other nonsubstantive errors made in the final rule.

This final rule is effective June 17, 2024. Section 553(d)(3) of the Administrative Procedure Act ("APA"), 5 U.S.C. 553(d), provides that final rules shall not become effective until 30 days after publication in the **Federal Register** "except . . . as otherwise provided by the agency for good cause." The purpose of this provision is to "give affected parties a reasonable time to adjust their behavior before the final rule takes effect." *Omnipoint Corp. v. Fed. Comm'n Comm'n*, 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States v. Gavrilovic*, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). Thus, in determining whether good cause exists to waive the 30-day delay, an agency should "balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling." *Gavrilovic*, 551 F.2d at 1105. EPA has determined that there is good cause for making this final rule effective less than 30 days after publication in the **Federal Register** because the technical corrections are for minor typographical and other nonsubstantive errors made in the final rule, these corrections will address potential confusion for regulated entities that could result if these errors introduced during

preparation for publication are not corrected prior to the effective date of the final rule published in the **Federal Register** of Monday, April 18, 2024, and further time is not needed for regulated entities to prepare for such corrections prior to the effective date given the nature of the corrections.

For these reasons, the agency finds that good cause exists under APA section 553(d)(3) to make this rule effective June 17, 2024.

Corrections

In FR Doc. 2024-06214 beginning on page 27842 in the **Federal Register** of April 18, 2024, EPA is making the following corrections:

- 1. On pages 28152 and 28153, in § 85.2103, correct paragraphs (c)(1) and (2) to read as follows:

§ 85.2103 [Corrected]

* * * * *

(c) * * *
(1) For light-duty vehicles, light-duty trucks, and medium-duty passenger vehicles, the warranty period for the emission performance warranty is 24 months or 24,000 miles, except that the warranty period is 8 years or 80,000 miles for any nonconformity resulting from a failed specified major emission control component identified in paragraph (d) of this section.

(2) For medium-duty vehicles, the warranty period for the emission performance warranty is 5 years or 50,000 miles, except that the warranty period is 8 years or 80,000 miles for any nonconformity resulting from a failed specified major emission control component identified in paragraph (d) of this section.

* * * * *

- 2. On pages 28154 and 28155, in § 86.1, correct paragraph (a)(21) to read as follows:

§ 86.1 [Corrected]

* * * * *

(a) * * *
(21) ASTM E29-93a, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications, approved March 15, 1993 ("ASTM E29"); IBR approved for §§ 86.004-15(c); 86.007-11(a); 86.007-15(m); 86.1803-01.

* * * * *

- 3. On page 28160, in the third column, in § 86.1806-27, correct paragraph (a)(7) to read as follows:

§ 86.1806-27 [Corrected]

* * * * *

(a) * * *
(7) Apply thresholds for exhaust emission malfunctions from Tier 4

vehicles based on the thresholds calculated for the corresponding bin standards in the California LEV program as prescribed for the latest model year in 13 CCR 1968.2(d). For example, for Tier 4 Bin 10 standards, apply the threshold that applies for the LEV standards. For cases involving Tier 4 standards that have no corresponding bin standards from the California LEV program, use the monitor threshold for the next highest LEV bin. For example, for Tier 4 Bin 5 and Bin 10 standards, apply a threshold of 50 mg/mile (15 mg/mile $\times$ 3.33). You may apply thresholds that are more stringent than we require under this paragraph (a)(7).

* * * * *

■ 4. On page 28169, in the second column, in § 86.1818–12, add paragraph (a)(4) to read as follows:

§ 86.1818–12 [Corrected]

(a) * * *

(4) Emergency vehicles may be excluded from the emission standards described in this section. The manufacturer must notify the Administrator that they are making such an election in the model year reports required under 40 CFR 600.512–12. Exclude such vehicles from both the calculation of the fleet average standard for a manufacturer under paragraph (c) of this section and from the calculation of the fleet average carbon-related exhaust emissions in 40 CFR 600.510–12.

* * * * *

■ 5. On page 28178, in the first column, in § 86.1829–15, correct paragraph (a)(2)(ii) to read as follows:

§ 86.1829 [Corrected]

* * * * *

(a) * * *

(2) * * *

(ii) Manufacturers must perform battery durability testing as described in § 86.1815–27.

* * * * *

Joseph Goffman,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2024–12590 Filed 6–12–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 24–530; MB Docket No. 24–83; FR ID 224894]

Radio Broadcasting Services; Mattoon, Illinois

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Table of FM Allotments, of the Federal Communications Commission's (Commission) rules, by substituting Channel 245B1 for vacant Channel 245B at Mattoon, Illinois to resolve the distance spacing conflict with Station WHMS–FM and maintain a second local FM service. A staff engineering analysis determines that Channel 245B1 can be allotted to Mattoon, Illinois consistent with the minimum distance separation requirements of the Commission's rules with a site restriction of 12.2 kilometers (7.6 miles) southeast of the community at reference coordinates 39–23–17 NL and 88–17–21 WL. *See SUPPLEMENTARY INFORMATION.*

DATES: Effective July 22, 2024.

FOR FURTHER INFORMATION CONTACT:

Rolanda F. Smith, Media Bureau, (202) 418–2054, Rolanda-Faye.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 24–83, adopted June 6, 2024, and released June 6, 2024. The full text of this Commission decision is available online at <https://apps.fcc.gov/ecfs/>. The full text of this document can also be downloaded in Word or Portable Document Format (PDF) at <https://www.fcc.gov/edocs>. This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13.

Channel 245B at Mattoon, Illinois is not currently listed in the Table of FM Allotments. Channel 245B is considered a vacant allotment resulting from the cancellation of the license for Station DWLBH–FM. The vacant Channel 245B at Mattoon is short-spaced to Station WHMS–FM, Channel 248B, Champaign, Illinois by ten kilometers. The minimum distance spacing requirement of section 73.207(b) of the Commission's rules is 74 kilometers.

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

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

Final Rules

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

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.202(b), amend the Table of FM Allotments under Illinois, by adding in alphabetical order an entry for “Mattoon” to read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) *Table of FM Allotments.*

TABLE 1 TO PARAGRAPH (b)

U.S. States	Channel No.
Illinois	
* * * * *	*
Mattoon	245B1
* * * * *	*

* * * * *

[FR Doc. 2024–13002 Filed 6–12–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 384

[Docket No. FMCSA–2023–0269]

RIN 2126–AC68

Commercial Driver's License (CDL) Standards; Incorporation by Reference of a New State Procedures Manual (SPM)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate by reference

the most recent edition of the American Association of Motor Vehicle Administrators, Inc.'s (AAMVA's) Commercial Driver's License Information System (CDLIS) State Procedures Manual (SPM), version c.0. This rule will require all State driver's licensing agencies (SDLAs) to use this edition of the manual to follow standard administrative practices required by the States, and other jurisdictions using the SPM when participating in CDLIS. Version c.0 of the CDLIS SPM provides users with instructions on the processes and procedures for using the information system.

DATES: Effective July 15, 2024. The incorporation by reference of the material described in the rule is approved by the Director of the **Federal Register** as of July 15, 2024. Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 15, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Rebecca Rehberg, CDL Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (850) 728–2034, cdlcompliance@dot.gov. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826. FMCSA organizes this final rule as follows:

- I. Availability of Rulemaking Documents
- II. Executive Summary
- III. Abbreviations
- IV. Legal Basis
- V. Background
- VI. Discussion of Proposed Rulemaking and Comments
 - A. Proposed Rulemaking
 - B. Comments and Responses
- VII. Changes From the NPRM
- VIII. Section-by-Section Analysis
- IX. Regulatory Analyses
 - A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), E.O. 14094 (Modernizing Regulatory Review), and DOT Regulatory Policies and Procedures
 - B. Congressional Review Act
 - C. Regulatory Flexibility Act
 - D. Assistance for Small Entities
 - E. Unfunded Mandates Reform Act of 1995
 - F. Paperwork Reduction Act
 - G. E.O. 13132 (Federalism)
 - H. Privacy
 - I. E.O. 13175 (Indian Tribal Governments)
 - J. National Environmental Policy Act of 1969

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to www.regulations.gov/docket/FMCSA-2023-0269/document and choose the document to review. To view comments, click this final rule, then

click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations at U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Executive Summary

A. Purpose and Summary of the Regulatory Action

In this final rule, FMCSA incorporates by reference version c.0 of the Commercial Driver's License Information System (CDLIS) State Procedures Manual (SPM), which the American Association of Motor Vehicle Administrators, Inc. (AAMVA) released in September 2023. In 2014, FMCSA incorporated by reference version 5.3.2.1 of the CDLIS SPM, which AAMVA released in August 2013 (79 FR 59450 (Oct. 2, 2014)). Version c.0 of the CDLIS SPM has replaced the 2013 version. The CDLIS SPM (version c.0) provides user instructions on the information system processes and procedures of the CDL program. This change reflects a routine update of the referenced SPM (version c.0) to include changes introduced in connection with the exclusively electronic exchange of driver history record information (EEE, 86 FR 38937) procedures and the second drug and alcohol clearinghouse final rule (DACH II or Clearinghouse, 86 FR 55718) information.

The material is available, and will continue to be available, for inspection at the Department of Transportation Library. Copies of the SPM (version c.0) may also be obtained through AAMVA. Further details, including contact addresses and telephone numbers, for both the Department of Transportation Library and AAMVA are provided in § 384.107 in the amendatory text of this final rule. AAMVA plans to update this SPM as needed to reflect changing legal requirements and best practices in the operations of CDLIS. Incorporating version c.0 by reference, however, should ensure that each State complies with the specific version required by FMCSA.

Twenty-six updates distinguish the September 2023 edition of the SPM (version c.0) from the August 2013 edition. The updates are all described in detail in the February 20, 2023, notice of proposed rulemaking (NPRM) for this rule (89 FR 12800). The incorporation by reference of the September 2023

edition does not impose new regulatory requirements and consequently will neither impose costs nor result in quantifiable benefits.

III. Abbreviations

AAMVA American Association of Motor Vehicle Administrators
 AAMVANet American Association of Motor Vehicle Administrators Network
 CDL Commercial Driver's License
 CDLIS Commercial Driver's License Information System
 CE Categorical Exclusion
 CFR Code of Federal Regulations
 CLP Commercial Learner's Permit
 CMV Commercial Motor Vehicle
 CMVSA Commercial Motor Vehicle Safety Act
 DACH Drug and Alcohol Clearinghouse
 DGAF General Directorship of Federal Motor Carrier Transportation
 DOT Department of Transportation
 EEE Exclusively Electronic Exchange
 E.O. Executive Order
 FHWA Federal Highway Administration
 FMCSA Federal Motor Carrier Safety Administration
 FMCSRs Federal Motor Carrier Safety Regulations
 FR Federal Register
 NARA National Archives and Records Administration
 NPRM Notice of Proposed Rulemaking
 PIA Privacy Impact Analysis
 PII Personally Identifiable Information
 PTA Privacy Threshold Assessment
 RFA Regulatory Flexibility Act
 RTD Return to Duty
 SDLA State Driver's Licensing Agency
 SPEXS State Pointer Exchange Services
 SPM State Procedures Manual
 S2S State-to-State¹
 The Secretary The Secretary of Transportation
 UMRA Unfunded Mandates Reform Act
 U.S.C. United States Code

IV. Legal Basis

Section 206 of the Motor Carrier Safety Act of 1984 (Pub. L. 98–554, title II, 98 Stat. 2832, 2834, codified at 49 U.S.C. 31136) directed the Secretary of Transportation (the Secretary) to regulate commercial motor vehicles (CMVs) and the drivers and motor carriers that operate them. The Secretary was also directed to issue regulations governing the physical condition of drivers.

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Pub. L. 99–570, title XII, 100 Stat. 3207–170, codified at 49 U.S.C. chapter 313) required the Secretary, after consultation with the States, to prescribe regulations on minimum uniform standards for State issuance of CDLs. CMVSA also specified information States must include on each

¹ The acronym S2S is solely used for the purposes of this document to refer to processes involving State-to-State interactions and should not be confused with the CDLIS application system.

CDL (49 U.S.C. 31308). Congress delegated the authorities set forth in the Motor Carrier Safety Act of 1984 and the CMVSA to FMCSA's Administrator (see 49 U.S.C. 113(f)(1); see also sec. 1.87(e)–(f)).

FMCSA, in accordance with 49 U.S.C. 31308, has authority to prescribe procedures and requirements the States must adhere to in issuing CDLs and commercial learner's permits (CLPs). To avoid loss of Federal-aid highway funds, 49 U.S.C. 31314 requires each State to comply substantially with 49 U.S.C. 31311(a), which prescribes the requirements for State participation in the CDL program. To ensure that the States are able to exchange information about CDL holders efficiently and effectively through CDLIS, as required by 49 U.S.C. 31311(a)(5) through (9), (15), (18), (19), and (21), this final rule will require States to follow all the procedures described in version c.0 of the CDLIS SPM when posting, transmitting, and receiving all information on a CDL driver's CDLIS driver record.

FMCSA is further required by statute to maintain an information system that serves as the clearinghouse and depository of information about the licensing, identification, and disqualification of operators of CMVs (49 U.S.C. 31309). CDLIS is the information system that serves that function.

The purpose of this final rule is to incorporate by reference version c.0 of the AAMVA SPM outlining user instructions on the use of CDLIS. The provisions within the SPM (version c.0) are intended to operate holistically in addressing a range of issues necessary to ensure compliance with the information system procedures of the commercial driver's license program. However, FMCSA recognizes that most provisions focus on unique topics. FMCSA finds that the various provisions within the SPM (version c.0) will be severable and able to operate functionally if one or more provisions were rendered null or otherwise eliminated. The remaining provision or provisions within the SPM (version c.0) will continue to operate functionally if any one or more provisions were invalidated and any other provision(s) remained. In the event a court were to invalidate one or more of the SPM's unique provisions, the remaining provisions should stand.

V. Background

To carry out its obligation to maintain a system for information about CMV operators, in 1988, the Federal Highway Administration (FHWA) entered into a designation agreement with AAMVA's

affiliate AAMVAnet,² Inc. (AAMVAnet) to create and operate CDLIS. Under that agreement, CDLIS must contain all the information required in 49 U.S.C. 31309(b). The 1988 agreement states that AAMVAnet will “cooperate fully with FHWA with respect to the operation of CDLIS including, but not limited to, information content and the development of standards relating to access to CDLIS by States and various employers and employees.” Pursuant to section 106(b) of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Pub. L. 106–159, 113 Stat. 1748, 1757, 49 U.S.C. 113 note), the 1988 agreement automatically transferred to FMCSA upon the Agency's establishment and remained in effect until FMCSA and AAMVA, the party that inherited the responsibilities of its affiliate AAMVAnet, entered into a superseding agreement in 2008, discussed below.

In August 2005, section 4123 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users authorized FMCSA to establish a modernization plan for CDLIS (Pub. L. 109–59, 119 Stat. 1144, 1734, codified in part at 49 U.S.C. 31309(e) *et seq.*). Section 4123 also authorized grants to States or organizations representing States for the modernization of CDLIS (49 U.S.C. 31309(f)).

On May 2, 2006, FMCSA published the CDLIS Modernization Plan in the **Federal Register** (71 FR 25885). The Plan detailed the statutory requirements for modernization, the phases of the modernization plan, and the availability of grant funding for AAMVA and the States to comply with CDLIS modernization requirements. Since May 2006, AAMVA has received grants from FMCSA to complete the tasks enumerated in the Modernization Plan.

On June 9, 2008, FMCSA and AAMVA entered into a new cooperative agreement regarding the operation, maintenance, and modernization of CDLIS. While FMCSA authorizes AAMVA to maintain and operate CDLIS, FMCSA does not own CDLIS, and it is not a Federal system of records. FMCSA and AAMVA work closely together to monitor State compliance with the CDLIS specifications, as set forth in the 2006 CDLIS Modernization Plan, and States' annual grant agreements. FMCSA has awarded Federal financial assistance grants to

AAMVA to maintain an active Help Desk for the jurisdictions, conduct regularly occurring CDLIS training courses for the jurisdictions, and provide States with regular CDLIS transaction and error reports to improve their compliance efforts.

The goals of the 2008 agreement, to which any amendments must be made in writing and signed by all parties,³ are to provide a framework for the ongoing operation, maintenance, administration, enhancement, and modernization of CDLIS by AAMVA. The modernization will ensure compliance with applicable Federal information technology security standards; electronic exchange of all information including the posting of convictions; self-auditing features to ensure that data are being posted correctly and consistently by the States; and integration of an individual's CDL and the medical certificate as required in the final rule, Medical Certification Requirements as Part of CDL (73 FR 73096, Dec. 1, 2008). Finally, the agreement provides a schedule for modernization of the system. The updated version c.0 of the SPM implements the CDLIS modernization effort.

VI. Discussion of Proposed Rulemaking and Comments

A. Proposed Rulemaking

FMCSA published an NPRM on February 20, 2024 (89 FR 12800). Because the incorporation by reference found at 49 CFR 384.107(b)(1) references the outdated August 2013, edition of AAMVA's “Commercial Driver's License Information System (CDLIS) State Procedures Manual,” the NPRM proposed to incorporate by reference the current 2023 edition.

Twenty-six updates distinguish the September 2023 edition from the August 2013 edition. Each of the changes was described and discussed in detail in the NPRM. Generally, the changes serve to outline the standard administrative practices required of the fifty States and the District of Columbia, known as “the jurisdictions,” when participating in CDLIS. The thirteen Canadian provinces and territories and the Mexican General Directorship of Federal Motor Carrier Transportation (DGAF) will also adopt version c.0 of the CDLIS SPM. Version c.0 of the SPM supersedes previous versions of the CDLIS SPM.

The SPM (version c.0) contains background information about the laws mandating CDLIS and discusses types of CDLIS users. The SPM (version c.0) also

² AAMVAnet is the telecommunications network that electronically links the following systems: The jurisdictions (motor vehicle Agencies or Department of motor vehicles), FMCSA, third-party service providers, Canadian interprovincial record exchange Bridge, Mexican Access Node, and the CDLIS central site.

³ The 2008 agreement was amended in 2013, however, the amendments did not relate to the CDLIS modernization efforts.

includes descriptions, excerpted from the State Pointer Exchange Services (SPEXS) System Specifications B.0.0, of the nationwide computerized data-exchange transactions used to electronically record and report driver information. Further, the SPM (version c.0) provides user instructions on administrative driver licensing procedures that involve CDLIS, including issuing, renewing, transferring, withdrawing, and reinstating a driver's license, and posting convictions. The SPM (version c.0) does not address CDL or CLP program requirements outside the scope of CDLIS.

The CDLIS SPM (version c.0) addresses changes that were made as part of the modernization effort to make CDLIS more efficient in handling the increasing number of driver records and data transactions. These changes provide users with instructions on the processes and procedures for using the CDL information system. In addition, version c.0 includes updates to support changes made to CDLIS as a result of the DACH II rule, published in October 2021, and revises procedures to support changes made to CDLIS as a result of the EEE rule, published in July 2021. Any references in the SPM (version c.0) to the U.S. Code or CFR should be confirmed by users.

FMCSA contacted AAMVA December 19, 2023, to confirm that the Canadian provinces and territories, as well as Mexico's DGAF would also adopt version c.0 of the CDLIS SPM. On January 10, 2024, FMCSA notified AAMVA that it had inadvertently included incorrect CFR citations in version c.0 of the SPM. Additionally, FMCSA contacted AAMVA on April 8, 2024, to confirm the latest existing release of the SPEXS Specifications System. FMCSA placed a memorandum in the docket for this rulemaking to document the communications between the Agency and AAMVA.

B. Comments and Responses

FMCSA solicited comments concerning the NPRM for 30 days ending March 21, 2024. By that date, two comments were received. AAMVA requested both substantive and technical edits be applied in the final rule, which are discussed in detail. The second comment was submitted by an individual who raised issues involving car accidents.

Comment: AAMVA offered a citation correction in the discussion section (Section VI) to include a reference to the SPEXS System Specifications B.0.1, instead of the CDLIS Systems Specifications (version c.0). This edit

provides clarity on the most recent provision of supporting documentation available to the CDLIS system.

FMCSA Response: FMCSA accepts AAMVA's edit in part and has modified the discussion section to incorporate the reference to the SPEXS System Specifications B.0.0. A SPEXS System Specifications B.0.1 has not been released and therefore, FMCSA is unable to include it as a reference.

Comment: The second change AAMVA requested is to add a clarifying edit to update number four in the proposed rule, which discusses CD41 transactions that enable the State of inquiry (SOI) to request a driver's status from the Clearinghouse. The proposed clarifying edit will specify that the driver status may also be reciprocally changed by the driver's successful completion of the return to duty (RTD) process.

FMCSA Response: In version c.0 of the CDLIS SPM, the CD41 transaction is described as a code that enables the SOI to request a driver's current status from the Clearinghouse. As described in the manual, completing the RTD process does not trigger a change in the driver's status, and therefore, does not factor into the CD41 transaction. While FMCSA appreciates AAMVA's clarifying note, this edit is outside the scope of the process described in version c.0 of the CDLIS SPM. Therefore, FMCSA declines to make modifications to the fourth update described in the NPRM.

Comment: AAMVA pointed to the use of the "S2S" acronym in the NPRM, stating the term is specifically used to reference an application in the CDLIS system. AAMVA implied its use would cause confusion with other CDLIS application systems, and they provided examples of where the S2S acronym is used in the document.

FMCSA Response: FMCSA adopted the "S2S" acronym for "State-to-State" to describe in detail processes that involve State-to-State interactions. The use of this acronym should not be confused with the CDLIS application system referencing the S2S (or State-to-State) System.⁴ For purposes of this final rule, S2S, or State-to-State, is used as a reference to electronic transactions that occur between one State and another. To add clarity to the updates described in the NPRM and avoid confusion, FMCSA has included a clarifying footnote addressing the use of the S2S acronym under the

⁴ The CDLIS application system AAMVA refers to allows State-to-State (S2S) participants to electronically communicate with one another to check if an individual holds a CDL or CLP in another State.

"Abbreviations" section of this final rule. FMCSA will also consider use of the full term in future rulemakings if the Agency finds that its use may cause confusion for readers.

Comment: AAMVA identified item number five, which discusses the bullet item in the section titled "Procedures for Issuing a CDL or CLP," and stated that item is not an addition and has existed in version 5.3.2.1 of the SPM.

FMCSA Response: FMCSA agrees that the language used to describe the processes for issuing a CDL or CLP is not an addition to version c.0 of the SPM, as it is present under section 7.1 titled "Rules of Issuance" in release 5.3.2.1 of the SPM. Nonetheless, the bullet item titled "Issuing a duplicate CLP/CDL" is recorded as an additional item in version c.0 of the CDLIS SPM Change Control Document.

Furthermore, the bullet item titled "Issuing a Duplicate CLP/CDL" is not listed under section 7 titled "Procedures for Issuing a CDL" in release 5.3.2.1 of the SPM, which lists the following items: issuing, renewing, upgrading, or transferring a CDL. In version c.0 of the SPM, the item titled "Issuing a duplicate CLP/CDL" is added to the list under section 7 titled "Procedures for Issuing a CLP or CDL." FMCSA appreciates AAMVA's note on this update to enhance clarity but does not modify the language describing the procedures for issuing a duplicate CDL or CLP in this final rule.

Comment: An individual commenter opposed exchanging foreign driver's licenses for U.S. driver's licenses, citing two fatal road accidents.

FMCSA Response: FMCSA appreciates the commenter's concerns about this topic. Because these issues are out of the scope of this incorporation by reference of version c.0 of the CDLIS SPM, the Agency declines to make modifications to the final rule based on this comment.

VII. Changes From the NPRM

FMCSA finalizes the incorporation by reference of the most recent edition of AAMVA's version c.0 of the CDLIS SPM without changes to the updates described in the NPRM. Per AAMVA's request, FMCSA has included two clarifying edits in this final rule. The first edit, which FMCSA adopted in part, is a correction of the citation included in Section III (Abbreviations) to include the SPEX System Specifications B.0.0, instead of version c.0 of the CDLIS SPM. The second edit is the addition of a footnote attached to the "S2S" acronym in sub-section A (Proposed Rulemaking) under Section VI (Discussion of Proposed Rulemaking

and Comments). This addition aims to clarify that the term “S2S” is strictly used for the purposes of this final rule to reference State-to-State processes, and not the CDLIS system application.

VIII. Section-by-Section Analysis

Part 384

Section 384.107. The Agency will revise paragraph (b) to incorporate by reference version c.0 of the CDLIS SPM.

Section 384.301. The Agency will add, as a conforming amendment, a new paragraph (p) specifying that the State must comply with the requirements of this rule by August 22, 2024.

IX. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), E.O. 14094 (Modernizing Regulatory Review), and DOT Regulatory Policies and Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and E.O. 14094 (88 FR 21879, Apr. 11, 2023) Modernizing Regulatory Review. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866, as supplemented by E.O. 13563 and amended by E.O. 14094 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. Accordingly, OMB has not reviewed it under that E.O.

This rule will update the reference at § 384.107 to the CDLIS State Procedures Manual, version c.0 manual. Specifically, it includes changes introduced to the FMCSRs as a result of the EEE and DACH II final rules. The rule solely defines processes and procedures which ensure that other regulations are uniformly implemented and imposes no new regulatory requirements. The rule will impose no new costs, and any benefits that will result from it are expected to be de minimis.

B. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).⁵

⁵ A *major rule* means any rule that the OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal,

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,⁶ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term *small entities* comprises small businesses and 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 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

When an Agency issues a proposed rule, the RFA requires the Agency to “prepare an initial regulatory flexibility analysis” that will describe the impact of the proposed rule on small entities (5 U.S.C. 604(a)). Section 605 of the RFA allows an agency to certify a rule, instead of preparing an analysis, if the rule is not expected to have a significant impact on a substantial number of small entities. This rule incorporates by reference the September 2023 edition of the AAMVA CDLIS SPM (version c.0). The changes to the 2023 edition of the AAMVA CDLIS SPM (version c.0) from the 2013 edition are intended to ensure clarity in the presentation of the SDLA conditions and are generally editorial or ministerial. As noted above, FMCSA does not expect the changes made in the September 2023 edition of the AAMVA CDLIS SPM (version c.0) to impose new costs or to result in quantifiable benefits, as it imposes no new regulatory requirements. The editorial and ministerial changes that result from this rule will apply to SDLA processes and procedures; SDLAs are not small entities. Consequently, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

D. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can

State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 802(4)).

⁶ Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

better evaluate its effects on themselves and participate in the rulemaking initiative. If this final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration’s Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see <https://www.sba.gov/about-sba/oversight-advocacy/office-national-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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. 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 \$192 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2022 levels) or more in any 1 year. This final rule will not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result.

F. Paperwork Reduction Act

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

G. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has “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.”

FMCSA has determined that this rule will not have substantial direct costs on or for States, nor will it limit the policymaking discretion of States.

Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

H. Privacy

The Consolidated Appropriations Act, 2005,¹⁴ requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information (PII). The supporting Privacy Impact Analysis (PIA), available for review in the docket, gives a full and complete explanation of FMCSA practices for protecting PII in general and specifically in relation to this final rule.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,¹⁵ requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the proposed rulemaking might have on collecting, storing, and sharing personally identifiable information. The PTA was adjudicated by DOT's Chief Privacy Officer on January 10, 2024.

I. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 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.

J. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680), Appendix 2, paragraphs 6(s) and 6(t). The Categorical Exclusions (CEs) in paragraphs 6(s) and (t) cover regulations regarding the CDL and related activities to assure CDL information is exchanged between States. The requirements in this rule are covered by these CEs.

List of Subjects in 49 CFR Part 384

Administrative practice and procedure, Alcohol abuse, Drug Abuse, Highway safety, Incorporation by reference, and Motor carriers.

In consideration of the foregoing, FMCSA amends part 384 of title 49, CFR as follows:

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

- 1. The authority citation for part 384 continues to read as follows:

Authority: 49 U.S.C. 31136, 31301 *et seq.*, and 31502; secs. 103 and 215 of Pub. L. 106–159, 113 Stat. 1748, 1753, 1767; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; sec. 5524 of Pub. L. 114–94, 129 Stat. 1312, 1560; and 49 CFR 1.87.

- 2. Revise § 384.107 to read as follows:

§ 384.107 Matter incorporated by reference.

(a) *Incorporation by reference.* Certain material is incorporated by reference

into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at FMCSA and at the National Archives and Records Administration (NARA). Contact FMCSA at the Department of Transportation Library, 1200 New Jersey Ave. SE, Washington, DC 20590–0001; phone: (202) 366–0746; website: <https://transportation.libanswers.com>. 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. The material may be obtained from the sources in the following paragraph of this section.

(b) The American Association of Motor Vehicle Administrators (AAMVA), 4401 Wilson Boulevard, Suite 700, Arlington, VA 22203, (703) 522–1300, www.aamva.org.

(1) CDLIS State Procedures Manual c.0, SPEXS—State Pointer Exchange Services: CDLIS State Procedures Manual, Document Version c.0, released September 11, 2023; approved for §§ 384.225(f) and 384.231(d).

(2) [Reserved]

- 3. Amend § 384.301 by adding a new paragraph (p) to read as follows:

§ 384.301 Substantial compliance—general requirements.

* * * * *

(p) A State must come into substantial compliance with the requirements of subpart B of this part, which is effective as of July 15, 2024, as soon as practicable, but not later than August 22, 2024.

Issued under authority delegated in 49 CFR 1.87.

Sue Lawless,

Acting Deputy Administrator.

[FR Doc. 2024–12882 Filed 6–12–24; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register

Vol. 89, No. 115

Thursday, June 13, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA–2024–1656]

Draft Policy Statement Regarding Safety Continuum for Powered-Lift

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notification of availability; request for comments.

SUMMARY: The FAA invites public comment on the agency’s draft policy statement that establishes a safety continuum for the certification of powered-lift.

DATES: Comments must be received on or before August 12, 2024.

ADDRESSES: Send comments identified with “Safety Continuum for Powered-lift” and docket number FAA–2024–1656, using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the instructions for submitting comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: The FAA will post all comments it receives without change to www.regulations.gov, including any personal information the commenter provides. DOT’s complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at DocketsInfo.dot.gov.

FOR FURTHER INFORMATION CONTACT:

James Blyn, Product Policy Management: Airplanes, GA, Emerging Aircraft, and Rotorcraft AIR–62B, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, Texas 76177; telephone (817) 222–5762; email james.blyn@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

Powered-lift are heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on nonrotating airfoil(s) for lift during horizontal flight. Powered-lift designs vary in size, capability, and performance. These aircraft are intended to perform a wide variety of operations such as urban air mobility, flight training, air ambulance, search and rescue, external-load/utility, firefighting, electronic newsgathering, air tours, and private use.

Recognizing that advancements in technology have the potential to enhance safety and recognizing the broad variations in the population of normal category aircraft, the FAA reviewed the safety continuum policies for both normal category airplanes and normal category rotorcraft and developed this proposed policy statement, which applies the FAA’s safety continuum concept to the certification of powered-lift. This proposed policy would provide a balanced approach between the risk and safety benefits for certifying such aircraft. This policy establishes certification levels for powered-lift and establishes a graduated scale of compliance standards for the certification of these aircraft. These certification levels are based on aircraft maximum gross weight, maximum passenger seating configuration, and type of operation (general aviation vs. passenger transportation for compensation or hire) and are used to establish the safety objectives for system safety and aircraft performance.

Comments Invited

The FAA invites the public to submit comments on the draft policy statement as specified in the **ADDRESSES** section.

Commenters should include the subject line “Safety Continuum for Powered-lift” and docket number FAA–2024–1656 on all comments submitted to the FAA. The most helpful comments will reference a specific portion of the draft document, explain the reason for any recommended change, and include supporting data. The FAA will also consider all comments received on or before the closing date before issuing the final policy statement. The FAA will also consider late filed comments if it is possible to do so without incurring expense or delay.

You may examine the draft policy statement on the agency’s public website and in the docket as follows:

- At www.regulations.gov in Docket FAA–2024–1656.
- At www.faa.gov/aircraft/draft_docs/

Issued in Washington, DC, on June 7, 2024.

Daniel J. Elgas,

Director, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2024–12860 Filed 6–12–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1482; Project Identifier MCAI–2024–00135–T]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2023–02–08, which applies to certain ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes. AD 2023–02–08 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2023–02–08, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require certain

actions in AD 2023–02–08 and would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by July 29, 2024.

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

- **Federal eRulemaking Portal:** Go to *regulations.gov*. 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–2024–1482; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1482.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or

arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2024–1482; Project Identifier MCAI–2024–00135–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA issued AD 2023–02–08, Amendment 39–22315 (88 FR 7867, February 7, 2023) (AD 2023–02–08), for certain ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes. AD 2023–02–08 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2022–0200, dated September 26, 2022 (EASA AD 2022–0200) (which

corresponds to FAA AD 2023–02–08), to correct an unsafe condition.

AD 2023–02–08 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023–02–08 to prevent reduced structural integrity of the airplane.

Actions Since AD 2023–02–08 Was Issued

Since the FAA issued AD 2023–02–08, EASA superseded AD 2022–0200 and issued EASA AD 2024–0052, dated February 23, 2024 (EASA AD 2024–0052) (referred to after this as the MCAI), for all ATR–400 and ATR–500 airplanes. Model ATR–400 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that new or more restrictive airworthiness limitations have been developed.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after October 16, 2023, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

The FAA is proposing this AD to address among other things, fatigue cracking and damage in principal structural elements. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1482.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0052 that revises the ATR42–400/–500 Time Limits Document and incorporates EASA AD 2020–0249R1, which required a repetitive operational test for discrepancies of the stall warning system and stick pusher in the flight configuration for ATR–GIE Avions de Transport Régional Model ATR42–500 and ATR72 airplanes. This service information specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits. EASA AD 2020–0249R1 revises EASA AD 2020–0249, which corresponds to FAA AD 2020–26–17, Amendment 39–21372 (85 FR 81795, December 17, 2020) (AD 2020–26–17).

This proposed AD would also require EASA AD 2022–0200, which the Director of the **Federal Register**

approved for incorporation by reference as of March 14, 2023 (88 FR 7867, February 7, 2023).

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain all requirements of AD 2023–02–08. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2024–0052 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (n)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to retain the IBR of EASA AD 2022–0200

and incorporate EASA AD 2024–0052 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0200 and EASA AD 2024–0052 through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0200 and EASA AD 2024–0052 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2022–0200 and EASA AD 2024–0052. Service information required by EASA AD 2022–0200 and EASA AD 2024–0052 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2024–1482 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under “Additional AD Provisions.” This new format includes a “New Provisions for Alternative Actions, Intervals, and CDCCLs” paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to

use an alternative action, interval, or CDCCL.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 17 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2023–02–08 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be \$7,650 (90 work-hours × \$85 per work-hour).

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:

■ a. Removing airworthiness directive 2023–02–08, Amendment 39–22315 (88 FR 7867, February 7, 2023); and

■ b. Adding the following new airworthiness directive:

ATR–GIE Avions de Transport Régional:
Docket No. FAA–2024–1482; Project Identifier MCAI–2024–00135–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by July 29, 2024.

(b) Affected ADs

This AD replaces AD 2023–02–08, Amendment 39–22315 (88 FR 7867, February 7, 2023) (AD 2023–02–08).

This AD affects AD 2020–26–17, Amendment 39–21372 (85 FR 81795, December 17, 2020) (AD 2020–26–17).

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 16, 2023.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address among other things, fatigue cracking and damage in principal structural elements. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2023–02–08, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness dated on or before July 29, 2022: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0200, dated September 26, 2022 (EASA AD 2022–0200). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2022–0200, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2023–02–08, with no changes.

(1) The requirements specified in paragraph (1) and (2) of EASA AD 2022–0200 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2022–0200 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after March 14, 2023 (the effective date of AD 2023–02–08).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022–0200 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2022–0200, or within 90 days after March 14, 2023 (the effective date of AD 2023–02–08), whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2022–0200 do not apply to this AD.

(5) The “Remarks” section of EASA AD 2022–0200 does not apply to this AD.

(i) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With New Exception

This paragraph restates the requirements of paragraph (l) of AD 2023–02–08, with a new exception. Except as required by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2022–0200.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in

accordance with, EASA AD 2024–0052, dated February 23, 2024 (EASA AD 2024–0052). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2024–0052

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0052.

(2) Paragraph (3) of EASA AD 2024–0052 specifies revising “the approved AMP,” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0052 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0052, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0052.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0052.

(l) New Provisions for Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs)

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (e.g., inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0052.

(m) Terminating Action for Certain Tasks Required by AD 2020–26–17

For Model ATR42–500 airplanes only: Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2020–26–17 for the tasks identified in the service information referenced in EASA AD 2024–0052 only.

(n) 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 (o) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved

by the Manager, International Validation Branch, FAA; or EASA; or ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(o) Additional Information

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

(p) 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.

(3) The following service information was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2024–0052, dated February 23, 2024.

(ii) [Reserved]

(4) The following service information was approved for IBR on March 14, 2023 (88 FR 7867, February 7, 2023).

(i) EASA AD 2022–0200, dated September 26, 2022.

(ii) [Reserved]

(5) For EASA AD 2024–0052 and EASA AD 2022–0200, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find these EASA ADs on the EASA website ad.easa.europa.eu.

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

(7) 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 June 4, 2024.

Victor Wicklund,

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

[FR Doc. 2024–12551 Filed 6–12–24; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2023–0539; FRL–11747–01–R9]

Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Arizona; Infrastructure Requirements for Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to partially approve and partially disapprove a revision to the Arizona state implementation plan (SIP) as meeting the requirements of the Clean Air Act (CAA) for the implementation, maintenance, and enforcement of the 2012 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS or “standards”). As part of this action, the EPA is proposing to approve regulatory provisions into the Arizona SIP. The EPA is seeking public comment on this proposed action and will accept comments from the public on this proposal for the next 30 days.

DATES: Any comments must arrive by July 15, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2023–0539 at <https://www.regulations.gov>. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/>

commenting-epa-dockets. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

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

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

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I. The EPA’s Approach To Reviewing Infrastructure SIPs

The EPA has historically referred to SIP submittals made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as “infrastructure SIP” submittals. Although the term “infrastructure SIP” does not appear in the CAA, the EPA uses the term to distinguish this particular type of SIP submittal from submittals that are intended to satisfy other SIP requirements under the CAA, such as “nonattainment SIP” or “attainment SIP” submittals to address the nonattainment planning requirements of CAA title I part D, “regional haze SIP” submittals required by EPA rule to address the visibility protection requirements of section 169A, and nonattainment new source review (NSR) permit program submittals to address the permit requirements of CAA title I part D.

Section 110(a)(1) of the Act requires that each State adopt and submit an infrastructure SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by the EPA, and that the

EPA act on such SIP submittals. They are intended to address basic structural SIP requirements for new or revised NAAQS including, but not limited to, legal authority, regulatory structure, resources, permit programs, monitoring, and modeling necessary to assure attainment and maintenance of the standards.

Herein, the EPA is acting on SIP submittals from Arizona that address the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) with respect to the primary and secondary 2012 PM_{2.5} NAAQS. Under section 110(a)(1), states are required to submit infrastructure SIPs within three years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof). The statute directly imposes on States the duty to make these SIP submittals, and the requirement to make the submittals is not conditioned upon the EPA taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific “elements” that each such infrastructure SIP submittal must address.

CAA section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submittals, and section 110(a)(2) provides more details concerning the required contents of these submittals. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.¹ The EPA therefore believes that, while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, the EPA believes that the list of required elements for infrastructure SIP submittals provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submittal.

The following examples of ambiguities illustrate the need for the EPA to interpret some CAA section 110(a)(1) and section 110(a)(2)

¹ For example, CAA section 110(a)(2)(E)(i) provides that States must provide assurances that they have adequate legal authority under State and local law to carry out the SIP; section 110(a)(2)(C) provides that States must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that States must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

requirements with respect to infrastructure SIP submittals for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that “each” SIP submittal must meet the list of requirements therein, while the EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in CAA title I part D, which specifically address nonattainment SIP requirements.² Section 110(a)(2)(I) pertains to nonattainment SIP requirements, and part D addresses when attainment plan SIP submittals to address nonattainment area requirements are due. For example, section 172(b) requires the EPA to establish a schedule for submittal of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.³ This ambiguity illustrates that, rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, the EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submittal. Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether States must meet all of the infrastructure SIP requirements in a single SIP submittal and whether the EPA must act upon such SIP submittal in a single action. Although section 110(a)(1) directs States to submit “a plan” to meet these requirements, the EPA interprets the CAA to allow States to make multiple SIP submittals separately addressing infrastructure SIP elements for the same NAAQS. If States elect to make such multiple SIP submittals to meet the infrastructure SIP requirements, the EPA can elect to act on such submittals either individually or in a larger combined action.⁴

² See, e.g., 70 FR 25162, 25163–25165 (May 12, 2005), explaining the relationship between the timing requirements of CAA section 110(a)(2)(D) versus section 110(a)(2)(I).

³ The EPA notes that this ambiguity within CAA section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submittal of certain types of SIP submittals in designated nonattainment areas for various pollutants. Note, for example, that section 182(a)(1) provides specific dates for submittal of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

⁴ See, e.g., the EPA’s final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA’s 2008 NSR rule for PM_{2.5} at 78 FR 4339 (January 22, 2013), and the EPA’s final

Similarly, the EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submittal for a given NAAQS without concurrent action on the entire submittal. For example, the EPA has sometimes elected to act at different times on various elements and subelements of the same infrastructure SIP submittal.⁵

Ambiguities within CAA sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submittal requirements for different NAAQS. Thus, the EPA notes that not every element of section 110(a)(2) would be relevant, as relevant, or relevant in the same way, for each new or revised NAAQS. The States’ attendant infrastructure SIP submittals for each NAAQS therefore could be different. For example, the monitoring requirements that a State might need to meet in its infrastructure SIP submittal for purposes of section 110(a)(2)(B) could be very different for different pollutants, because the content and scope of a State’s infrastructure SIP submittal to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.⁶

The EPA notes that interpretation of CAA section 110(a)(2) is also necessary when the EPA reviews other types of SIP submittals required under the CAA. Therefore, as with infrastructure SIP submittals, the EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submittals. For example, section 172(c)(7) requires that attainment plan SIP submittals required by part D have to meet the “applicable requirements” of section 110(a)(2). Thus, for example, attainment plan SIP submittals must meet the requirements of section 110(a)(2)(A) regarding enforceable emissions limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submittals required by part D would not need to meet the

action on the infrastructure SIP for the 2006 PM_{2.5} NAAQS at 78 FR 4337 (January 22, 2013).

⁵ On December 14, 2007, the State of Tennessee made a SIP revision to the EPA demonstrating that the State meets the requirements of CAA sections 110(a)(1) and 110(a)(2). The EPA proposed action for infrastructure SIP elements (C) and (I) at 77 FR 3213 (January 23, 2012) and took final action at 77 FR 14976 (March 14, 2012). The EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee’s December 14, 2007 submittal; see 77 FR 22533 (April 16, 2012) and 77 FR 42997 (July 23, 2012).

⁶ For example, implementation of the 1997 PM_{2.5} NAAQS required the deployment of a system of new monitors to measure ambient levels of new indicator species for the new NAAQS.

portion of section 110(a)(2)(C) that pertains to the air quality prevention of significant deterioration (PSD) program required in part C of title I of the CAA because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submittal may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), the EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submittal. In other words, the EPA assumes that Congress could not have intended that each and every SIP submittal, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, the EPA has adopted an approach under which it reviews infrastructure SIP submittals against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, the EPA has elected to use guidance documents to make recommendations to States for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submittals for particular elements.⁷ The EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (“2013 Infrastructure SIP Guidance”).⁸ The EPA developed this document to provide States with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, the EPA describes the duty of States to make infrastructure SIP submittals to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. The EPA also

made recommendations about many specific subsections of CAA section 110(a)(2) that are relevant in the context of infrastructure SIP submittals.⁹ The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, the EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submittals need to address certain issues and need not address others. Accordingly, the EPA reviews each infrastructure SIP submittal for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, CAA section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submittals. Under this element, a State must meet the substantive requirements of section 128, which pertain to State boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, the EPA reviews infrastructure SIP submittals to ensure that the State’s SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Infrastructure SIP Guidance explains the EPA’s interpretation that there may be a variety of ways by which States can appropriately address these substantive statutory requirements, depending on the structure of an individual State’s permitting or enforcement program (*e.g.*, whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the State, the substantive requirements of section 128 are necessarily included in the EPA’s evaluation of infrastructure SIP submittals because section 110(a)(2)(E)(ii) explicitly requires that the State satisfy the provisions of section 128.

As another example, the EPA’s review of infrastructure SIP submittals with respect to the PSD program requirements in CAA sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J) focuses on the structural

PSD program requirements contained in CAA title I part C and the EPA’s PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and regulated NSR pollutants, including greenhouse gases (GHG). By contrast, structural PSD program requirements do not include provisions that are not required under the EPA’s regulations at 40 CFR 51.166 but are merely available as an option for the State, such as the option to provide grandfathering of complete permit applications with respect to the 2012 PM_{2.5} NAAQS. Accordingly, the latter optional provisions are types of provisions the EPA considers irrelevant in the context of an infrastructure SIP action.

For other CAA section 110(a)(2) elements, however, the EPA’s review of a State’s infrastructure SIP submittal focuses on assuring that the State’s SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia*, the requirement that States have a program to regulate minor new sources. Thus, the EPA evaluates whether the State has a SIP-approved minor NSR program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submittal, however, the EPA does not think it is necessary to conduct a review of each and every provision of a State’s existing minor source program (*i.e.*, already in the existing SIP) for compliance with the requirements of the CAA and the EPA’s regulations that pertain to such programs.

With respect to certain other issues, the EPA does not believe that an action on a State’s infrastructure SIP submittal is necessarily the appropriate type of action in which to address possible deficiencies in a State’s existing SIP. These issues include: (i) existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction (SSM) that may be contrary to the CAA and EPA policies addressing such excess emissions; (ii) existing provisions related to “director’s variance” or “director’s discretion” that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by the EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of the EPA’s “Final NSR

⁷ The EPA notes, however, that nothing in the CAA requires the EPA to provide guidance or to promulgate regulations for infrastructure SIP submittals. The CAA directly applies to States and requires the submittal of infrastructure SIP submittals, regardless of whether or not the EPA provides guidance or regulations pertaining to such submittals. The EPA elects to issue such guidance in order to assist States, as appropriate.

⁸ Memorandum dated September 13, 2013, from Stephen D. Page, Director, Office of Air Quality and Planning Standards, U.S. EPA, Subject: “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).”

⁹ The 2013 Infrastructure SIP Guidance did not make recommendations with respect to infrastructure SIP submittals to address CAA section 110(a)(2)(D)(i)(I). The EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City*, 696 F.3d 7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, the EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether the EPA elects to provide guidance on a particular section has no impact on a State’s CAA obligations.

Improvement Rule.”¹⁰ Thus, the EPA believes it may approve an infrastructure SIP submittal without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submittal even if it is aware of such existing provisions.¹¹ It is important to note that the EPA’s approval of a State’s infrastructure SIP submittal should not be construed as explicit or implicit reapproval of any existing potentially deficient provisions that relate to the three specific issues just described.

The EPA’s approach to reviewing infrastructure SIP submittals is to identify the CAA requirements that are logically applicable to that submittal. The EPA believes that this approach to the review of a particular infrastructure SIP submittal is appropriate because it would not be reasonable to read the general requirements of CAA section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a State’s existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the State in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of “implementation, maintenance, and enforcement” of a new or revised NAAQS when the EPA evaluates adequacy of the infrastructure SIP submittal. The EPA believes that a better approach is for States and the EPA to focus attention on those elements of section 110(a)(2) most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, the 2013 Infrastructure SIP Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of CAA section 110(a)(2)(D)(i)(II) because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submittal

for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, the EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of CAA sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow the EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes the EPA to issue a “SIP call” whenever the Agency determines that a State’s SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.¹² Section 110(k)(6) authorizes the EPA to correct errors in past actions, such as past approvals of SIP submittals.¹³ Significantly, the EPA’s determination that an action on a State’s infrastructure SIP submittal is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude the EPA’s subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a State to eliminate all existing inappropriate director’s discretion provisions in the course of acting on an infrastructure SIP submittal, the EPA believes that section 110(a)(2)(A) may be among the statutory bases that the EPA relies upon in the course of addressing such deficiency in a subsequent action.¹⁴

¹² For example, the EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See 76 FR 21639 (April 18, 2011).

¹³ The EPA has used this authority to correct errors in past actions on SIP submittals related to PSD programs. See Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule, 75 FR 82536 (December 30, 2010). The EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

¹⁴ See, e.g., the EPA’s disapproval of a SIP submittal from Colorado on the grounds that it would have included a director’s discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342, 42344 (July 21, 2010) (proposed disapproval of director’s discretion provisions); 76 FR 4540

II. Background

A. Statutory Framework

As described in the previous section, CAA section 110(a)(1) requires States to make a SIP submittal within three years after the promulgation of a new or revised primary NAAQS. Section 110(a)(2) includes a list of specific elements that each infrastructure SIP submittal must include. These infrastructure SIP elements required by section 110(a)(2) are as follows:

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B): Ambient air quality monitoring/data system.
- Section 110(a)(2)(C): Program for enforcement of control measures and regulation of new and modified stationary sources.
- Section 110(a)(2)(D)(i): Interstate pollution transport.
- Section 110(a)(2)(D)(ii): Interstate and international pollution abatement.
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local and regional government agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J): Consultation with government officials, public notification, PSD, and visibility protection.
- Section 110(a)(2)(K): Air quality modeling and submittal of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

Two elements identified in CAA section 110(a)(2) are not governed by the three-year submittal deadline of section 110(a)(1) and are therefore not addressed in this action. These two elements are section 110(a)(2)(C), to the extent that it refers to permit programs required under part D (nonattainment NSR), and section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address infrastructure requirements for the nonattainment NSR portion of section 110(a)(2)(C) or the entirety of section 110(a)(2)(I). Additionally, this action does not address the requirements of section 110(a)(2)(D)(i)(I) pertaining to contributions to nonattainment or interference with maintenance in other States, referred to as “prongs 1 and 2”

(January 26, 2011) (final disapproval of such provisions).

¹⁰ See 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007).

¹¹ By contrast, the EPA notes that if a State were to include a new provision in an infrastructure SIP submittal that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then the EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

and 110(a)(2)(D)(i)(II) pertaining to interference with visibility protection in other States, referred to as “prong 4”. The EPA will take action on Arizona’s SIP revision with respect to prongs 1, 2, and 4 of section 110(a)(2)(D)(i) in a separate, future rulemaking.

B. Regulatory Background

In January 2013, the EPA promulgated a revised primary NAAQS for annual PM_{2.5}, triggering a requirement for States to submit infrastructure SIPs. The EPA strengthened the primary annual PM_{2.5} NAAQS by lowering the level from 15 micrograms per cubic meter (µg/m³) to 12.0 µg/m³, while maintaining the secondary standard.¹⁵

III. State Submittals

A. Infrastructure SIP Submittal

The Arizona Department of Environmental Quality (ADEQ) submitted two SIP revisions to address the infrastructure SIP requirements in CAA sections 110(a)(1) and 110(a)(2) for the 2012 PM_{2.5} NAAQS. On December 11, 2015, ADEQ submitted the “Arizona State Implementation Plan Revision for the 2012 Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standard” (“2015 PM_{2.5} I-SIP submittal”).¹⁶ On February 10, 2022, ADEQ submitted the “State Implementation Plan Revision: Clean Air Act Section 110(a)(2) for the 2012 Fine Particulate & 2015 Ozone NAAQS” (“2022 I-SIP supplement”).¹⁷ The submittals collectively address the infrastructure SIP requirements for the 2012 PM_{2.5} NAAQS as described by this proposed rule. We refer to them collectively herein as “Arizona’s 2012 PM_{2.5} I-SIP submittals.”

We find that Arizona’s 2012 PM_{2.5} I-SIP submittals meet the procedural requirements for public participation under CAA section 110(a)(2) and 40 CFR 51.102.¹⁸ We also find that they

meet the applicable completeness criteria in Appendix V to 40 CFR part 51. We are proposing to act on these submittals with respect to the 2012 PM_{2.5} NAAQS except for those portions of the 2012 PM_{2.5} I-SIP submittals addressing prongs 1, 2, and 4 of the interstate transport requirements under CAA section 110(a)(2)(D)(i). We are also not taking action on the portions of the 2022 I-SIP supplement addressing the 2015 ozone NAAQS in this rulemaking.

B. Revised Rules and Regulations

1. Rules and Regulations Submitted by the State

In a February 10, 2022 letter transmitting the 2022 I-SIP supplement, ADEQ included revised rules and regulations for incorporation by reference into the Arizona SIP. These submittals include: Arizona Administrative Code (AAC) R18–2–220 “Air Pollution Emergency Episodes,” and the “Procedures for the Prevention of Emergency Episodes,” the Arizona Revised Statute (ARS) 49–432(C), dealing with public availability of emissions records, Pinal County Code (PCC) 17.24.010 “Confidentiality of trade secrets, sales data, and proprietary information,” and Maricopa County Air Pollution Control Regulations, “Regulation VI—Emergency Episodes Rule 600,” (“Rule 600”).¹⁹ The EPA has already proposed to approve the revised ARS 49–432 and PCC 17.24.010 for incorporation into the Arizona SIP in a previous proposed rulemaking.²⁰ AAC R18–2–220 and Rule 600 are included as part of the 2022 I-SIP supplement to satisfy the requirements of CAA section 110(a)(2)(G) for 2012 PM_{2.5} NAAQS emergency episodes.

2. What is the Purpose of the Submitted Rule Revisions

The revised AAC R18–2–220 is intended to satisfy outstanding CAA section 110(a)(2)(G) requirements by adding details of averaging time with alert, warning, emergency, and significant harm levels for PM_{2.5}. Specifically, the averaging time is set to 24 hours, the alert level is set to 140.5 µg/m³, the warning level is set to 201.5 µg/m³, the emergency level is set to

280.5 µg/m³, and the significant harm level is set to 350.5 µg/m³. These action levels are set in accordance with the recommendations in EPA’s 2009 guidance on PM_{2.5} infrastructure SIPs (“2009 PM_{2.5} I-SIP Guidance”).²¹ Furthermore, the ADEQ “Procedures for Prevention of Emergency Episodes” incorporated by reference along with AAC R18–2–220 contains the specific actions and processes that the State must follow in the event of an air pollution event reaching the various thresholds. Additionally, Maricopa County Air Quality Department (MCAQD) amended Rule 600 to align the rule with the episode level criteria and significant harm levels listed in AAC R18–2–220 and the 2009 PM_{2.5} I-SIP Guidance.

IV. The EPA’s Evaluation and Proposed Action

We have evaluated Arizona’s 2012 PM_{2.5} I-SIP submittals, the associated revised rules and regulations, and the existing provisions of the Arizona SIP for compliance with the infrastructure SIP requirements of CAA section 110(a)(2) and the applicable regulations in 40 CFR part 51 (“Requirements for Preparation, Adoption, and Submittal of State Implementation Plans”). The technical support document (TSD) for this rulemaking is available in the docket and includes our detailed evaluation for these infrastructure SIP elements, rationale for our proposed actions, and our evaluation of various statutory and regulatory provisions identified and submitted by Arizona.

A. Proposed Approvals and Partial Approvals

Based on the evaluation presented in this notice and in the accompanying TSD, the EPA proposes to approve Arizona’s 2012 PM_{2.5} I-SIP submittals with respect to the 2012 PM_{2.5} NAAQS for the following CAA requirements. Proposed partial approvals are indicated by the parenthetical “(in part).”

- 110(a)(2)(A)—Emission limits and other control measures.
- 110(a)(2)(B)—Ambient air quality monitoring/data system.
- 110(a)(2)(C)—Program for enforcement of control measures and regulation of new stationary sources (in part).
- 110(a)(2)(D)(i)(II)—Interference with PSD, or “prong 3” (in part).
- 110(a)(2)(D)(ii)—Interstate pollution abatement, CAA section 126 (in part).

¹⁵ 78 FR 3086, (January 15, 2013).

¹⁶ Letter dated December 11, 2015, from Eric Massey, Director, Air Quality Division, ADEQ, to Jared Blumenfeld, Regional Administrator, EPA Region IX, Subject: “Arizona Infrastructure State Implementation Plan for the 2012 PM_{2.5} National Ambient Air Quality Standards.”

¹⁷ Letter dated February 10, 2022, from Daniel Czecholinski, Director, Air Quality Division, ADEQ, to Martha Guzman, Regional Administrator, EPA Region IX, Subject: “Submittal of the Arizona State Implementation Plan Revision under Clean Air Act Sections 110(a)(2) for the 2012 Fine Particulate and the 2015 Ozone NAAQS.”

¹⁸ For the 2015 PM_{2.5} I-SIP submittal, ADEQ provided a 30-day public comment period that started on November 9, 2015 and concluded on December 9, 2015, with a public hearing occurring on the same date. No comments were expressed during the 30-day comment period nor at the public hearing. The details of this public comment period and hearing can be found in Appendix B of the

2015 PM_{2.5} I-SIP submittal. Similarly, for the 2022 I-SIP supplement, ADEQ also provided a 30-day public comment between December 13, 2021, and January 13, 2022, with a public hearing occurring on January 13, 2022. ADEQ received no verbal or written comments on the 2022 I-SIP supplement. The details of this public comment period and hearing can be found in Appendix E to the 2022 I-SIP supplement.

¹⁹ These submitted revised rules and regulations are included in Appendices C and D the 2022 I-SIP supplement.

²⁰ 87 FR 74349, December 5, 2022.

²¹ “Guidance on SIP Elements Required Under Section 110(a)(1) and (2) for the 2006 24-Hour Fine Particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS),” September 25, 2009.

- 110(a)(2)(D)(ii)—International pollution abatement, CAA section 115.
- 110(a)(2)(E)—Adequate resources and authority, conflict of interest, and oversight of local governments and regional agencies.
- 110(a)(2)(F)—Stationary source monitoring and reporting.
- 110(a)(2)(G)—Emergency episodes.
- 110(a)(2)(H)—Consultation with government officials.
- 110(a)(2)(J)—Consultation with government officials, public notification, PSD, and visibility protection (in part).
- 110(a)(2)(K)—Air quality modeling and submission of modeling data.
- 110(a)(2)(L)—Permitting fees.
- 110(a)(2)(M)—Consultation/participation by affected local entities.

Details about the partial approvals noted in this section are provided in Section IV.B of this notice regarding proposed partial disapprovals. The EPA is taking no action on prongs 1, 2, and 4 of CAA section 110(a)(2)(D)(i) in this rulemaking.

B. Proposed Partial Disapprovals

The EPA proposes to partially disapprove Arizona's 2012 PM_{2.5} I-SIP submittals with respect to the 2012 PM_{2.5} NAAQS for the following Clean Air Act requirements.

- 110(a)(2)(C)—Program for enforcement of control measures and regulation of new stationary sources (in part).
- 110(a)(2)(D)(i)(II)—Interference with PSD, or "prong 3" (in part).
- 110(a)(2)(D)(ii)—Interstate pollution abatement, CAA section 126 (in part).
- 110(a)(2)(J)—Consultation with government officials, public notification, PSD and visibility protection (in part).

The EPA is proposing to partially disapprove Arizona's 2012 PM_{2.5} I-SIP submittals with respect to the 2012 PM_{2.5} NAAQS for these CAA requirements due to deficiencies with respect to PSD permitting of GHG in all permitting jurisdictions in Arizona and with respect to PSD permitting of all NSR-regulated pollutants in Pima County. The EPA's proposed disapprovals apply only to the portions of these requirements that relate to PSD permitting of GHG in all areas of Arizona and with respect to PSD permitting of all regulated pollutants in Pima County.

Arizona's SIP does not fully satisfy the statutory and regulatory requirements for PSD permit programs under CAA title I, part C. Thus, Pima County currently implements the Federal PSD program in 40 CFR 52.21 for all regulated NSR pollutants

pursuant to a delegation agreement with the EPA, and all Arizona jurisdictions implement the Federal PSD program in 40 CFR 52.21 for GHG because Arizona is prohibited by State law from regulating emissions of GHG. Although the Arizona SIP remains deficient with respect to PSD permitting for certain pollutants in certain areas of Arizona as described, these deficiencies are adequately addressed in both areas by existing Federal implementation plans (FIPs). If finalized, these partial disapprovals of Arizona's SIP would not create any new consequences for Arizona, the relevant county agencies, or the EPA, as Arizona and the county agencies already implement the EPA's Federal PSD program at 40 CFR 52.21, pursuant to delegation agreements, for all regulated NSR pollutants. These partial disapprovals, if finalized, would also not result in any offset or highway sanctions, which are not triggered by disapprovals of infrastructure SIPs under CAA section 110(a)(2).

C. Incorporation of Rules Into Arizona's State Implementation Plan

As part of our proposed approval of the Arizona infrastructure SIP submittal elements listed in Section IV.A, we are also proposing to approve two rules and one plan included with the 2022 I-SIP supplement for incorporation into the Arizona State SIP: the revised AAC R18–2–220 "Air Pollution Emergency Episodes," submitted December 17, 2021, and the "Procedures for the Prevention of Emergency Episodes" submitted February 10, 2022, with the 2022 I-SIP supplement.²² Similarly, we are proposing approval of the revised Maricopa County Air Pollution Control Regulation VI, "Emergency Episodes: Rule 600 Emergency Episodes," submitted on December 17, 2021, for incorporation into the State SIP.

As a general matter, rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193). We have evaluated the ADEQ and MCAQD revised rules for compliance with CAA requirements for SIPs set forth in CAA section 110(a)(2) and for compliance with CAA requirements for SIP revisions in CAA sections 110(l) and

193. In general, the rules strengthen the SIP for the reasons discussed in Section III.B.2 of this document and in our TSD. Based upon our analysis, we propose to find that AAC R18–2–220 "Air Pollution Emergency Episodes," the "Procedures for the Prevention of Emergency Episodes," and Maricopa County Rule 600 meet the requirements of CAA sections 110(a)(2), 110(l), and 193. Therefore, the EPA is proposing to approve the submitted revisions to AAC R18–2–220 "Air Pollution Emergency Episodes," the "Procedures for the Prevention of Emergency Episodes," and Maricopa County Rule 600 into the Arizona SIP.

D. Deferred Action

The EPA will address the following Clean Air Act Requirements in separate rulemakings:

- 110(a)(2)(D) (in part): Interstate Pollution Transport.
 - 110(a)(2)(D)(i)(I)—significant contribution to a nonattainment area (prong 1).
 - 110(a)(2)(D)(i)(I)—significant contribution to a maintenance area (prong 2).
 - 110(a)(2)(D)(i)(II)—interference with visibility protection in Class I areas (prong 4).

We note that the EPA intends to act on Prongs 1 and 2 of 110(a)(2)(D)(i)(I) in a separate rulemaking. We intend to act on Prong 4 of 110(a)(2)(D)(i)(II) when we act on Arizona's plan addressing Regional Haze requirements for the second planning period.

E. Revising Air Quality Control Regions and Evaluating Emergency Episode Planning Requirements for PM_{2.5} in Arizona

Section 51.150 provides criteria for the classification of areas for emergency episode planning purposes based on measured concentrations of ambient air pollutants, specifically sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, and ozone. The priority thresholds for classification of air quality control regions (AQCR) are listed at 40 CFR 51.150, and the specific classifications of AQCR in Arizona are listed at 40 CFR 52.121. Consistent with the provisions of 40 CFR 51.153, reclassification of an AQCR must rely on the most recent three years of air quality data. Under 40 CFR 51.151 and 51.152, regions classified under the more stringent classifications of Priority I, IA, or II are required to have SIP-approved emergency episode contingency plans, while those classified Priority III are not required to have plans. We also interpret 40 CFR 51.153 as establishing the means for

²² ADEQ's "Procedures for the Prevention of Emergency Episodes" are located in Appendix D to the 2022 I-SIP supplement.

States to review air quality data and request a higher or lower classification for any given region and as providing the regulatory basis for the EPA to reclassify such regions, as appropriate, under the authorities of CAA sections 110(a)(2)(G) and 301(a)(1).

Arizona has six AQCRs: Maricopa Intrastate, which includes Maricopa County; Pima Intrastate, which includes Pima County; Northern Arizona Intrastate, which includes Apache, Coconino, Navajo, and Yavapai Counties; Mohave-Yuma Intrastate, which includes Mohave and Yuma Counties; Central Arizona Intrastate, which includes Gila and Pinal Counties; and Southeast Arizona Intrastate, which includes Cochise, Graham, Greenlee, and Santa Cruz Counties.

La Paz County is not listed within any of Arizona's AQCRs. This county composed the northern portion of Yuma County prior to its establishment in 1983. The constituent counties of Arizona's AQCRs in 40 CFR 52.121 and the delimited boundaries listed in 40 CFR 81.268 predate the incorporation of La Paz County.²³ Since that time, neither 40 CFR 52.121 nor 40 CFR 81.268 have been revised to include this county. Therefore, we propose a revision to 40 CFR 52.121 to add La Paz County to the list of constituent counties for the Mohave-Yuma Intrastate AQCR, and to 40 CFR 81.268, we propose to add La Paz County to the delimited area of the Mohave-Yuma Intrastate AQCR.²⁴

The EPA's emergency episode regulations were promulgated before the agency's regulation of PM_{2.5} as a priority pollutant, and do not include concentrations for the priority classification based on PM_{2.5} concentrations in 40 CFR 51.150. As explained in our TSD, to determine the appropriate priority classifications for Arizona's AQCRs and any related emergency episode planning requirements, we followed the recommended threshold concentrations and corresponding priority classifications set forth in the EPA's 2009 PM_{2.5} I-SIP Guidance. We evaluated the three most recent years of complete, quality-assured, and certified ambient air monitoring data to yield maximum 24-hour PM_{2.5} concentrations for each county;²⁵ the maximum

recorded 24-hour PM_{2.5} concentrations along with our proposed classifications for each AQCR are compiled in Table 16 of the TSD accompanying this proposed rule.

The air quality data from 2020–2022 indicate the maximum 24-hour PM_{2.5} concentrations monitored in the Pima Intrastate, Northern Arizona Intrastate, Mohave-Yuma Intrastate, Central Arizona Intrastate, and Southeast Arizona Interstate AQCRs all fall below the Priority II minimum of 140.5 µg/m³ for PM_{2.5} set forth in the 2009 PM_{2.5} I-SIP Guidance. However, the maximum 24-hour concentration measured in the Maricopa Intrastate was 222.4 µg/m³, exceeding the minimum Priority I threshold of 210.5 µg/m³. Therefore, the Maricopa Intrastate AQCR is required to have an emergency episode plan for PM_{2.5}. As mentioned in Section IV.C of this notice, ADEQ and Maricopa County have both submitted emergency episode plans, and we propose to find that these plans satisfy the requirements of 40 CFR 51.152(a)–(b) and 110(a)(2)(G) of the CAA.

F. Request for Public Comments

The EPA is soliciting public comments on this proposed rulemaking. We will accept comments from the public for the next 30 days. We will consider any comments received before taking final action.

V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the ADEQ and MCAQD rules and plan listed and discussed in Section IV.C of this preamble. The EPA has made, and will continue to make, these documents generally available electronically in the docket for this rulemaking at <https://www.regulations.gov>.

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to review State choices, and approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to partially approve

and partially disapprove a revision to the Arizona SIP as meeting the requirements of sections 110(a)(1) and 110(a)(2) of the Clean Air Act for the implementation, maintenance, and enforcement of the 2012 PM_{2.5} NAAQS as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993), and 14094 (88 FR 21879, January 21, 2011);
 - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
 - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
 - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
 - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
 - Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a State program;
 - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
 - Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.
- Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should

²³ 45 FR 7545 (February 4, 1980).

²⁴ The EPA has discussed the basis for these proposed amendments to 40 CFR 52.121 and 40 CFR 81.268 with ADEQ and the State's concurrence with these revisions will be included as a formal request letter in the docket for this rulemaking with our notice of final action.

²⁵ EPA AQS Daily Summary Report, AMP435, for 2020–2022 24-Hour PM_{2.5} Values for Arizona.

Report accessed July 31, 2023, included in the docket for this rulemaking.

bear a disproportionate burden of environmental harms and risks, including those resulting from negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The air agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action described in this proposed rulemaking, this action is expected to

have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this proposed action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal

governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: June 6, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2024–12781 Filed 6–12–24; 8:45 am]

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Notices

Federal Register

Vol. 89, No. 115

Thursday, June 13, 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

Agricultural Marketing Service

[Doc. No.: AMS-LRRS-24-0025]

Notice of Request for an Extension of a Currently Approved Information Collection: Qualitative Feedback on Agency Service Delivery

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget (OMB), for an extension of a currently approved information collection associated with qualitative customer and stakeholder feedback on service delivery by the AMS.

DATES: Comments on this notice must be received by August 12, 2024 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this notice online using the electronic process available at <https://www.regulations.gov>. Written comments may be submitted to: Legislative & Regulatory Review Staff, AMS, USDA, 1400 Independence Avenue SW, Stop 0202, Room 2938-S, Washington, DC 20250; Fax: (202) 690-3767. All comments submitted in response to this notice will be posted without change, including any personal information provided, at <https://www.regulations.gov/>, included in the record, and made available to the public.

FOR FURTHER INFORMATION CONTACT: Joell Gilham, Legislative & Regulatory Review Staff, AMS, USDA; Telephone (202) 720-2986, or Email norma.gilham@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery-AMS.

OMB Number: 0581-0269.

Expiration Date of Approval: August 31, 2024.

Type of Request: Extension of a Currently Approved Information Collection.

Abstract: The proposed information collection activity provides a means for AMS to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Agency's commitment to improving service delivery.

By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative, and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

AMS will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;

- The collection is non-controversial and does not raise issues of concern to other Federal agencies;

- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of AMS (if released, AMS must indicate the qualitative nature of the information);

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information; the collection will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding this study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, this information collection will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual

behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

AMS currently has approval from the Office of Management and Budget (OMB) for this information collection. This approval is for 60,000 burden hours, based on our initial request to OMB in April 2011. We are requesting that the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.50 hours per response.

Respondents: Individuals and households; businesses and organizations; State, local, or Tribal government.

Estimated Annual Number of Respondents: 110,000.

Estimated Number of Responses: 110,000.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 60,000 (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Comments: Comments are invited on: (1) Whether the proposed collection of the information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024-13012 Filed 6-12-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by July 15, 2024. Written comments and recommendations for the proposed information collection should be submitted, identified by docket number 0535-0264, within 30 days of the publication of this notice by any of the following methods:

- *Email:* ombofficer@nass.usda.gov. Include docket number above in the subject line of the message.
- *E-fax:* 855-838-6382.
- *Mail:* Mail any paper, disk, or CD-ROM submissions to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336, South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.
- *Hand Delivery/Courier:* Hand deliver to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336, South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Land Leasing Survey in Oklahoma.

OMB Control Number: 0535-0264.

Summary of Collection: The primary objectives of the National Agricultural Statistics Service (NASS) are to prepare and issue official State and national estimates of crop and livestock production, disposition and prices, economic statistics, and environmental statistics related to agriculture and to conduct the Census of Agriculture and its follow-on surveys. NASS will conduct a survey of agricultural operations in Oklahoma. Selected farmers will be asked to provide data on rent & acreage as well as form of the lease agreement for operations with the following lease agreements: (1) cash rent for selected crops, (2) share rent, (3) pasture leases, winter grazing, and recreational leases. General authority for these data collection activities is granted under U.S.C. Title 7, Section 2204.

Need and Use of the Information: Oklahoma State University, as well as many farmers and ranchers in Oklahoma, have been interested in land rental rates for agricultural operations in greater detail than what is provided in the Cash Rents and Leases Survey used to satisfy the requirement originally specified in the 2008 Farm Bill and conducted under Office of Management and Budget approval number 0535-0002.

To assist producers with this data need, the Oklahoma State University, Department of Agricultural Economics (OSU-DAE), has been collecting and publishing statistical estimates biennially for more than 30 years—before USDA-NASS was tasked with the Cash Rents County Estimates. The OSU-DAE obtained statistics to assist producers in making sound rental agreements. Due to the diverse nature of the state, OSU-DAE felt it necessary to provide more descriptive land breakouts such as pasture estimates into native pasture and improved pasture due to large price differences and input costs associated with each type of pasture.

The NASS Oklahoma Field Office routinely receives data requests from data users specific to land leasing rates. While NASS does typically have county and state level cash rents data available for data users, many times they are looking for more detail on the breakout of pastureland or cropland. In Oklahoma, improved grasses for pastureland tend to bring above average rates due to the delivered output, and the same applies to some cropland.

Description of Respondents: Farmers and ranchers in Oklahoma.
Number of Respondents: 2,700.
Frequency of Responses: Reporting: One a year.
Total Burden Hours: 1,022.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–12978 Filed 6–12–24; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Library

Notice of Intent To Seek Approval To Collect Information

AGENCY: National Agricultural Library, Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Agricultural Library's (NAL) intent to request an extension of approval for the current information collection form related to the Animal Welfare Information Center's (AWIC) workshop, *Meeting the Information Requirements of the Animal Welfare Act*. This workshop registration form requests the following information from participants: contact information, current profession, professional experience, affiliation, basic demographic information, and database searching experience. Participants include principal investigators, members of Institutional Animal Care and Use Committees, animal care technicians, facility managers, veterinarians, and administrators of animal use programs.

DATES: Comments on this notice must be received by August 12, 2024 to be assured of consideration.

ADDRESSES: Address all comments concerning this notice to Jessie Carder, Supervisory Technical Information Specialist, USDA, ARS, NAL Animal Welfare Information Center, 10301 Baltimore Avenue, Beltsville, Maryland 20705–2351. Submit electronic comments to: jessie.carder@usda.gov.

FOR FURTHER INFORMATION CONTACT: Jessie Carder, Supervisory Technical Information Specialist. Phone: 301–504–5755 or jessie.carder@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Animal Welfare Act Workshop Registration.

OMB Number: 0518–033.

Expiration Date: December 31, 2024.

Type of Request: To extend approval of a current data collection form.

Abstract: This Web-based form collects information to register respondents in the workshop, *Meeting the Requirements of the Animal Welfare Act*.

Information collected includes the following: name, title/position, organization name, mailing address, phone number, and email address. Five questions regarding membership on an Institutional Animal Care and Use Committee, position as principal investigator, and goals for attending the workshop.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 minutes per response.

Respondents: Principal investigators, members of Institutional Animal Care and Use Committees, animal care personnel, veterinarians, information providers, and administrators of animal use programs.

Estimated Number of Respondents: 840 per year.

Estimated Total Annual Burden on Respondents: 42 hours.

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 of the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who respond, including the use of appropriate automated, electronic, mechanical, or other technology. Comments should be sent to the address in the preamble. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Nora Lapitan,

Acting Associate Administrator, ARS.

[FR Doc. 2024–12958 Filed 6–12–24; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–68–2024]

Approval of Subzone Status; Vitesco Technologies USA, LLC; Seguin, Texas

On April 11, 2024, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of San Antonio, grantee of FTZ 80, requesting subzone status subject to the existing activation limit of FTZ 80, on behalf of Vitesco Technologies USA, LLC, in Seguin, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (89 FR 27413–27414, April 17, 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 80G was approved on June 10, 2024, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 80's 2,000-acre activation limit.

Dated: June 10, 2024.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2024–13042 Filed 6–12–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[[S–67–2024]

Approval of Subzone Status; Hamilton Beach Brands, Inc; Byhalia, Mississippi

On April 11, 2024, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Northern Mississippi FTZ, Inc., grantee of FTZ 262, requesting subzone status subject to the existing activation limit of FTZ 262, on behalf of Hamilton Beach Brands, Inc., in Byhalia, Mississippi.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (89 FR 26862, April 16, 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 262F was approved on June 10, 2024, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 262's 2,000-acre activation limit.

Dated: June 10, 2024.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2024-13043 Filed 6-12-24; 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: Affirmative Final Determination of Circumvention of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that small and large garlic chunks produced in the People's Republic of China (China) and exported to the United States constitute merchandise altered in form or appearance in such minor respects that they should be included within the scope of the antidumping duty (AD) order on fresh garlic from China. As a result, small and large garlic chunks will be subject to suspension of liquidation effective June 8, 2023.

DATES: Applicable June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Thomas Cloyd, 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) 482-1246.

SUPPLEMENTARY INFORMATION:

Background

On November 14, 2023, Commerce published the *Preliminary Determination* of the circumvention inquiry of the AD order on fresh garlic from China, in which Commerce determined that imports of small and large garlic chunks from China are circumventing the *Order*.¹ We invited parties to comment on the *Preliminary*

Determination and received timely filed comments and rebuttal comments from interested parties.² On April 2, 2024, Commerce extended the deadline for the final determination until June 7, 2024.³

For a complete description of events that followed the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for consideration in the final determination, *see* the Issues and Decision Memorandum.⁴ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The merchandise covered by the *Order* is fresh garlic from China. The subject garlic is currently classifiable under subheadings 0703.20.0005, 0703.20.0010, 0703.20.0015, 0703.20.0020, 0703.20.0000, 0703.20.0090, 0710.80.7060, 0710.80.97500, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, and 2005.99.9700 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our 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.

² *See* Green Garden Produce, LLC's Letter, "Green Garden Produce, LLC's Comments on Commerce's Preliminary Affirmative Determination of the Circumvention for Small and Large Garlic Chunks," dated December 5, 2023; *see also* the Fresh Garlic Producers Association and its individual members' Letter, "Petitioners' Rebuttal to Green Garden's Comments on Preliminary Affirmative Determination of Circumvention," dated December 19, 2023; *see also* I Love Produce, LLC's Letter, "Rebuttal Comments to Green Garden's Comments on DOC's Preliminary Affirmative Circumvention Determination," dated December 19, 2023.

³ *See* Memorandum, "Extension of Deadline for Final Results of Circumvention Inquiry," dated April 2, 2024.

⁴ *See* Memorandum, "Issues and Decision Memorandum for the Final Affirmative Circumvention Determination of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Merchandise Subject to the Circumvention Inquiry

This circumvention inquiry covers small and large garlic chunks produced in China and exported to the United States. A complete description of the merchandise subject to the circumvention inquiry is contained in the Issues and Decision Memorandum.

Methodology

Commerce is conducting this circumvention inquiry pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.226(j). For a complete description of the methodology underlying the final determination, *see* the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice.

Changes Since the Preliminary Determination

All issues raised in the case and rebuttal briefs by parties in these inquiries are addressed in the Issues and Decision Memorandum. Based on our analysis of the comments received from interested parties, we made no change to the *Preliminary Determination*.

Final Circumvention Determination

As detailed in the Issues and Decision Memorandum, we determine that small and large garlic chunks produced in China and exported to the United States constitute merchandise altered in form or appearance in such minor respects that they should be included within the scope of the *Order*, pursuant to section 781(c) of the Act and 19 CFR 351.226(j). We also determine that this affirmative circumvention finding should be applied on a country-wide basis. For a detailed explanation of our determinations with respect to small and large garlic chunks, *see* the *Preliminary Determination* PDM and the Issues and Decision Memorandum.

Suspension of Liquidation and Cash Deposit Requirements

In accordance with 19 CFR 351.226(l)(3), based on this affirmative final determination, Commerce will direct U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of previously suspended entries and to suspend liquidation and require a cash deposit of estimated duties on unliquidated entries of small and large garlic chunks produced in and exported from China that are entered, or withdrawn from warehouse, for consumption on or after June 8, 2023 (*i.e.*, the date of the

¹ *See* *Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994) (*Order*); *see also* *Fresh Garlic from the People's Republic of China: Preliminary Affirmative Determination of Circumvention*, 88 FR 77959 (November 14, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

publication of the *Initiation Notice*⁵). Pursuant to 19 CFR 351.226(l)(3), we will also instruct CBP to require AD cash deposit rates in effect for fresh garlic for each unliquidated entry of small and large garlic chunks produced in and exported from China that have been entered, or withdrawn from warehouse, for consumption on or after June 8, 2023 (*i.e.*, the date of the initiation of this inquiry).⁶ The suspension of liquidation instructions and cash deposit requirements will remain in effect until further notice.

Opportunity To Request an Administrative Review

Each year during the anniversary month of the publication of an AD or countervailing duty (CVD) order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Act, may request, in accordance with 19 CFR 351.213, that Commerce conduct an administrative review of that AD or CVD order, finding, or suspended investigation. An interested party who would like Commerce to conduct an administrative review should wait until Commerce announces via the **Federal Register** the next opportunity during the anniversary month of the publication of the *Order* to submit such requests. The anniversary month for this *Order* is November.

Administrative Protective Order

This notice will serve as the only reminder to all parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with section 781(c) of the Act and 19 CFR 351.226(g)(2).

⁵ See *Fresh Garlic from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping Duty Order*, 88 FR 37510 (June 8, 2023) (*Initiation Notice*).

⁶ See *Order*.

Dated: June 7, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Period of the Circumvention Inquiry
- VI. Discussion of the Issues
 - Comment 1: Whether the Inquiry Merchandise Is Excluded from the *Order* Due to Preservation by the Addition of Other Ingredients
 - Comment 2: Whether the Inquiry Merchandise Is Excluded from the *Order* by being "Further Processed"
 - Comment 3: Whether the Inquiry Merchandise Has Undergone Minor Alteration
- VII. Recommendation

[FR Doc. 2024–13044 Filed 6–12–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–912, C–533–913]

Certain Non-Refillable Steel Cylinders From India: Antidumping Duty and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) and countervailing duty (CVD) orders on certain non-refillable steel cylinders (steel cylinders) from India.

DATES: Applicable June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Shane Subler (CVD), Rachel Accorsi (CVD), Benito Ballesteros (AD), or Samuel Evans (AD), AD/CVD Operations, Offices VIII and IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6241, (202) 482–3149, (202) 482–7425, or (202) 482–2420, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), on April 22, 2024, Commerce published its affirmative final determination that countervailable subsidies are being provided to producers and exporters of steel cylinders from India.¹ Also on April 22, 2024, in accordance with section 735(d) of the Act, Commerce published its affirmative final determination in the less-than-fair-value (LTFV) investigation of steel cylinders from India.²

On June 6, 2024, pursuant to sections 705(d) and 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of subsidized imports of steel cylinders from India within the meaning of section 705(b)(1)(A)(i) of the Act and LTFV imports of steel cylinders from India within the meaning of section 735(b)(1)(A)(i) of the Act.³

Scope of the Orders

The products covered by these orders are steel cylinders from India. For a complete description of the scope of the orders, see the appendix to this notice.

AD Order

On June 6, 2024, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of steel cylinders from India that are sold in the United States at LTFV.⁴ Therefore, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing this AD order. Moreover, because the ITC determined that imports of steel cylinders from India are materially injuring a U.S. industry, unliquidated entries of such merchandise from India entered or withdrawn from warehouse for consumption are subject to the assessment of ADs.

¹ See *Certain Non-Refillable Steel Cylinders from India: Final Affirmative Countervailing Duty Determination*, 89 FR 29296 (April 22, 2024) (*CVD Final Determination*), and accompanying Issues and Decision Memorandum (IDM).

² See *Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Non-Refillable Steel Cylinders from India*, 89 FR 29294 (April 22, 2024), and accompanying IDM.

³ See ITC's Letter, "Notification of ITC Final Determinations," dated June 6, 2024 (ITC Notification Letter).

⁴ *Id.*

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, ADs equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise on all relevant entries of steel cylinders from India. ADs will be assessed on unliquidated entries of steel cylinders entered, or withdrawn from warehouse, for consumption on or after December 1, 2023, the date of publication of the *AD Preliminary Determination*,⁵ but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described below.

Continuation of Suspension of Liquidation and Cash Deposits—AD

Except as noted in the “Provisional Measures—AD” section of this notice, in accordance with section 736 of the Act, Commerce intends to instruct CBP to continue to suspend liquidation on all relevant entries of steel cylinders from India. These instructions suspending liquidation will remain in effect until further notice.

Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the table below, adjusted by the relevant subsidy offsets. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated customs duties on subject

merchandise, a cash deposit equal to the rates listed in the table below. The all-others rate applies to all producers or exporters not specifically listed, as appropriate.⁶ Because the estimated weighted-average dumping margin is zero for subject merchandise produced and exported by Inox, entries of shipments of subject merchandise from this producer/exporter combination are excluded from the AD order on subject merchandise from India. This exclusion will not be applicable to merchandise exported to the United States by this respondent in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent) ⁷
Bhiwadi Cylinders Private Limited; Sapphire (India) Private Limited	6.27	4.13
Inox India Limited ⁸	0.00	0.00
All Others	6.27	4.13

Provisional Measures—AD

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that accounted for a significant proportion of exports of steel cylinders from India, Commerce extended the four-month period to no more than six months.⁹ Commerce published the *AD Preliminary Determination* on December 1, 2023. Therefore, the six-month period beginning on the date of the publication of the *AD Preliminary Determination* ended on May 28, 2024. Pursuant to section 737(b) of the Act, the collection of cash deposits at the rates listed above will begin on the date of publication of

the ITC's final injury determination. Therefore, in accordance with section 736(a)(1) of the Act and our practice, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to ADs, unliquidated entries of steel cylinders from India entered, or withdrawn from warehouse, for consumption on May 29, 2024, the first day provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

CVD Order

As stated above, based on the above-referenced affirmative final determination by the ITC that an industry in the United States is

materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of steel cylinders from India,¹⁰ in accordance with section 705(c)(2) of the Act, Commerce is issuing this CVD order. Moreover, because the ITC determined that imports of steel cylinders from India are materially injuring a U.S. industry, unliquidated entries of subject merchandise from India entered, or withdrawn from warehouse, for consumption, are subject to the assessment of CVDs.

Therefore, in accordance with section 706(a) of the Act, Commerce intends to direct CBP to assess, upon further instruction by Commerce, CVDs on all relevant entries of steel cylinders from India, which are entered, or withdrawn from warehouse, for consumption on or after September 29, 2023, the date of publication of the *CVD Preliminary Determination*, but will not include entries occurring after the expiration of

⁵ See *Certain Non-Refillable Steel Cylinders From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 88 FR 83906 (December 1, 2023) (*AD Preliminary Determination*).

⁶ As noted below, merchandise produced and exported by Inox India Limited (Inox) is excluded from the AD order. Therefore, the all-others rate applies to entries of any merchandise produced by

Inox and exported by any other company or merchandise produced by any other company and exported by Inox.

⁷ In the companion CVD investigation, Commerce calculated a 2.14 percent export subsidy rate for Bhiwadi Cylinders Private Limited and Sapphire (India) Private Limited. See *CVD Final Determination* IDM at 7–10.

⁸ Merchandise produced and exported by Inox is excluded from the AD order. This exclusion does

not apply to merchandise produced by Inox and exported by any other company or merchandise produced by any other company and exported by Inox. Resellers of merchandise produced by Inox are also not entitled to this exclusion.

⁹ See *AD Preliminary Determination*, 88 FR at 83908.

¹⁰ See ITC Notification Letter.

the provisional measures period and before the publication of the ITC's final injury determination under section 705(b) of the Act, as further described in the "Provisional Measures—CVD" section of this notice.¹¹

Suspension of Liquidation and Cash Deposits—CVD

In accordance with section 706 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation of steel cylinders from India, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice.

Commerce also intends, pursuant to section 706(a)(1) of the Act, to instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, CBP must require, at the same time as importers would deposit estimated normal customs duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the subsidy rates listed below. The all-others rate applies to all producers or exporters not specifically listed below, as appropriate.

Estimated Countervailable Subsidy Rates

Company	Subsidy rate (percent <i>ad valorem</i>)
Bhiwadi Cylinders Private Limited ¹²	2.48
Inox India Ltd	2.26
All Others	2.38

Provisional Measures—CVD

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published the *CVD Preliminary Determination* on September 29, 2023.¹³ As such, the four-month period beginning on the date of the publication

of the *CVD Preliminary Determination* ended on January 26, 2024.

Therefore, in accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to CVDs, unliquidated entries of steel cylinders from India entered, or withdrawn from warehouse, for consumption, on or after January 27, 2024, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.¹⁴ On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.¹⁵ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.¹⁶

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called "AISL-Annual Inquiry Service List."¹⁷

¹⁴ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

¹⁵ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

¹⁶ *Id.*

¹⁷ This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*,¹⁸ the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹⁹ Accordingly, as stated above, the petitioner and the Government of India should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for these orders. Pursuant to 19 CFR 351.225(n)(3), the petitioner and the Government of India will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and the Government of India are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in

the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL-January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹⁸ See *Procedural Guidance*, 86 FR at 53206.

¹⁹ See *Final Rule*, 86 FR at 52335.

¹¹ See *Certain Non-Refillable Steel Cylinders from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 88 FR 67231 (September 29, 2023) (*CVD Preliminary Determination*).

¹² Commerce found the following company to be cross-owned with Bhiwadi Cylinders Private Limited: Sapphire (India) Private Limited. See *CVD Final Determination*, 89 FR at 29297.

¹³ See *CVD Preliminary Determination*.

accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the AD and CVD orders with respect to steel cylinders from India, pursuant to sections 706(a) and 736(a) of the Act. Interested parties can find a list of AD and CVD orders currently in effect at <https://enforcement.trade.gov/stats/iastats1.html>.

These AD and CVD orders are issued and published in accordance with sections 706(a) and 736(a) of the Act, and 19 CFR 351.211(b).

Dated: June 7, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The merchandise covered by these orders is 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 specification 39, TransportCanada specification 39M, or United Nations pressure receptacle standard ISO 11118 and otherwise meeting the description provided below (non-refillable steel cylinders). The subject non-refillable steel cylinders are portable and range from 100-cubic inch (1.6 liter) water capacity to 1,526-cubic inch (25 liter) water capacity. Subject non-refillable steel cylinders may be imported with or without a valve and/or pressure release device and are unfilled at the time of importation. Non-refillable steel cylinders filled with pressurized air otherwise meeting the physical description above are covered by these orders.

Specifically excluded are seamless non-refillable steel cylinders.

The merchandise subject to these orders is properly classified under statistical reporting numbers 7311.00.0060 and 7311.00.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). The merchandise may also enter under HTSUS statistical reporting numbers 7310.29.0030 and 7310.29.0065. Although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[FR Doc. 2024–13040 Filed 6–12–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–555–001]

Mattresses From Cambodia: Notice of Court Decision Not in Harmony With the Amended Final Determination of Antidumping Duty Investigation; Notice of Amended Final Determination; Notice of Amended Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 16, 2024, the U.S. Court of International Trade (CIT) issued its final judgment in *Best Mattresses International Company Limited and Rose Lion Furniture International Company Limited v. United States*, Consol. Court No. 21–00281, sustaining the U.S. Department of Commerce’s (Commerce) remand redetermination pertaining to the less-than-fair-value (LTFV) investigation of mattresses from Cambodia covering the period of investigation January 1, 2019, through December 31, 2019. Commerce is notifying the public that the CIT’s final judgment is not in harmony with Commerce’s amended final determination, and Commerce is amending the amended final determination with respect to the dumping margins assigned to Best Mattresses International Company Limited (Best Mattresses) and Rose Lion Furniture International Company Limited (Rose Lion) (Best Mattresses/Rose Lion) and all other producers and exporters of subject merchandise.

DATES: Applicable May 26, 2024.

FOR FURTHER INFORMATION CONTACT: Preston Cox, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5041.

SUPPLEMENTARY INFORMATION:

Background

On March 25, 2021, Commerce published its final determination in the LTFV investigation of mattresses from Cambodia.¹ After correcting ministerial errors contained the *Final Determination*, on May 14, 2021,

Commerce published the *Amended Final Determination and Order*.²

Best Mattresses/Rose Lion³ filed a complaint before the CIT seeking judicial review of Commerce’s *Amended Final Determination and Order*.⁴ On February 17, 2023, the CIT sustained in part, and remanded, in part, Commerce’s *Amended Final Determination and Order*.⁵ Specifically, the CIT remanded Commerce to further explain or reconsider the following: (1) the use of Cambodian Trademap data under the transactions disregarded rule; (2) the inclusion of imports from non-market economy (NME) and export-subsidizing countries in the Cambodian Trademap and six country Global Trade Atlas (GTA) datasets when calculating input cost of production and market price under the transactions disregarded and major input rules; and (3) the conclusion that the financial statements relied on in the *Final Determination* were complete and publicly available.⁶

In its final results of redetermination pursuant to the *Remand Order*, issued on July 17, 2023, Commerce reconsidered the three determinations listed above.⁷ In the *Remand Redetermination*, Commerce: (1) continued to find Cambodia to be the appropriate “market under consideration” in this case;⁸ (2) continued to use Cambodian Trademap and the six country GTA datasets, but excluded data from NME countries and countries with export subsidies;⁹ and (3) continued to find that, while the

² See *Mattresses from Cambodia, Indonesia, Malaysia, Serbia, Thailand, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders and Amended Final Affirmative Antidumping Determination for Cambodia*, 86 FR 26460 (May 14, 2021) (*Amended Final Determination and Order*); see also Memorandum, “Antidumping Duty Investigation of Mattresses from Cambodia: Allegations of Ministerial Errors in Final Determination,” dated April 19, 2021.

³ Commerce determined that Best Mattresses and Rose Lion should be collapsed and treated as a single entity, Best Mattresses/Rose Lion. See *Final Determination* IDM at 1; see also Memorandum, “Less-Than-Fair-Value Investigation of Mattresses from Cambodia: Affiliation and Collapsing Analysis for Best Mattresses International Company Limited and Rose Lion Furniture International Company Limited,” dated October 27, 2020.

⁴ See *Best Mattresses International Company Limited v. United States*, 622 F. Supp. 3d 1347 (CIT February 17, 2023) (*Remand Order*).

⁵ *Id.*, 622 F. Supp. 3d at 1397.

⁶ *Id.*

⁷ See *Final Results of Redetermination Pursuant to Court Remand, Best Mattresses International Company Limited and Rose Lion Furniture International Company Limited v. United States*, Court No. 21–00281, Slip Op. 23–19 (CIT February 17, 2023), dated July 17, 2023 (*Remand Redetermination*), available at <https://access.trade.gov/resources/remands/23-19.pdf>.

⁸ *Id.* at 5–8.

⁹ *Id.* at 8–9 and 17–28.

¹ See *Mattresses from Cambodia: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 86 FR 15894 (March 25, 2021) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM).

financial statements used in the *Final Determination* are publicly available, an average of the financial statements on the record of this proceeding constituted the best proxy of constructed value profit and selling expense data.¹⁰ As a result of the above, Commerce recalculated the weighted-average dumping margin for Best Mattresses/Rose Lion, which changed from 52.41 percent to 103.79 percent.¹¹ Consequently, the dumping margin applicable to all other companies changed from 52.41 percent to 103.79 percent.¹² On May 16, 2024, the CIT sustained Commerce's *Remand Redetermination*.¹³

Timken Notice

In its decision in *Timken*,¹⁴ as clarified by *Diamond Sawblades*,¹⁵ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's May 16, 2024, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Amended Final Determination and Order*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination and Order

Because there is now a final court judgment, Commerce is amending the *Amended Final Determination and Order* to revise the dumping margins assigned to Best Mattresses/Rose Lion and all other producers and exporters of subject merchandise for the period January 1, 2019, through December 31, 2019, as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Best Mattresses International Company Limited/Rose Lion Furniture International Company Limited	103.79

¹⁰ *Id.* at 9–16 and 29–35.

¹¹ *Id.* at 36.

¹² *Id.*

¹³ See *Best Mattresses International Company Limited and Rose Lion Furniture International Company Limited v. United States*, Consol. Court No. 21–00281, Slip Op. 24–59 (CIT May 16, 2024).

¹⁴ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁵ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Exporter/producer	Weighted-average dumping margin (percent)
All Others	103.79

Cash Deposit Requirements

Because Best Mattresses/Rose Lion does not have a superseding cash deposit rate (*i.e.*, there have been no final results published in a subsequent administrative review of Best Mattresses/Rose Lion) and because of the change to the dumping margin assigned to all other producers and/or exporters of subject merchandise, Commerce will instruct U.S. Customs and Border Protection (CBP) to collect cash deposits at the rates equal to the company-specific and all others estimated weighted-average dumping margins listed in the table above.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced and/or exported by Best Mattresses/Rose Lion, and were entered, or withdrawn from warehouse, for consumption on and after November 3, 2020, excluding any merchandise entered, or withdrawn from warehouse, for consumption, on May 2, 2021, through May 13, 2021. Liquidation of these entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process. In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced and/or exported by Best Mattresses/Rose Lion in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis*,¹⁶ we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: June 7, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–13038 Filed 6–12–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–856]

Certain Aluminum Foil From Brazil: Final Results 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 Companhia Brasileira de Alumínio and CBA Itapissuma (collectively, CBA) made sales of subject merchandise at prices below normal value (NV) during the period of review (POR) May 4, 2021, through October 31, 2022.

DATES: Applicable June 13, 2024.

FOR FURTHER INFORMATION CONTACT: George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1167.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 2023, Commerce published in the *Federal Register* its *Preliminary Results*.¹ On March 18, 2024, we extended the deadline for these final results to June 7, 2024.² On April 15, 2024, Commerce issued a post-preliminary cost of production (COP) analysis memorandum.³ For a complete

¹ See *Certain Aluminum Foil from Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022*, 88 FR 86108 (December 12, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum; see also Memoranda, "Post-Preliminary Cost-of-Production Analysis," dated April 12, 2024 (Post-Preliminary COP Analysis Memorandum) and "Cost of Production and Constructed Value Calculation Adjustments for the Post-Preliminary Results—Companhia Brasileira de Alumínio and CBA Itapissuma," dated April 15, 2024 (Post-Preliminary COP Calculation Memorandum).

² See Memorandum, "Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2021–2022," dated March 18, 2024.

³ See Memorandum, "Post-Preliminary Cost-of-Production Analysis," dated April 12, 2024 (Post-Preliminary COP Analysis Memorandum); see also Memorandum, "Cost of Production and Constructed Value Calculation Adjustments for the Post-

¹⁶ See 19 CFR 351.106(c)(2).

Continued

description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁴ Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁵

The product covered by this *Order* is certain aluminum foil from Brazil. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are discussed in the Issues and Decision Memorandum and are listed 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 Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Following the *Preliminary Results*, we made certain changes to CBA's COP, as explained in the Post-Preliminary COP Analysis Memorandum.⁶ For a discussion of these changes, see the Post-Preliminary COP Analysis Memorandum. Beyond the changes discussed in the Post-Preliminary COP Analysis Memorandum, we made no other changes since the *Preliminary Results*.

Final Results of Administrative Review

For these final results, we determine that the following estimated weighted-average dumping margin exists for the period May 4, 2021, through October 31, 2022:

Exporter or producer	Weighted-average dumping margin (percent)
Companhia Brasileira de Alumínio/CBA Itapissuma ⁷	7.59

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these final 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).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For CBA, we calculated *ad valorem* importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Where an importer-specific assessment rate is *de minimis* (i.e., less than 0.5 percent), the entries by that importer will be liquidated without regard to antidumping duties. For entries of subject merchandise during the POR produced by CBA for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate of 13.93 percent, if there is no rate for the intermediate company(ies) involved in the transaction.⁸

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 cash deposit requirements for estimated antidumping duties will be effective upon publication of this notice for all shipments of certain aluminum foil from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for the companies subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by producers or exporters 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 in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer has been covered in a prior completed segment of this proceeding, 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; (4) the cash deposit rate for all other producers or exporters will continue to be 13.93 percent, the all-others rate established in the less-than-fair-value investigation of this proceeding.⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

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 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.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction or return of proprietary information disclosed under APO in

⁴ Preliminary Results—Companhia Brasileira de Alumínio and CBA Itapissuma," dated April 15, 2024 (Post-Preliminary COP Calculation Memorandum).

⁵ See Memorandum, "Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Aluminum Foil from Brazil; 2021–2022," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁶ See *Certain Aluminum Foil from the Republic of Armenia, Brazil, the Sultanate of Oman, the Russian Federation, and the Republic of Turkey: Antidumping Duty Orders*, 86 FR 62790 (November 12, 2021) (*Order*).

⁷ See *Preliminary Results*, 88 FR at 86108; Post-Preliminary COP Analysis Memorandum; and Post-Preliminary COP Calculation Memorandum.

⁸ Upon its determination in the less-than-fair-value (LTFV) investigation that Companhia Brasileira de Alumínio and CBA Itapissuma are affiliated within the meaning of sections 771(33)(E) and (G) of the Act, and should be treated as a single entity in accordance with 19 CFR 351.401(f), in the *Preliminary Results* of this administrative review, Commerce continued to find that Companhia Brasileira de Alumínio and CBA Itapissuma are affiliated and should be treated as a single entity. See Preliminary Decision Memorandum at 1 n.1. Commerce received no comments regarding this preliminary determination. Accordingly, Commerce continues to find that Companhia Brasileira de Alumínio and CBA Itapissuma are affiliated and should be treated as a single entity. Commerce has referred to the two companies collectively as CBA.

⁹ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

⁹ See *Order*, 86 FR at 62791.

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 destruction or return 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 this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: June 7, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
 - Comment 1: Whether to Test Electricity Purchases According to the Major Inputs Provision
 - Comment 2: Whether to Use CBA's Non-Smoothed Costs
 - Comment 3: Whether to Modify Post-Preliminary Analysis to Test for Substantial Cost Differences Across Production Mills
 - Comment 4: Whether to Exclude Priced Sample U.S. Sales
 - Comment 5: Correction of Draft Customs Instructions
- VI. Recommendation

[FR Doc. 2024–13039 Filed 6–12–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–859, A–533–915, A–201–858, A–580–916, A–791–828, C–580–917]

Brass Rod From the Republic of Korea: Amended Final Antidumping Duty Determination; Brass Rod From Brazil, India, Mexico, the Republic of Korea, and South Africa: Antidumping Duty Orders; Brass Rod From the Republic of Korea: Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S.

International Trade Commission (ITC), Commerce is issuing the antidumping duty (AD) orders on brass rod from Brazil, India, Mexico, the Republic of Korea (Korea), and South Africa and a countervailing duty (CVD) order on brass rod from Korea. In addition, Commerce is amending its final determination of sales at less than fair value (LTFV) with respect to brass rod from Korea to correct a ministerial error.

DATES: Applicable June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Claudia Cott or Thomas Schauer (Brazil), AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4270 and (202) 482–0410, respectively; Allison Hollander or Christopher Williams (India), Office I; telephone: (202) 482–2805 or (202) 482–5166; Frank Schmitt or Jacob Waddell (Mexico), Office VI; telephone: (202) 482–4880 or (202) 482–1369, respectively; Krishna Hill or Drew Jackson (AD Korea), Office IV; telephone: (202) 482–4037 or (202) 482–4406, respectively; Dmitry Vladimirov (South Africa), Office I; telephone: (202) 482–0665; or Toni Page or Lingjun Wang (CVD Korea), Office VII; telephone: (202) 482–1398, or (202) 482–2316, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on April 22, 2024, Commerce published its affirmative final determinations of sales at LTFV of brass rod from Brazil, India, Mexico, Korea, and South Africa,¹ and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of brass rod from Korea.² In the LTFV and CVD investigations of brass rod from Korea, a respondent timely alleged that

Commerce made certain ministerial errors. *See* “Amendment to the Korea Final Determination of Sales at Less than Fair Value” section below for further discussion.

On June 5, 2024, pursuant to sections 705(d) and 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of dumped imports of brass rod from Brazil, India, Mexico, the Korea, and South Africa, and subsidized imports of brass rod from Korea, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.³

Scope of the Orders

The product covered by these orders is brass rod from Brazil, India, Mexico, Korea, and South Africa. For a complete description of the scope of the orders, *see* the appendix to this notice.

Amendment to the Final Determination of Sales at Less Than Fair Value for Korea

We determine that we made certain ministerial errors in the final LTFV and CVD determinations on brass rod from Korea. Pursuant to 19 CFR 351.224(e), and as explained further in the Korea AD Ministerial Error Memorandum⁴ and Korea CVD Ministerial Error Memorandum⁵ issued concurrently with this notice, Commerce is amending the *Korea Final LTFV Determination* to reflect the correction of certain ministerial errors, which resulted from the misclassification of certain subsidies in the companion CVD proceeding. Correction of these errors changes the final AD adjusted cash deposit rate for Daechang Co., Ltd., Seowon Co. Ltd., and IMI Co. Ltd., as well as the cash deposit rate for all other producers and exporters not individually investigated. The revised rates are listed in the “Estimated Weighted-Average Dumping Margins” section, below.

AD Orders

On June 5, 2024, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determinations that an industry in the

¹ *See Brass Rod from Brazil: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29303 (April 22, 2024); *Brass Rod from India: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29300 (April 22, 2024) (*India Final LTFV Determination*); *Brass Rod from Mexico: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29305 (April 22, 2024); *Brass Rod from the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29298 (April 22, 2024) (*Korea Final LTFV Determination*); *Brass Rod from South Africa: Final Affirmative Determination of Sales at Less Than Fair Value*, 89 FR 29292 (April 22, 2024), (collectively, *Final LTFV Determinations*).

² *See Brass Rod from the Republic of Korea: Final Affirmative Countervailing Duty Determination*, 89 FR 29290 (April 22, 2024) (*Korea Final CVD Determination*).

³ *See* ITC's Letter, “Notification of ITC Final Determinations,” dated June 5, 2024 (ITC Notification Letter).

⁴ *See* Memorandum, “Less-Than-Fair-Value Investigation of Brass Rod from the Republic of Korea: Allegation of Ministerial Error in the Final Determination,” dated concurrently with this notice.

⁵ *See* Memorandum, “Countervailing Duty Investigation of Brass Rod from the Republic of Korea: Analysis of Ministerial Error Allegations,” dated June 4, 2024. Commerce is not amending the CVD final determination.

United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of brass rod from Brazil, India, Mexico, Korea, and South Africa that are sold in the United States at less than fair value.⁶ Therefore, in accordance with section 735(c)(2) and 736 of the Act, Commerce is issuing these AD orders. Because the ITC determined that imports of brass rod from Brazil, India, Mexico, Korea, and South Africa are materially injuring a U.S. industry, unliquidated entries of such merchandise from Brazil, India, Mexico, Korea, and South Africa, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the

normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise on all relevant entries of brass rod from Brazil, India, Mexico, Korea, and South Africa. Antidumping duties will be assessed on unliquidated entries of brass rod entered, or withdrawn from warehouse, for consumption on or after December 1, 2023, the date of publication of the *Preliminary Determinations of Sales at LTFV*,⁷ but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described below.

Continuation of Suspension of Liquidation and Cash Deposits—AD

Except as noted in the "Provisional Measures—AD" section of this notice, Commerce intends to instruct CBP to continue to suspend liquidation on all relevant entries of brass rod from Brazil,

India, Mexico, Korea, and South Africa, in accordance with section 736 of the Act. These instructions suspending liquidation will remain in effect until further notice.

Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the tables below, adjusted by the relevant subsidy offsets. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determination, CBP must require, at the same time as importers would normally deposit estimated customs duties on subject merchandise, a cash deposit equal to the rates listed in the tables below.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Exporter/producer	Weighted-average dumping margin (percent)	
Brazil		
Termomecanica Sao Paulo S.A	22.78	
Megabras Industria Eletronica Ltda	77.14	
All Others	22.78	
Exporter/producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent) ⁸
India		
Rajhans Metals Pvt Ltd	2.19	0.00
Shree Extrusions Limited	5.42	3.22
All Others	2.41	0.00
Korea		
Booyoung Industry	9.18	7.45
Daechang Co., Ltd./Seowon Co. Ltd./IMI Co. Ltd	8.26	6.78
All Others	8.48	6.94
Exporter/producer	Weighted-average dumping margin (percent)	
Mexico		
Industrias Unidas S.A. de C.V	6.51	
Aleamex S.A. de C.V	29.43	
All Others	6.51	
South Africa		
Non-Ferrous Metal works (SA) (PTY) Ltd	10.67	
All Others	10.67	

⁶ See ITC Notification Letter.

⁷ See *Brass Rod from Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 88 FR 83910 (December 1, 2023); *Brass Rod from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final*

Determination, and Extension of Provisional Measures, 88 FR 83900 (December 1, 2023); and *Brass Rod from Mexico: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 88 FR 83913 (December 1, 2023); *Brass Rod from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 88 FR 83915 (December 1, 2023); *Brass Rod from*

South Africa: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures, 88 FR 83904 (December 1, 2023), (collectively, *Preliminary Determinations of Sales at LTFV*).

⁸ See *India AD Final Determination*, 89 FR at 29302.

Provisional Measures—AD

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that accounted for a significant proportion of exports of brass rod from Brazil, India, Mexico, Korea, and South Africa, Commerce extended the four-month period to no more than six-months.⁹ In the underlying investigations, Commerce published the *AD Preliminary Determinations* on December 1, 2023. Therefore, the six-month period beginning on the date of the publication of the *AD Preliminary Determinations* ended on May 28, 2024. Pursuant to section 737(b) of the Act, the collection of cash deposits at the rates listed above will begin on the date of publication of the ITC's final injury determinations. Therefore, in accordance with section 736(a)(1) of the Act and our practice, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of brass rod from Brazil, India, Mexico, Korea, and South Africa entered, or withdrawn from warehouse, for consumption on or after May 29, 2024, the first day provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

CVD Order

As stated above, based on the above-referenced affirmative final determination by the ITC that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of brass rod from Korea,¹⁰ in accordance with section 705(c)(2) of the Act, Commerce is issuing this CVD order.¹¹ Moreover,

because the ITC determined that imports of brass rod from Korea are materially injuring a U.S. industry, unliquidated entries of subject merchandise from Korea entered, or withdrawn from warehouse, for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce intends to direct CBP to assess, upon further instruction by Commerce, countervailing duties on all relevant entries of brass rod from Korea, which are entered, or withdrawn from warehouse, for consumption on or after September 29, 2023, the date of publication of the *Korea CVD Preliminary Determination*, but will not include entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final injury determination under section 705(b) of the Act, as further described in the "Provisional Measures—CVD" section of this notice.¹²

Suspension of Liquidation and Cash Deposits—CVD

In accordance with section 706 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation of brass rod from Korea, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties on each entry of subject merchandise in an amount based on the net countervailable subsidy rates below. On or after the date of publication of the ITC's final injury determination in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated customs duties on this merchandise, a cash deposit equal to the rates listed in the table below. These instructions suspending liquidation will remain in effect until further notice. The all-others rate applies to all producers or exporters not specifically listed below, as appropriate.

Estimated Countervailing Duty Subsidy Rates

The estimated countervailing duty subsidy rates are as follows:

Company	Subsidy rate (percent <i>ad valorem</i>)
Booyoung Industry	2.04
Daechang Co. Ltd	3.70
All Others	2.87

Provisional Measures—CVD

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published the *Korea CVD Preliminary Determination* on September 29, 2023.¹³ As such, the four-month period beginning on the date of the publication of the *Korea CVD Preliminary Determination* ended on January 26, 2024.

For Booyoung Industry, Commerce determined a *de minimis* preliminary estimated countervailable subsidy rate in the *Korea CVD Preliminary Determination*, and an affirmative final estimated countervailable subsidy rate in the *Korea CVD Final Determination*.¹⁴ Therefore, in accordance with section 705(c)(1)(B)(ii) of the Act, we instructed CBP to suspend liquidation of entries of brass rod from Korea produced or exported by Booyoung Industry that were entered, or withdrawn from warehouse, for consumption on or after April 22, 2024, the date of publication of the *Korea CVD Final Determination*. Accordingly, provisional measures will not expire for Booyoung Industry until August 20, 2024.

For all other companies, in accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of brass rod from Korea entered, or withdrawn from warehouse, for consumption, on or after January 27, 2024, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the *Final Rule* in the **Federal**

⁹ See *AD Preliminary Determinations*.

¹⁰ See ITC Notification Letter.

¹¹ On February 1, 2024, the ITC determined that an industry in the United States is materially injured by reason of imports of brass rod from India, and on February 13, 2024, Commerce published the CVD order on brass rod from India. See *Brass Rod from India: Countervailing Duty Order*, 89 FR 10032 (February 13, 2024).

¹² See *Brass Rod from the Republic of Korea: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 88 FR 67233 (September 29, 2023) (*Korea CVD Preliminary Determination*).

¹³ *Id.*

¹⁴ See *Korea CVD Preliminary Determination*, 88 FR at 67234; see also *Korea CVD Final Determination*, 89 FR at 29291.

Register.¹⁵ On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.¹⁶ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called "AISL-Annual Inquiry Service List."¹⁷

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*,¹⁸ the new annual inquiry service list will be in place until

the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, "after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow."¹⁹ Accordingly, as stated above, the petitioner and the Governments of Brazil, India, Mexico, Korea, and South Africa should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for these orders. Pursuant to 19 CFR 351.225(n)(3), the petitioner and the Governments of Brazil, India, Mexico, Korea, and South Africa will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and the Governments of Brazil, India, Mexico, Korea, and South Africa are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the AD orders with respect to brass rod from Brazil, India, Mexico, Korea, and South Africa and the CVD order with respect to brass rod from Korea, pursuant to sections 706(a) and 736(a) of the Act. Interested parties can find a list of AD and CVD orders currently in effect at <https://enforcement.trade.gov/stats/iastats1.html>.

These orders are issued and published in accordance with sections 706(a) and 736(a) of the Act and 19 CFR 351.211(b).

Dated: June 7, 2024.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The products within the scope of these orders are brass rod and bar (brass rod), which is defined as leaded, low-lead, and no-lead solid brass made from alloys such as, but not limited to the following alloys classified under the Unified Numbering System (UNS) as C27450, C27451, C27460, C34500, C35000, C35300, C35330, C36000, C36300, C37000, C37700, C48500, C67300, C67600, and C69300, and their international equivalents.

The brass rod subject to these orders has an actual cross-section or outside diameter greater than 0.25 inches but less than or equal to 12 inches. Brass rod cross-sections may be round, hexagonal, square, or octagonal shapes as well as special profiles (e.g., angles, shapes), including hollow profiles.

Standard leaded brass rod covered by the scope contains, by weight, 57.0–65.0 percent copper; 0.5–3.0 percent lead; no more than 1.3 percent iron; and at least 15 percent zinc. No-lead or low-lead brass rod covered by the scope contains by weight 59.0–76.0 percent copper; 0–1.5 percent lead; no more than 0.35 percent iron; and at least 15 percent zinc. Brass rod may also include other chemical elements (e.g., nickel, phosphorous, silicon, tin, etc.).

Brass rod may be in straight lengths or coils. Brass rod covered by these orders may be finished or unfinished, and may or may not be heated, extruded, pickled, or cold-drawn. Brass rod may be produced in accordance with ASTM B16, ASTM B124, ASTM B981, ASTM B371, ASTM B453, ASTM B21, ASTM B138, and ASTM B927, but such conformity to an ASTM standard is not required for the merchandise to be included within the scope.

Excluded from the scope of these orders is brass ingot, which is a casting of unwrought metal unsuitable for conversion into brass rod without remelting, that contains, by weight, at least 57.0 percent copper and 15.0 percent zinc.

The merchandise covered by these orders is currently classifiable under subheadings 7407.21.9000, 7407.21.7000, and 7407.21.1500 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to the scope may also enter under HTSUS subheadings 7403.21.0000, 7407.21.3000, and 7407.21.5000. The HTSUS subheadings and UNS alloy designations are provided for convenience and customs purposes. The written description of the scope of these orders is dispositive.

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¹⁵ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

¹⁶ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

¹⁷ This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as "AISL-January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹⁸ See *Procedural Guidance*, 86 FR at 53206.

¹⁹ See *Final Rule*, 86 FR at 52335.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Evaluation of Hawaii State Coastal Management Program; Notice of Public Meeting; Request for Comments**

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, will hold an in-person public meeting to solicit input on the performance evaluation of the Hawaii Coastal Management Program. NOAA also invites the public to submit written comments.

DATES: NOAA will hold an in-person public meeting on Tuesday, August 20, 2024 at 6 p.m. Hawaii Standard Time (HST) at Washington Middle School Cafeteria, 1633 S King Street, Honolulu, Hawaii. NOAA may close the meeting 15 minutes after the conclusion of public testimony and after responding to any clarifying questions from participants. NOAA will consider all relevant written comments received by Friday, August 30, 2024.

ADDRESSES: Comments may be submitted by one of the following methods:

- *In Person Public Meeting:* Provide oral comments during the in-person public meeting Tuesday, August 20, 2024 at 6 p.m. HST at Washington Middle School Cafeteria, 1633 S King Street, Honolulu, Hawaii.
- *Email:* Send written comments to Susie Holst Rice, Evaluator, NOAA Office for Coastal Management, at czma.evaluations@noaa.gov. Include "Comments on Performance Evaluation of the Hawaii Coastal Management Program" in the subject line of the message.

NOAA will accept anonymous comments, however, the written comments NOAA receives are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personally identifiable information, such as account numbers and Social Security numbers, should not be included with the comment. Comments that are not related to the performance evaluation of

the Hawaii Coastal Management Program or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

FOR FURTHER INFORMATION CONTACT:

Susie Holst Rice, Evaluator, NOAA Office for Coastal Management, by email at susie.holst@noaa.gov or by phone at (978) 225-3420. Copies of the previous evaluation findings and Assessment and Strategies may be viewed and downloaded at <http://coast.noaa.gov/czm/evaluations/>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Susie Holst Rice.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved coastal management programs. The evaluation process includes holding one or more public meetings, considering public comments, and consulting with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the State of Hawaii has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is complete, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the final evaluation findings.

Authority: 16 U.S.C. 1458.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024-12981 Filed 6-12-24; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID-0648-XD998]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Army Corps of Engineers Debris Dock Replacement Project, Sausalito, California

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

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to the U.S. Army Corps of Engineers (ACOE) to harass marine mammals incidental to construction activities associated with the debris dock replacement project in Sausalito, California.

DATES: This authorization is effective from July 15, 2024, through July 14, 2025.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT:

Summer Owens, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the original application, renewal request, and supporting documents (including **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:**Background**

The MMPA prohibits the "take" of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an IHA is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe

the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and the NMFS’ implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

(1) A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA);

(2) The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with

the exception of reducing the type or amount of take); and

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized;

(3) Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

Summary of Request

On July 14, 2021, NMFS issued an IHA to the U.S. ACOE to take marine mammals incidental to the Debris Dock Replacement Project in Sausalito, California (86 FR 37124, July 14, 2021) effective September 1, 2021–August 31, 2022. As the planned work was never begun, NMFS reissued this IHA three times on request from the ACOE, effective January 5, 2022–January 4, 2023 (86 FR 73261, December 21, 2021), January 1, 2024–December 31, 2024 (88 FR 16412, March 17, 2023), and most recently, effective July 15, 2023–July 14, 2024 (88 FR 38035, June 12, 2023). On April 4, 2024, NMFS received an application for the renewal of the most recent reissued IHA, referred to herein as the initial IHA. As described in the application for renewal IHA, the activities for which incidental take is requested are identical to those covered in the initial authorization. The notice of the proposed renewal IHA was

published on May 13, 2024 (89 FR 41381). There are no changes from the proposed authorization in this final authorization.

Description of the Specified Activities and Anticipated Impacts

The proposed activities (including mitigation, monitoring, and reporting) authorized incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHA. No work has yet occurred under the IHA, but the ACOE has informed us that they plan to begin the planned work but not finish it prior to expiration of the currently issued IHA.

The purpose of the ACOE’s construction project is to replace the existing decaying dock and other onshore infrastructure used to move marine debris collected from San Francisco Bay onto land for disposal. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA. The mitigation and monitoring are also as prescribed in the initial IHA.

Species that are expected to be taken by the planned activity include harbor porpoise (*Phocoena phocoena*), harbor seal (*Phoca vitulina*), gray whale (*Eschrichtius robustus*), bottlenose dolphin (*Tursiops truncatus*), California sea lion (*Zalophus californianus*), northern fur seal (*Callorhinus ursinus*), and northern elephant seal (*Mirounga angustirostris*). A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in the previous documents referenced above. The data inputs and methods of estimating take are identical to those used in the initial IHA. NMFS has reviewed recent Stock Assessment Reports (SAR), information on relevant Unusual Mortality Events (UME), and recent scientific literature, and determined that no new information affects our original analysis of impacts or take estimates under the initial IHA.

We refer to the documents related to the original IHA, which include the **Federal Register** notice of the issuance of the 2021 IHA for the ACOE’s construction work (86 FR 37124, July 14, 2021), the ACOE’s application, the **Federal Register** notice of the proposed IHA (86 FR 28768, May 28, 2021), all associated references and documents, and **Federal Register** notices of issuance for the reissued IHAs.

Detailed Description of the Activity

A detailed description of the demolition and construction activities

for which take is proposed here may be found in the notices of the proposed (86 FR 28768, May 28, 2021) and final IHAs for the 2021 authorization. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices. The renewal IHA is effective for a period from July 15, 2024, to July 14, 2025.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the notices of the proposed and final IHAs for the 2021 authorization. NMFS has reviewed recent SARs, including the draft 2023 SARs, information on relevant UMEs, and other scientific literature, and determined there is no new information that affects which species or stocks have the potential to be affected or the

pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA. Two of the authorized stocks have increased slightly in abundance according to the draft 2023 SARs. The San Francisco/Russian River stock of harbor porpoise has increased from 7,524 to 7,777 and the California breeding stock of northern elephant seal has increased from 179,000 to 187,386. However, these new population abundance estimates do not change estimated take numbers, or influence the findings made in support of the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an authorization of incidental take is proposed here may be found in the notices of the proposed and

final IHAs for the 2021 authorization. NMFS has reviewed recent draft SARs, information on relevant UMEs, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the Notices of the Proposed and Final IHA for the 2021 authorization. Specifically, the source levels, days of operation, and marine mammal density and occurrence data applicable to this authorization remain unchanged from the previously issued IHAs. Similarly, the stocks taken, methods and types of takes, and numbers of takes remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in table 1.

TABLE 1—SUMMARY OF MARINE MAMMAL TAKES BY SPECIES

Common name	Scientific name	Stock	Level A harassment	Level B harassment	Percent of stock
Harbor Seal	<i>Phoca vitulina</i>	California	2	527	1.7
Harbor Porpoise	<i>Phocoena phocoena</i>	San Francisco-Russian River	2	21	0.3
California Sea Lion	<i>Zalophus californianus</i>	U.S	2	20	<0.1
Gray Whale	<i>Eschrichtius robustus</i>	Eastern North Pacific	0	2	<0.1
Bottlenose Dolphin	<i>Tursiops truncatus</i>	California Coastal	0	9	2
Northern Elephant Seal	<i>Mirounga angustirostris</i>	California Breeding	0	5	<0.1
Northern Fur Seal	<i>Callorhinus ursinus</i>	California and Eastern North Pacific.	0	3	<0.1

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in the authorization are identical to those included in the **Federal Register** notice announcing the issuance of the 2021 IHA and subsequently included in the reissued IHAs, and the discussion of the least practicable adverse impact included in the application and the notice of the proposed and final IHA remains accurate.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to ACOE was published in the **Federal Register** on May 13, 2024 (89 FR 41381). That notice either described, or referenced descriptions of, ACOE's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring and reporting

measures. During the 15-day public comment period, NMFS did not receive any public comments.

Determinations

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will affect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) U.S. ACOE activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate

monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969

(NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

Authorization

NMFS has issued a renewal IHA to ACOE for the take of small numbers of seven marine mammal species incidental to the Debris Dock Replacement Project in Sausalito, CA, valid from July 15, 2024 through July 14, 2025.

Dated: June 10, 2024.

Angela Somma,

Acting Director, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. 2024–12998 Filed 6–12–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE020]

Fisheries of the U.S. Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 84 Assessment Webinar VI for U.S. Caribbean Yellowtail Snapper and Stoplight Parrotfish.

SUMMARY: The SEDAR 84 assessment process of U.S. Caribbean yellowtail snapper and stoplight parrotfish will consist of a Data Workshop, and a series of assessment webinars, and a Review

Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 84 Assessment Webinar VI will be held Tuesday, July 2, 2024, from 10 a.m. to 12 p.m., Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: Julie.neer@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment Webinar VI are as follows:

Panelists will review and discuss and finalize the assessment modeling for stoplight parrotfish in St. Croix.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least (5) business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 7, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–12886 Filed 6–12–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD818]

Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Issuance of Permits

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

ACTION: Notice.

SUMMARY: The NMFS is issuing permits to authorize the incidental, but not intentional, take of specific Endangered Species Act (ESA)-listed marine mammal species or stocks under the Marine Mammal Protection Act (MMPA), in certain U.S. commercial fisheries.

DATES: These permits are effective for a 3-year period beginning June 13, 2024.

ADDRESSES: Reference materials for the permits are available on the internet at: <https://www.fisheries.noaa.gov/action/>

negligible-impact-determinations-and-mmpa-section-101a5e-authorization-commercial-0 or <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>. Other supporting information is available on the internet including: recovery plans for the ESA-listed marine mammal species, [https://www.fisheries.noaa.gov/national/](https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act)*endangered-species-conservation/recovery-species-under-endangered-species-act*; 2024 MMPA List of Fisheries (LOF), [https://www.fisheries.noaa.gov/national/](https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables)*marine-mammal-protection/list-fisheries-summary-tables*; the most recent Marine Mammal Stock Assessment Reports (SAR) by region, [https://www.fisheries.noaa.gov/](https://www.fisheries.noaa.gov/marine-mammal-protection/marine-mammal-stock-assessment-reports-region)*marine-mammal-protection/marine-mammal-stock-assessment-reports-region*, and stock, [https://www.fisheries.noaa.gov/national/](https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-species-stock)*marine-mammal-protection/marine-mammal-stock-assessment-reports-species-stock*; and Take Reduction Teams (TRT) and Plans, [https://www.fisheries.noaa.gov/national/](https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams)*marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams*.

FOR FURTHER INFORMATION CONTACT:

Elena Duke, NMFS Pacific Islands Region, 808-725-5085, Elena.Duke@noaa.gov; Suzie Teerlink, NMFS Alaska Region, (907) 586-7240, Suzie.Teerlink@noaa.gov; or Jaclyn Taylor, NMFS Office of Protected Resources, (301) 427-8402, Jaclyn.Taylor@noaa.gov.

SUPPLEMENTARY INFORMATION: The MMPA requires NMFS to authorize the incidental take of ESA-listed marine mammals in commercial fisheries provided it can make the following determinations: (1) the incidental

mortality and serious injury (M/SI) from commercial fisheries will have a negligible impact on the affected species or stocks; (2) a recovery plan for all affected species or stocks of threatened or endangered marine mammals has been developed or is being developed pursuant to the ESA; and (3) where required under MMPA section 118, a take reduction plan (TRP) has been developed or is being developed, a monitoring program is established, and vessels participating in the fishery are registered. NMFS has determined that certain commercial fisheries meet these three requirements and are issuing permits to these fisheries to authorize the incidental take of ESA-listed marine mammal species or stocks under the MMPA for a period of 3 years.

Background

The MMPA LOF classifies each commercial fishery as a Category I, II, or III fishery based on the level of mortality and injury of marine mammals occurring incidental to each fishery as defined in 50 CFR 229.2. Section 118(c)(2) of the MMPA requires fishing vessels that operate in Category I and II fisheries to register with NMFS and are subsequently authorized to incidentally take marine mammals during commercial fishing operations. However, that authorization is limited to those marine mammals that are not listed as threatened or endangered under the ESA. Section 118(a)(2) of the MMPA, 16 U.S.C. 1387(a)(2), also requires an additional authorization at section 101(a)(5) of the MMPA, 16 U.S.C. 1371, for incidental taking of ESA-listed marine mammals. Section 101(a)(5)(E) of the MMPA, 16 U.S.C. 1371, states that NMFS, as delegated by the Secretary of Commerce, for a period of up to 3 consecutive years shall allow

the incidental, but not intentional, taking of marine mammal species or stocks designated as depleted because of their listing as an endangered species or threatened species under the ESA, 16 U.S.C. 1531 *et seq.*, by persons using vessels of the United States, while engaging in commercial fishing operations, if NMFS makes certain determinations. NMFS must determine, after notice and opportunity for public comment, that: (1) incidental M/SI from commercial fisheries will have a negligible impact on the affected species or stock; (2) a recovery plan has been developed or is being developed for such species or stock pursuant to the ESA; and (3) where required under section 118 of the MMPA, a monitoring program has been established, vessels engaged in such fisheries are registered in accordance with section 118 of the MMPA, and a TRP has been developed or is being developed for such species or stock.

The LOF includes a list of marine mammal species or stocks incidentally killed or injured in each commercial fishery. We evaluated ESA-listed stocks or species included on the final 2024 MMPA LOF (89 FR 12257, February 16, 2024) as killed or seriously injured following NMFS' Procedural Directive 02-238 "Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals." Based on this evaluation, we proposed to issue permits under MMPA section 101(a)(5)(E) to vessels registered in four Category I or Category II commercial fisheries, as classified on the final 2024 MMPA LOF, to incidentally kill or seriously injure individuals from specific ESA-listed marine mammal stocks, as listed in table 1 below (89 FR 15843, March 5, 2024).

TABLE 1—COMMERCIAL FISHERIES AUTHORIZED TO TAKE (M/SI) SPECIFIC THREATENED AND ENDANGERED MARINE MAMMALS INCIDENTAL TO FISHING OPERATIONS

Commercial fishery	LOF category	ESA-listed marine mammal stock
HI deep-set longline/Western Pacific pelagic longline (HI deep-set component) ¹ .	I	False killer whale, Main HI Islands Insular.
AK Bering Sea, Aleutian Islands flatfish trawl	II	Bearded seal, Beringia Humpback whale, Western North Pacific Ringed seal, Arctic Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands pollock trawl	II	Bearded seal, Beringia Humpback whale, Mexico-North Pacific Humpback whale, Western North Pacific Ringed seal, Arctic Steller sea lion, Western U.S.
AK Gulf of Alaska sablefish longline	II	Sperm whale, North Pacific Steller sea lion, Western U.S.

¹ The Western Pacific pelagic longline (HI deep-set component) is the corresponding high seas component of the HI deep-set longline fishery as defined on the MMPA LOF.

Category III fisheries are those commercial fisheries that have a remote likelihood of or no known incidental mortality or serious injury of marine

mammals (MMPA section 118(c)(1)(A)(iii)). All commercial fisheries classified as Category III on the most current LOF do not require MMPA

101(a)(5)(E) authorization so long as any mortality or injury of marine mammals incidental to their operations is reported pursuant to MMPA section 118(e).

Furthermore, per NMFS' Procedural Directive 02–204–02 (procedural directive), “Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)” (NMFS 2020), NMFS considers such Category III fisheries to have a negligible impact on that marine mammal stock or species.

Thus, we incorporate by reference all Category III fisheries included in the 2024 MMPA LOF (89 FR 12257, February 16, 2024) as not subject to the ESA prohibition against incidentally taking marine mammals from endangered or threatened species and not subject to any penalties, provided any mortalities or injuries are reported as required under MMPA section 118(e).

In addition, specifically for the purposes of MMPA section 101(a)(5)(E), commercial fisheries classified as Category I or II on the LOF solely because of incidental M/SI of non-ESA-listed marine mammals meet the definition of a Category III commercial fishery with respect to ESA-listed stocks or species because the fishery has a remote likelihood of or no known incidental M/SI of ESA-listed marine mammals (NMFS 2020). In other words, if the commercial fishery is a Category I or II fishery because of incidental take of non-ESA listed marine mammals, we consider it a Category III fishery here. We have determined that the following Category I and II commercial fisheries meet this criteria:

Category I

- Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline; and
- AK Southeast salmon drift gillnet;

Category II

- AK Bristol Bay salmon drift gillnet;
- AK Kodiak salmon set gillnet;
- AK Peninsula/Aleutian Islands salmon set gillnet;
- AK Yakutat salmon set gillnet; and
- HI shallow-set longline/Western Pacific pelagic longline (HI shallow-set component).

These fisheries do not require 101(a)(5)(E) authorization and are not subject to the ESA prohibition against incidentally taking marine mammals from endangered or threatened stocks and not subject to any penalties, provided any marine mammal mortalities or injuries are reported as required under MMPA section 118(e).

NMFS regularly evaluates other commercial fisheries for purposes of making a negligible impact determination (NID) and issuing section 101(a)(5)(E) authorizations with the annual LOF as new information becomes available. More information about the fisheries in table 1 is available

in the 2024 MMPA LOF (89 FR 12257, February 16, 2024) and on the internet at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>.

For each commercial fishery listed in table 1, we reviewed the best available scientific information to determine if the fishery met the three requirements of MMPA section 101(a)(5)(E) for issuing a permit. This information is included in the 2024 MMPA LOF (89 FR 12257, February 16, 2024), the SARs for these species (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>), recovery plans for these species (available at: <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>), and other relevant information, as detailed further in the documents describing the preliminary and final determinations supporting the permits (available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>).

Basis for Determining Negligible Impact

Prior to issuing a MMPA 101(a)(5)(E) permit to take ESA-listed marine mammals incidental to commercial fishing, NMFS must determine if the M/SI incidental to commercial fisheries will have a negligible impact on the affected marine mammal species or stocks. NMFS satisfies this requirement by making a NID. Although the MMPA does not define “negligible impact,” NMFS has issued regulations providing a qualitative definition of “negligible impact,” defined in 50 CFR 216.103, as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Criteria for Determining Negligible Impact

NMFS uses a quantitative approach for determining negligible impact detailed in NMFS Procedural Directive 02–204–02 (directive), “Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E),” which became effective on June 17, 2020 (NMFS 2020). The procedural directive is available online at: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>. The directive describes NMFS' process for determining whether incidental M/SI from commercial fisheries will have a negligible impact on ESA-listed marine mammal species/

stocks (the first requirement necessary for issuing a MMPA section 101(a)(5)(E) permit as noted above).

The directive first describes the derivation of two Negligible Impact Thresholds (NIT), which represent levels of removal from a marine mammal species or stock. The first, Total Negligible Impact Threshold (NIT_T), represents the total amount of human-caused M/SI that NMFS considers negligible for a given stock. The second, lower threshold, Single NIT (NIT_S) represents the level of M/SI from a single commercial fishery that NMFS considers negligible for a stock. NIT_S was developed in recognition that some stocks may experience non-negligible levels of total human-caused M/SI but one or more individual fisheries may contribute a very small portion of that M/SI, and the effect of an individual fishery may be considered negligible.

The directive describes a detailed process for using these NIT values to conduct a NID analysis for each fishery classified as a Category I or II fishery on the MMPA LOF. The NID process uses a two-tiered analysis. The Tier 1 analysis first compares the total human-caused M/SI for a particular stock to NIT_T. If NIT_T is not exceeded, then all commercial fisheries that kill or seriously injure the stock are determined to have a negligible impact on the particular stock. If NIT_T is exceeded, then the Tier 2 analysis compares each individual fishery's M/SI for a particular stock to NIT_S. If NIT_S is not exceeded, then the commercial fishery is determined to have a negligible impact on that particular stock. For transboundary, migratory stocks, because of the uncertainty regarding the M/SI that occurs outside of U.S. waters, we assume that total M/SI exceeds NIT_T and proceed directly to the Tier 2 NIT_S analysis. If a commercial fishery has a negligible impact across all ESA-listed stocks, then the first of three findings necessary for issuing a MMPA 101(a)(5)(E) permit to the commercial fishery has been met (*i.e.*, a NID). If a commercial fishery has a non-negligible impact on any ESA-listed stock, then NMFS cannot issue a MMPA 101(a)(5)(E) permit for the fishery to incidentally take ESA-listed marine mammals.

These NID criteria rely on the best available scientific information, including estimates of a stock's minimum population size and human-caused M/SI levels, as published in the most recent SARs and other supporting documents, as appropriate. Using these inputs, the quantitative NITs allow for straightforward calculations that lead to clear negligible or non-NIDs for each

commercial fishery analyzed. In rare cases, robust data may be unavailable for a straightforward calculation, and the directive provides instructions for completing alternative calculations or assessments where appropriate.

Negligible Impact Determinations

NMFS evaluated the impact of each commercial fishery (listed in table 1 above) following the directive and based on the best available scientific information, made NIDs. These NID analyses are presented in accompanying MMPA 101(a)(5)(E) evaluation documents that provide summaries of the information used to evaluate each ESA-listed stock documented on the 2024 MMPA LOF as killed or injured incidental to the fishery (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>). The final MMPA 101(a)(5)(E) evaluation documents are available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>.

The following stocks listed in table 1 are transboundary stocks: Western North Pacific stock of humpback whale, Mexico-North Pacific stock of humpback whale, North Pacific stock of sperm whale, Western U.S. stock of Steller sea lion, Beringia stock of bearded seal, and Arctic stock of ringed seal. As noted above, because of the uncertainty regarding M/SI that occurs outside of U.S. waters for transboundary stocks, we assumed that total M/SI exceeds NIT, for the above transboundary stocks and proceeded directly to the Tier 2 NIT_s analysis.

The most recent SARs for several stocks listed in table 1 include fishery-related M/SI not assigned to a specific commercial fishery (information provided in NID analyses summaries where applicable below). This unattributed fishery-related M/SI could be from any number of commercial, recreational, or subsistence fisheries, including fisheries listed in table 1. Because data are not currently available to assign the unattributed fishery-related M/SI to a specific commercial fishery, we did not include unattributed mortality in the calculations for NID Tier 2 analyses (described below). NMFS is actively monitoring the fisheries in table 1 through fishery observer programs. If additional fishery-related M/SI is documented through the observer programs that indicate additional M/SI of the stocks listed in table 1, then NMFS will re-evaluate the appropriate NID and the permit.

Based on the criteria outlined in the directive, the most recent SAR, and the best available scientific information,

NMFS has determined that the M/SI incidental to the four Category I and II fisheries listed in table 1 will have a negligible impact on the associated ESA-listed marine mammal stocks. Accordingly, this MMPA 101(a)(5)(E) requirement is satisfied for these commercial fisheries (see MMPA 101(a)(5)(E) determination document is available at: <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>). Summaries of the NID analyses are provided below.

HI Deep-Set Longline/Western Pacific Pelagic Longline (HI Deep-Set Component) Fishery

The Category I HI deep-set longline/Western Pacific pelagic longline (HI deep-set component) fishery has documented incidental M/SI of the main HI Islands (MHI) insular stock of false killer whale in the 2023 draft SAR (Carretta *et al.* In press). The total annual average human caused M/SI for this stock (0.1) does not exceed NIT_s (0.258); thus, the Tier 1 analysis is satisfied and all commercial fisheries are considered to have a negligible impact on this stock (see accompanying MMPA 101(a)(5)(E) evaluation document linked above for NIT calculation).

AK Bering Sea, Aleutian Islands Flatfish Trawl Fishery

The Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery has documented incidental M/SI of the Western U.S. stock of Steller sea lion in the 2023 draft SAR (Young *et al.* In press). The 2023 SAR includes mean annual total commercial fishery-related M/SI (39) for the Western U.S. stock of Steller sea lion. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands flatfish trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (1.9) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of Steller sea lions (Western U.S. stock) in the AK Bering Sea, Aleutian Islands flatfish trawl fishery is 13, based on observer data. Since this M/SI (13) is less than NIT_s (38.87), NMFS determined that the AK Bering Sea, Aleutian Islands flatfish trawl fishery has a negligible impact on the Western U.S. stock of Steller sea lion (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery has documented M/SI of the Western North Pacific stock of humpback whale

in the 2022 final SAR (Young *et al.* 2023). The 2022 SAR includes mean annual total commercial fishery-related M/SI (0.012) for the Western North Pacific stock of humpback whale. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands flatfish trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (0.001) for the stock, which is not assigned to a specific commercial fishery. This unattributed fishery-related M/SI could be from any number of commercial, recreational, or subsistence fisheries, including the AK Bering Sea, Aleutian Islands flatfish trawl fishery.

The estimated M/SI of humpback whales (Western North Pacific stock) in the AK Bering Sea, Aleutian Islands flatfish trawl fishery is 0, based on observer data. Since this M/SI (0) is less than NIT_s (0.439), NMFS determined that the AK Bering Sea, Aleutian Islands flatfish trawl fishery has a negligible impact on the Western North Pacific stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery has documented incidental M/SI of the Beringia stock of bearded seal in the 2020 final SAR (Muto *et al.* 2021). The mean annual total commercial fishery-related M/SI of the Beringia stock of bearded seal is 1.8, and all attributed to trawl fisheries. The estimated M/SI of bearded seals (Beringia stock) in the AK Bering Sea, Aleutian Islands flatfish trawl fishery is 1.2, based on observer data. Since this M/SI (1.2) is less than NIT_s (213.5), NMFS determined that the AK Bering Sea, Aleutian Islands flatfish trawl fishery has a negligible impact on the Beringia stock of bearded seal (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands flatfish trawl fishery has documented incidental M/SI of the Arctic stock of ringed seal in the 2020 final SAR (Muto *et al.* 2021). The mean annual total commercial fishery-related M/SI of the Arctic stock of ringed seal is 4.8, and all attributed to trawl fisheries. The estimated M/SI of ringed seals (Arctic stock) in the AK Bering Sea, Aleutian Islands flatfish trawl fishery is 4.6, based on observer data. Since this M/SI (4.6) is less than NIT_s (123.6), NMFS determined that the AK Bering Sea, Aleutian Islands flatfish trawl fishery has a negligible impact on the Arctic stock of ringed seal (see accompanying MMPA 101(a)(5)(E) evaluation document).

AK Bering Sea, Aleutian Islands Pollock Trawl Fishery

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented incidental M/SI of the Western U.S. stock of Steller sea lion in the 2023 draft SAR (Young *et al.* In press). The 2023 SAR includes mean annual total commercial fishery-related M/SI (39) for the Western U.S. stock of Steller sea lion. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands flatfish trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (1.9) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of Steller sea lions (Western U.S. stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 6.8, based on observer data. Since this M/SI (6.8) is less than NIT_s (38.87), NMFS determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Western U.S. stock of Steller sea lion (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented incidental M/SI of the Arctic stock of ringed seal in the 2020 final SAR (Muto *et al.* 2021). The estimated M/SI of ringed seals (Arctic stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 0.2, based on observer data. Since this M/SI (0.2) is less than NIT_s (123.6), NMFS determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Arctic stock of ringed seal (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented M/SI of the Western North Pacific stock of humpback whale in the 2022 final SAR (Young *et al.* 2023). The 2022 SAR includes mean annual total commercial fishery-related M/SI (0.012) for the Western North Pacific stock of humpback whale. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands pollock trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (0.001) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of humpback whales (Western North Pacific stock) in

the AK Bering Sea, Aleutian Islands pollock trawl fishery is 0.008, based on observer data. Since this M/SI (0.008) is less than NIT_s (0.439), NMFS determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Western North Pacific stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented M/SI of the Mexico-North Pacific stock of humpback whale in the 2022 final SAR (Young *et al.* 2023). The 2022 SAR includes mean annual total commercial fishery-related M/SI (0.36) for the Mexico-North Pacific stock of humpback whale. This comprises M/SI from all commercial fisheries, including the AK Bering Sea, Aleutian Islands pollock trawl fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (0.05) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of humpback whales (Mexico-North Pacific stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 0.03, based on observer data. As described in the 2022 final SAR, the minimum population estimate (N_{min}) for this stock is considered unknown (Young *et al.* 2023), and therefore NIT_s cannot be calculated directly. Using the process outlined in the directive (NMFS 2020), a threshold N_{min} for NIT_s was calculated. The threshold N_{min} for NIT_s is 69.93. Since it is likely that the minimum population for the Mexico-North Pacific stock of humpback whale exceeds the threshold N_{min} , NMFS has determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Mexico-North Pacific stock of humpback whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Bering Sea, Aleutian Islands pollock trawl fishery has documented incidental M/SI of the Beringia stock of bearded seal in the 2020 final SAR (Muto *et al.* 2021). The estimated M/SI of bearded seal (Beringia stock) in the AK Bering Sea, Aleutian Islands pollock trawl fishery is 0.6, based on observer data. Since this M/SI (0.6) is less than NIT_s (213.5), NMFS determined that the AK Bering Sea, Aleutian Islands pollock trawl fishery has a negligible impact on the Beringia stock of bearded seal (see accompanying MMPA 101(a)(5)(E) evaluation document).

AK Gulf of Alaska Sablefish Longline Fishery

The Category II AK Gulf of Alaska sablefish longline fishery has documented M/SI of North Pacific stock of sperm whale in the 2020 final SAR (Muto *et al.* 2021). The estimated M/SI of sperm whales (North Pacific stock) in the AK Gulf of Alaska sablefish longline fishery is 1.1, based on observer data.

As noted in the SAR, current and historical abundance estimates of sperm whales in the North Pacific are based on limited data and are considered unreliable; caution should be exercised in interpreting published estimates. Further, sperm whales are far-ranging and exhibit sex segregation and stock overlap that together make population size estimation difficult (Muto *et al.* 2021). More specifically, females and juveniles are unlikely to occur in this area, so the abundance estimate includes only males. As described in the 2020 final SAR, a N_{min} can be calculated for this stock using the population estimate of 345 (coefficient of variation (CV) = 0.43) from surveys in the Gulf of Alaska in 2015, the N_{min} is then derived from the estimate and CV and results in a N_{min} of 244 sperm whales. However, this N_{min} (244) is an underestimate for the entire stock because it is based on surveys of a small portion of the stock's extensive range and it does not account for animals missed on the trackline or for females and juveniles in tropical and subtropical waters (Muto *et al.* 2021). Therefore, using the process outlined in the directive (NMFS 2020), we calculated a threshold N_{min} for NIT_s , which is 4,230.8. Genetic evidence suggests that the males sampled in the sub-Arctic come from multiple populations at lower latitudes including the West Coast (N_{min} = 1,270) and Hawai'i (N_{min} = 4,486) stocks as well as the Eastern Tropical Pacific stock and thus do not represent the males from a single population (Mesnick *et al.* 2011). Given the uncertainty of the stock assessment and the underestimated abundance, NMFS has determined that it is likely that the abundance is greater than the threshold N_{min} and that the AK Gulf of Alaska sablefish longline fishery has a negligible impact on the North Pacific stock of sperm whale (see accompanying MMPA 101(a)(5)(E) evaluation document).

The Category II AK Gulf of Alaska sablefish longline fishery has documented incidental M/SI of the Western U.S. stock of Steller sea lion in the 2023 draft SAR (Young *et al.* In press). The 2023 SAR includes mean annual total commercial fishery-related M/SI (39) for the Western U.S. stock of

Steller sea lion. This comprises M/SI from all commercial fisheries, including the AK Gulf of Alaska sablefish longline fishery, as well as fishery-related M/SI for the stock not assigned to a specific commercial fishery. The SAR also includes unattributed fishery-related M/SI (1.9) for the stock, which is not assigned to a specific commercial fishery.

The estimated M/SI of Steller sea lions (Western U.S. stock) in the AK Gulf of Alaska sablefish longline fishery is 1.9, based on observer data. Since this M/SI (1.9) is less than NIT_s (38.87), NMFS determined that the AK Gulf of Alaska sablefish longline fishery has a negligible impact on the Western U.S. stock of Steller sea lion (see accompanying MMPA 101(a)(5)(E) evaluation document).

Recovery Plans

Recovery plans for Steller sea lions, sperm whales, and false killer whales (MHI insular) have been completed (see <https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act>).

A new recovery plan for humpback whales is being developed. In 2016, NMFS revised the listing status of the humpback whale under the ESA. The globally listed endangered species was divided into 14 distinct population segments (DPSs), the species-level listing was removed, and NMFS listed four DPSs as endangered and one DPS as threatened (81 FR 62260, September 8, 2016). In June 2022, NMFS published a recovery outline for the Central America, Mexico, and Western North Pacific DPSs of humpback whales (<https://www.fisheries.noaa.gov/resource/document/recovery-outline-central-america-mexico-and-western-north-pacific-distinct>). The recovery outline serves as an interim guidance document and, with the existing species-wide recovery plan, directs recovery efforts, including recovery planning, for the Central America, Mexico, and Western North Pacific DPSs of humpback whales. Once finalized, the new recovery plan will replace the species-wide recovery plan that was published in 1991.

Recovery plans for bearded and ringed seals are also being developed.

Accordingly, the requirement that a recovery plan has been developed or is being developed pursuant to the ESA is satisfied.

Take Reduction Plans

The MMPA section 118 requires the development and implementation of a TRP for each strategic stock that

interacts with a Category I or II fishery. Subject to available funding, the Secretary shall give highest priority to the development of TRPs for species or stocks whose M/SI exceeds potential biological removal (PBR) level, have a small population size, and which are declining most rapidly. The stocks considered for these permits are designated as strategic stocks under the MMPA because the stocks or a component of the stocks are listed as threatened species or endangered species under the ESA (MMPA section 3(19)(C)).

The MMPA establishes short- and long-term goals of a TRP. The short-term goal of a TRP is to reduce M/SI of marine mammals incidentally taken in commercial fisheries to levels below the PBR for stocks. The long-term goal is to reduce M/SI of marine mammals incidentally taken in commercial fisheries to levels below the insignificant threshold, defined by NMFS as 10 percent of a stock's PBR level (50 CFR 229.2). The obligations to develop and implement a TRP are subject to the availability of funding. MMPA section 118(f)(3) (16 U.S.C. 1387(f)(3)) contains specific priorities for developing TRPs when funding is insufficient. NMFS has insufficient funding available to simultaneously develop and implement TRPs for all strategic stocks that interact with Category I or Category II fisheries. As provided in MMPA section 118(f)(6)(A) and (f)(7), NMFS uses the SAR and LOF as the basis to determine its priorities for establishing TRT and developing TRPs. Information about NMFS' marine mammal TRTs and TRPs may be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams>.

The HI deep-set longline fishery, for the affected marine mammal species or stocks (table 1), has a TRP in place.

Both the AK Bering Sea, Aleutian Islands flatfish trawl and AK Bering Sea, Aleutian Islands pollock trawl fisheries, for the affected marine mammals species or stocks (table 1) have met the long-term goals of a TRP (*i.e.*, M/SI of marine mammals incidentally taken in these fisheries is below the insignificant threshold, which is 10 percent of a stock's PBR level).

PBR and incidental M/SI for each stock listed in table 1 in the AK Bering Sea, Aleutian Islands flatfish trawl fishery are as follows:

- Bearded seal, Beringia—PBR = 8,210, M/SI = 1.2, M/SI as percent of the stock's PBR = 0.01 percent;

- Humpback whale, Western North Pacific—PBR = 0.2, M/SI = 0, M/SI as percent of stock's PBR = 0 percent;

- Ringed seal, Arctic—PBR = 4,755, M/SI = 4.6, M/SI as percent of the stock's PBR = 0.097 percent; and

- Steller sea lion, Western U.S.—PBR = 299, M/SI = 13, M/SI as percent of the stock's PBR = 4.3 percent.

PBR and incidental M/SI for each stock listed in table 1 in the AK Bering Sea, Aleutian Islands pollock trawl fishery are as follows:

- Bearded seal, Beringia—PBR = 8,210, M/SI = 0.6, M/SI as percent of the stock's PBR = 0.007 percent;

- Humpback whale, Mexico-North Pacific—PBR is undetermined, M/SI = 0.03;¹

- Humpback whale, Western North Pacific—PBR = 0.2, M/SI = 0.008, M/SI as percent of stock's PBR = 4 percent;

- Ringed seal, Arctic—PBR = 4,755, M/SI = 0.2, M/SI as percent of the stock's PBR = 0.004 percent; and

- Steller sea lion, Western U.S.—PBR = 299, M/SI = 6.8, M/SI as percent of the stock's PBR = 2.2 percent.

Marine mammal M/SI incidental to each commercial fishery (AK Bering Sea, Aleutian Islands flatfish trawl, and AK Bering Sea, Aleutian Islands pollock trawl) is below 10 percent of each stock's PBR; thus it is already below the insignificance threshold and approaching a zero M/SI rate (*i.e.*, achieved the long-term goal of a TRP). MMPA section 118(b) requires fisheries to reduce incidental M/SI to insignificant levels and states that fisheries that maintain insignificant M/SI levels shall not be required to further reduce those rates. Therefore, the AK Bering Sea, Aleutian Islands flatfish trawl and AK Bering Sea, Aleutian Islands pollock trawl fisheries cannot be required to further reduce M/SI rates associated with marine mammal species or stocks. As a result, further take reduction planning is not appropriate at this time.

As noted above and in the SAR, the N_{min} (244) for the North Pacific stock of sperm whales “is an underestimate for the entire stock because it is based on surveys of a small portion of the stock's extensive range and it does not account for animals missed on the trackline or

¹ N_{min} for the Mexico-North Pacific stock of humpback whale in the winter and summer areas is 2,241 and 766, respectively. Both of these estimates of abundance are based on data collected more than 15 years ago. As stated in the 2022 SAR, because N_{min} is considered unknown, PBR is undetermined. Based on the dated N_{min} for this population, that NMFS believes the population to be either stable or increasing, and the incidental M/SI of 0.03 in the AK Bering Sea, Aleutian Islands pollock trawl fishery, NMFS estimates the M/SI is below 10 percent of the stock's PBR.

for females and juveniles in tropical and subtropical waters” (Muto *et al.* 2021). A TRP for M/SI of the North Pacific stock of sperm whales in the AK Gulf of Alaska sablefish longline fishery is under development and will progress as information gaps are addressed.

In addition, the AK Gulf of Alaska sablefish longline fishery has met the long-term goal of a TRP for the Western U.S. stock of Steller sea lion (*i.e.*, M/SI incidentally taken in this fisheries is below the insignificant threshold, which is 10 percent of a stock’s PBR level). PBR for the Western U.S. stock of Steller sea lion is 299 and incidental M/SI in the AK Gulf of Alaska sablefish longline fishery is 1.9 which is 0.6 percent of PBR.

All of the evaluated fisheries listed in table 1, for the affected marine mammal species or stocks, have a TRP in place, achieved the long-term goal of MMPA section 118(f), or based on NMFS’ priorities, implementation of a TRP is currently deferred under section 118 as other stocks/fisheries are a higher priority for any available funding for establishing new TRPs. Accordingly, the requirement under MMPA section 118 to have TRPs in place or in development is satisfied (see determinations supporting the permits available on the internet at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0003>).

Monitoring Program

Under MMPA section 118(d), NMFS is to establish a program for monitoring incidental M/SI of marine mammals from commercial fishing operations. Each of the fisheries listed in table 1 is monitored by NMFS fishery observer programs. Accordingly, the requirement under MMPA section 118 to have a monitoring program in place is satisfied.

Vessel Registration

MMPA section 118(c) requires that vessels participating in Category I and II fisheries register to obtain an authorization to take marine mammals incidental to fishing activities. NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program, with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Therefore, the requirement for vessel registration is satisfied.

Conclusions for Permits

Based on the above evaluation for each commercial fishery listed in table 1 as it relates to the three requirements of MMPA section 101(a)(5)(E), we are issuing MMPA 101(a)(5)(E) permits to the commercial fisheries in table 1 to

authorize the incidental take of ESA-listed species or stocks during commercial fishing operations. If, during the 3-year authorization, there is a significant change in the information or conditions used to support any of these determinations, NMFS will re-evaluate whether to amend or modify the authorization, after notice and opportunity for public comment. If the authorization for an individual fishery in table 1 becomes amended, modified, or invalidated for any reason during the 3-year period, the authorizations for the other commercial fisheries in table 1 will continue unchanged and effective until the end of the 3-year period.

ESA Section 7 and National Environmental Policy Act Requirements

ESA section 7(a)(2) requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any species listed under the ESA, or destroy or adversely modify designated critical habitat of any ESA-listed species. The effects of these four commercial fisheries on ESA-listed marine mammals in table 1, were analyzed in the appropriate ESA section 7 Biological Opinions on the commercial fishery, and incidental take was exempted under the ESA for those ESA-listed marine mammals for each of these fisheries in accordance with the Biological Opinions’ incidental take statement. Under section 7 of the ESA, Biological Opinions quantify the effects of the proposed action on ESA-listed species and their critical habitat and, where appropriate, exempt take of ESA-listed species that is reasonably certain to occur, as specified in the incidental take statement.

Under MMPA section 101(a)(5)(E), NMFS analyzes previously documented M/SI incidental to commercial fisheries through the NID process, and when the necessary findings can be made, issues a MMPA section 101(a)(5)(E) permit that allows for an unspecified amount of incidental taking of specific ESA-listed marine mammal stocks while engaging in commercial fishing operations. Thus, the applicable standards and resulting analyses under the MMPA and ESA differ, and as such, do not always align.

The National Environmental Policy Act (NEPA) requires Federal agencies to evaluate the impacts of alternatives for their actions on the human environment. Because these permits would not modify any fishery operation and the effects of the fishery operations have been evaluated in accordance with NEPA, no additional NEPA analysis beyond that conducted for the

associated Fishery Management Plans is required for these permits. Issuing the permits would have no additional impact on the human environment or effects on threatened or endangered species beyond those analyzed in these documents.

Comments and Responses

On March 5, 2024, NMFS published a notice and request for comments in the **Federal Register** for the proposed issuance of permits under MMPA section 101(a)(5)(E) (89 FR 15843). The public comment period closed on April 4, 2024. NMFS received three comment letters on the proposed issuance of the permits and underlying preliminary determinations. The Center for Biological Diversity (CBD) opposed issuing the permits. In addition, two comment letters (one in support of issuing the permits and one opposed to issuing the permits) were submitted from members of the public. Only responses to significant comments pertaining to the proposed permits and preliminary determinations under MMPA section 101(a)(5)(E) are addressed below.

Comment 1: CBD comments that NMFS has not developed TRPs for most of the stocks in the proposed permits as required under MMPA section 101(a)(5)(E). They further comment that the MMPA’s goal is to reduce M/SI for a strategic stock from all commercial fishing operations and state that not all the stocks in the proposed permits are approaching a zero M/SI rate.

Response: The MMPA’s short-term goal of a TRP is to reduce M/SI of marine mammals incidentally taken in commercial fisheries to levels below a stock’s PBR. The MMPA’s long-term goal is to reduce M/SI of marine mammals incidentally taken in commercial fisheries to levels below the insignificant threshold, defined by NMFS as 10 percent of a stock’s PBR level (50 CFR 229.2). Both the AK Bering Sea, Aleutian Islands flatfish trawl and AK Bering Sea, Aleutian Islands pollock trawl fisheries, for the affected marine mammals species or stocks (table 1) have met the long-term goals of a TRP (*i.e.*, M/SI of marine mammals incidentally taken in these fisheries is below the insignificant threshold, which is 10 percent of a stock’s PBR level) (see Take Reduction Plans section).

Before convening a TRT, it is critical to have a sufficient level of data on abundance and mortality available to inform TRT discussions and support successful TRP development (16 U.S.C. 1387(f)(4)). At a minimum, abundance and observer data are needed to estimate

PBR and commercial fishery-related M/SI levels, which are used to determine TRP goals and whether those goals have been met (16 U.S.C. 1387(f)(2)). Without this crucial information, a TRT is not able to make informed decisions and meaningful recommendations to NMFS. Moreover, if abundance and stock structure data are substantially biased, it could result in an ineffective TRP (e.g., measures developed and implemented are not sufficient to reduce M/SI of a stock and stock declines or lack of recovery could continue). Thus, the first step in development of a TRP, prior to convening a TRT, is to ensure the availability of critical underlying data.

There are key technical uncertainties in the current North Pacific sperm whale SAR that must be addressed. In general, sperm whales' unusual hierarchical social and population structure present difficulties in modeling population dynamics and estimating abundance given their deep diving behavior. There is little current information about the broad-scale distribution of sperm whales in Alaska waters, and a "reliable" abundance estimate for the entire stock is considered unavailable because the abundance data is more than 8 years old (see Muto *et al.* 2021). Further, determining the relationship between high latitude large males (such as those present in Alaska waters) to breeding groups is essential to understanding population dynamics, and whether the current stock contains one or more demographically independent populations. As discussed above, the current North Pacific sperm whale abundance estimate is based on a small portion of the population (largely males) and therefore, the data to evaluate the impact of commercial fisheries on this population is substantially biased. NMFS is taking the necessary steps to address these uncertainties and will review and revise the North Pacific sperm whale SAR in accordance with section 117(c) of the MMPA (16 U.S.C. 1386(c)).

Most recently, in April 2024 at the 69th Scientific Committee (SC69B) meeting of the International Whaling Commission (IWC), NMFS scientists on the U.S. delegation to the IWC Scientific Committee proposed a workshop to conduct an assessment of sperm whale populations in the Eastern North Pacific. The Scientific Committee recognized that it has been almost 20 years since the last effort to assess the status of North Pacific sperm whale population and agreed to establish an intersessional correspondence group to help assess available data for a North Pacific sperm whale assessment and

develop a workshop proposal. This work is necessary to prepare for a future in-depth assessment of North Pacific sperm whales under the auspices of the IWC, which would inform the work of a TRT. Following the process described in NMFS Procedural Directive 02–204–03 *Reviewing and Designating Stocks and Issuing Stock Assessment Reports under the Marine Mammal Protection Act* (NMFS 2019), NMFS is investigating whether the existing North Pacific stock of sperm whales constitutes one or more demographically independent populations, which, depending on the findings, could lead to a revised stock structure for North Pacific stock of sperm whales.

Therefore, and as described in the Take Reduction Plan sections of the proposed permits (89 FR 15843, March 5, 2024), and this **Federal Register** notice, all of the evaluated fisheries listed in table 1, for the affected marine mammal species or stocks, have a TRP in place, achieved the long-term goal of TRPs (see 16 U.S.C. 1387(f)(2)), or implementation of a TRP is under development and will progress as information gaps are addressed. Accordingly, the requirement under MMPA section 118 to have TRPs in place or in development is satisfied.

Comment 2: CBD states that the NITs defined in NMFS' "Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)" are set at the same level as PBR and are insufficiently protective. They further commented that NMFS misreported the mean estimated annual M/SI of MHI false killer whales in the HI deep-set longline fishery (0.3), and that the correct value should be 0.1. CBD requests NMFS set a negligible impact threshold lower than PBR and evaluate whether the correct M/SI exceeds that threshold.

Response: CBD's comments on the NITs as described in NMFS' "Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)" were previously addressed by NMFS and are available at: <https://www.fisheries.noaa.gov/action/criteria-determining-negligible-impact-under-mmpa-section-101a5e>. NMFS reviewed the M/SI information provided by CBD and revised the NID analysis for the HI deep-set longline fishery using the most recent data in the draft 2023 SAR (Carretta *et al.* In press). The total annual average human caused M/SI for the MHI insular stock of false killer whale (0.1) does not exceed NIT_i (0.258). Using the revised NID analysis results in the same NID as in the proposed permit for the HI deep-set

longline fishery. The Tier 1 analysis is satisfied, and all commercial fisheries are considered to have a negligible impact on this stock (see accompanying MMPA 101(a)(5)(E) evaluation document).

Comment 3: CBD comments that NMFS did not use the correct abundance estimate for the Western North Pacific stock of humpback whale in the NID analyses for the proposed permits. They state NMFS used a N_{min} of 1,007, which is for the entire Western North Pacific humpback whale population, instead of the N_{min} of 75 for the portion of Western North Pacific humpback whale population in U.S. waters.

Response: NMFS disagrees. While NMFS' procedural directive "Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)" does not specify that the N_{min} used in the analysis be the N_{min} for U.S. waters, section 101(a)(5)(E) requires "the incidental mortality and serious injury from commercial fisheries will have a negligible impact on such species or stock." 16 U.S.C. 1371(a)(5)(E)(i)(I). Consistent with this statutory requirement, NMFS used N_{min} for the Western North Pacific stock of humpback whale. As noted in the **Federal Register** notice for the proposed permits (89 FR 15843, March 5, 2024), the Western North Pacific stock of humpback whale is a transboundary stock. Because of the uncertainty regarding M/SI that occurs outside of U.S. waters for transboundary stocks, we assumed that total M/SI exceeds NIT_i and proceeded directly to the Tier 2 NIT_s analysis. NMFS conducted the Tier 2 NIT_s analysis using the stock wide N_{min} (1,007) for the Western North Pacific humpback whale given that 2022 SAR provides some M/SI data for commercial fisheries outside of U.S. waters.

Comment 4: CBD states that NMFS estimated fishery M/SI in U.S. waters and only assigned 2 out of every 100 humpback whale M/SI to the Western North Pacific stock of humpback whales instead of assigning each M/SI to each humpback whale stock. CBD asserts that NMFS did not discuss the potential for underestimated stock-specific M/SI when partitioning M/SI among overlapping stocks in the SAR, as required by the Guidelines for Assessing Marine Mammal Stocks (GAMMS).

Response: Insofar as CBD alleges NMFS used the incorrect M/SI value in its NID analysis, NMFS disagrees. The NID analysis and 101(a)(5)(E) permit evaluation are based on the best scientific information available as summarized in the published SARs. The

process of apportioning M/SI in areas with overlapping stocks is part of the SAR process, which includes review by a statutorily established scientific review group and its own opportunity for public review and comment (*see* 16 U.S.C. 1386(b),(d); 88 FR 4162, Jan. 24, 2023; 88 FR 54592, August 11, 2023).

Comment 5: CBD asserts that NMFS did not adequately explain why the $N_{\min}$ and PBR from the SAR were not used for the NID analysis for the AK Gulf of Alaska sablefish longline fishery. They state that the NID analysis for the North Pacific stock of sperm whale incidentally killed or injured in the AK Gulf of Alaska sablefish longline fishery ignores the SAR's $N_{\min}$ and PBR. The North Pacific sperm whale SAR includes a $N_{\min}$ of 244 and PBR of 0.5; however, the NID analysis uses a threshold abundance of 4,230.8 sperm whales. CBD notes that just because the estimate of 244 sperm whales is an underestimate does not mean that the estimate is “unavailable” and does not warrant an alternative calculation in the NID analysis. They continue further that the SAR caveats the PBR by stating it “does not account for females and juveniles in tropical and subtropical waters,” but that since the fishery operates in the Gulf of Alaska it is not reasonable to compare M/SI in U.S. waters to the population as a whole.

Response: Following the GAMMS, NMFS publishes all known population estimates and calculates a PBR wherever possible in the SARs. However, in some cases, the abundance estimate and corresponding $N_{\min}$ are only a small portion of the stock's range and/or are not representative for other reasons. In the case of the North Pacific stock of sperm whale, a “reliable” abundance estimate for the entire stock is considered unavailable because the abundance data is more than 8 years old (*see* Muto *et al.* 2021). Additionally, $N_{\min}$ is considered an underestimate for the entire stock because surveys are from only a small portion of the stock's range and it does not take into account females and juveniles in tropical and subtropical waters (*see* Muto *et al.* 2021). The calculated PBR (0.5 animals) for this stock is deemed “not reliable” as an index for the entire stock and is generally not used for management purposes for the entire stock (*see* Muto *et al.* 2021). Therefore, we considered $N_{\min}$ unavailable for the purpose of the NID. In accordance with NMFS’ “Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)”, the NIT_s threshold approach is used in the NID analysis where no estimate of $N_{\min}$ is available, which indicates that a minimum $N_{\min}$

threshold of 4,230 must be likely for the stock in order to arrive at a NID.

Comment 6: CBD comments that total human-caused M/SI of the Western North Pacific stock of humpback whale exceeds the stock-wide PBR (3.4). In addition, they state NMFS has not estimated undocumented M/SI for the stock in the summer or winter feeding areas. CBD asserts that U.S. commercial fisheries incidentally killed or injured 5.27 humpback whales (Western North Pacific, Hawai’i and Mexico-North Pacific stocks) in 5 years. CBD further used NMFS’ apportionment method to note that the estimated M/SI of Western North Pacific humpback whales is 0.02108, which exceeds 10 percent of the stock's PBR in U.S. waters and cannot be considered insignificant and approaching a zero M/SI rate.

Response: NMFS follows a standardized process for estimating annual fishery M/SI in the SARs. As noted by CBD, M/SI of humpback whales in Alaska is allocated using the “NMFS, Alaska Region Occurrence of Endangered Species Act (ESA) Listed Humpback Whales off Alaska” guidance document. However, in cases where the stock origin is known, such as for the December 23, 2020 humpback whale serious injury documented in Mexico, the M/SI is assigned only to the confirmed stock and not allocated to all stocks. CBD incorrectly included this Mexico M/SI in their M/SI estimation for Western North Pacific stock humpback whales. Removing the M/SI from the Mexico North Pacific stock from the calculation results in a mean annual commercial fisheries mortality of Western North Pacific stock of 0.012 and is less than 10 percent of PBR. Further, when we include the October 15, 2018 entanglement where the whale was released from gear by trained responders (but is not included in the SAR because the outcome is expected to be a non-serious injury after intervention), the total mean annual commercial fisheries mortality of Western North Pacific stock is 0.016 and is less than 10 percent of PBR.

As noted above, the most recent SAR for the Western North Pacific stock of humpback whale includes fishery-related M/SI not assigned to a specific commercial fishery. This unattributed fishery-related M/SI could be from any number of commercial, recreational, or subsistence fisheries, including fisheries listed in table 1. Because data are not currently available to assign the unattributed fishery-related M/SI to a specific commercial fishery, we did not include unattributed mortality in the calculations for NID Tier 2 analysis. NMFS is actively monitoring the

fisheries in table 1 through fishery observer programs. If additional fishery-related M/SI is documented through the observer programs that indicate additional M/SI of the Western North Pacific stock of humpback whale, then NMFS will re-evaluate the appropriate NID and the permit.

References

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Dated: June 7, 2024.

Catherine Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024-12938 Filed 6-12-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE031]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Tilefish Advisory Panel will hold a public meeting.

DATES: The meeting will be held on Thursday, June 27, 2024, from 2 p.m. to 4 p.m., EST. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Webinar connection, agenda items, and any additional information will be available at www.mafmc.org/council-events.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss recent performance of the blueline and golden tilefish commercial and recreational fisheries and develop Fishery Performance Reports. These reports will be considered by the Scientific and Statistical Committee, the Monitoring Committee, and Mid-

Atlantic Fishery Management Council when setting 2025 blueline and 2025-2027 golden tilefish catch and landings limits as well as commercial or recreational management measures.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Council Office, (302) 526-5251, at least 5 days prior to the meeting date.

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

Dated: June 7, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-12888 Filed 6-12-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE022]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 95 Atlantic Migratory Cobia Life History Webinar I.

SUMMARY: The SEDAR 95 assessment of the Atlantic stock of cobia will consist of a series of data and assessment webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 95 Atlantic Migratory Cobia Life History Webinar I has been scheduled for Monday, July 1, 2024, from 1 p.m. to 3 p.m., Eastern. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: Julie.neer@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 95 Atlantic Migratory Cobia Life History Webinar I are as follows:

Discuss and review available life history data and provide recommendations for use in the assessment.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically

identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 7, 2024.

Key Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-12887 Filed 6-12-24; 8:45 am]

BILLING CODE 3510-22-P

COMMODITY FUTURES TRADING COMMISSION

Public Availability of Fiscal Year 2022 Service Contract Inventory

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is publishing this notice to advise the public of the availability of CFTC's Fiscal Year 2022 Service Contract Inventory.

FOR FURTHER INFORMATION CONTACT:

Questions regarding the service contract inventory should be directed to Livia Bykov, Procurement Analyst, at 202-418-5103 or lbykov@cftc.gov.

SUPPLEMENTARY INFORMATION: In accordance with section 743 of division C of the Consolidated Appropriations Act of 2010, Public Law 111-117, 123 Stat. 3034, CFTC is publishing this notice to advise the public of the availability of the Fiscal Year (FY) 2022 Service Contract Inventory. CFTC has posted its inventory documents on the agency website at the following link: <https://www.cftc.gov/About/CFTCReports/index.htm>.

This inventory provides information on service contracts above the Simplified Acquisition Threshold (\$250,000), as determined by the base and all options value, that were awarded in FY 2022. CFTC's service contract inventory data is included in

the government-wide inventory, which can be filtered to display the CFTC-specific data. A link to the government-wide inventory is included in the posting on the CFTC website, or it can be accessed directly at <https://www.acquisition.gov/service-contract-inventory>.

The inventory documents posted on the CFTC website also include the CFTC FY 2021 Service Contract Inventory Analysis (dated February 17, 2023). This report provides information about the Product Service Codes that the CFTC analyzed from the 2021 inventory.

Dated: June 10, 2024.

Christopher Kirkpatrick,
Secretary of the Commission.

[FR Doc. 2024-12968 Filed 6-12-24; 8:45 am]

BILLING CODE 6351-01-P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA-2024-HQ-0005]

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 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Lock Performance Monitoring System Waterway Traffic Report; ENG Forms 3102C and 3102D; OMB Control Number 0710-0008.

Type of Request: Extension.

ENG Form 3102C

Number of Respondents: 4,631.

Responses per Respondent: 82.
Annual Responses: 379,742
Average Burden per Response: 2.5 minutes.

Annual Burden Hours: 15,823.

ENG Form 3102D

Number of Respondents: 1,898.
Responses per Respondent: 50.
Annual Responses: 94,900.
Average Burden per Response: 3 minutes.

Annual Burden Hours: 4,745.

Total

Number of Respondents: 6,529.
Annual Responses: 474,642.
Annual Burden Hours: 20,568.
Needs and Uses: The authority for the U.S. Army Corps of Engineers (USACE) to collect data on vessel operations and cargo transiting navigation locks is contained in Section 11 of the Rivers and Harbors Appropriations Act of September 22, 1922 (42 Stat. 1043), as amended, and codified in 33 U.S.C. 555. The USACE utilizes the data collected to monitor and analyze the use and operation of federally owned or operated locks. General data of vessel identification, tonnage, and commodities are supplied by the master of vessels and all locks owned and operated by the USACE. The information is used for sizing and scheduling replacements, the timing of rehabilitation or maintenance actions, and the setting of operation procedures and closures for locks and canals. Respondents are vessel operators who provide the vessel identification, tonnage, and community information as stipulated on ENG Form 3102C, "Waterway Traffic Report—Summary Lock Vessel Log" or ENG Form 3102D, "Waterway Traffic Report—Detail Lock Vessel Log." The information is applied to navigation system management to identify and prioritize lock maintenance, rehabilitation, or replacement. It is also used to measure waterway performance and the level of service of the national waterway systems.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

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: June 5, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12917 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-48]

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.

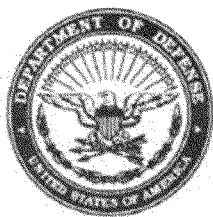
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22-48 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

August 1, 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. 22-48, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$300 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,

for 
James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 22–48

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 Kingdom

(ii) *Total Estimated Value*:

Major Defense Equipment *	\$145 million
Other	\$155 million

TOTAL	\$300 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase*:

Major Defense Equipment (MDE):

Five hundred thirteen (513) Javelin Lightweight Command Launch Units (LWCLUs)

Non-MDE:

Also included are Javelin LWCLU Basic Skills Trainers (BSTs); Javelin Outdoor Trainers (JOTs); Javelin Vehicle Launcher Electronics (JVL-Es); Javelin LWCLU Train the Trainer Package; Lifecycle Support; System Integration and Check out (SICO); Javelin Operator Manual; Technical Assistance (TAGM); and other related elements of logistical and program support.

(iv) *Military Department*: Army (UK–B–WVA)

(v) *Prior Related Cases, if any*: UK–B–WML, UK–B–WUJ

(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*: August 1, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Kingdom—Javelin Lightweight Command Launch Units

The Government of the United Kingdom has requested to buy five hundred thirteen (513) Javelin LWCLUs. Also included are Javelin LWCLU BSTs; JOTs; JVL-Es; Javelin LWCLU Train the Trainer Package; Lifecycle Support; SICO; Javelin Operator Manual; Technical Assistance (TAGM); and other related elements of logistical and program support. The total estimated program cost is \$300 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve the United Kingdom's capability to meet

current and future threats. The United Kingdom will use the enhanced capability to strengthen its homeland defense and deter regional threats. The United Kingdom will have no difficulty absorbing this equipment and services 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 the Javelin Joint Venture. 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 U.S. Government or contractor representatives to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–48

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 Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft and watercraft. The system weighs ~43.5 pounds and has a maximum range in excess of 4,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable LWCLU and a round contained in a disposable launch tube assembly. The LWCLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The LWCLU may also be used in a stand-alone mode for battlefield surveillance and target

detection. The LWCLU's thermal sight is a 3rd generation Forward Looking Infrared sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the LWCLU after mating and prior to launch.

4. The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

5. 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.

6. A determination has been made that the United Kingdom 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.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the United Kingdom.

[FR Doc. 2024–12952 Filed 6–12–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–37]

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.

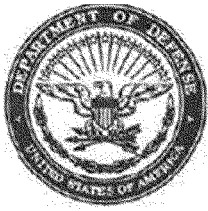
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22–37 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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 25, 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. 22-37, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Singapore for defense articles and services estimated to cost \$630 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. 22-37

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 Singapore

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 14.7 million
Other	\$615.3 million

TOTAL \$630.0 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Ninety (90) MXU-651 Air Foil Groups (AFGs) for 2000LB Paveway II (PWII), GBU-10

Ninety (90) MAU-169 or MAU-209 Computer Control Groups (CCGs) for 2000LB PWII, GBU-10

One hundred forty (140) MXU-650 AFGs for 500LB PW-II, GBU-12

One hundred forty (140) MAU-169 or MAU-209 CCGs for 500LB PWII,

GBU-12

Twenty (20) Joint Direct Attack Munition (JDAM) KMU-556 tail kits for GBU-31

Twenty-two (22) JDAM KMU-572 tail kits for Laser JDAM, GBU-54

Two hundred (200) FMU-152 Fuzes Fifty (50) MK-84 2000LB General Purpose (GP) Bombs

Fifty (50) MK-82 500LB GP Bombs

Six hundred twenty-five (625) Mk-82 500LB Inert Bombs

Non-MDE:

Also included are DSU-38 and -40 Precision Laser Guidance Sets

(PLGS) for Laser JDAM, GBU-54; KGV-135A cryptographic devices; impulse cartridges, chaff, and flares; training rounds and practice bombs; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; integration support and test equipment; aircraft and munitions support and support equipment; telemetry kits; military exercise participation and support; transportation, airlift, and aircraft ferry support; jet fuel; aerial refueling support; personnel training, and training equipment and maintenance; medical and other exercise- and training-related services and support; personnel clothing and equipment; facilities and construction support; and U.S. Government and contractor engineering, technical, maintenance, and logistics support services, as well as other related elements of logistical and program support.

(iv) *Military Department: Air Force (SN-D-NAA)*

(v) *Prior Related Cases, if any: SN-D-NAG*

(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 25, 2022*

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Singapore—Munitions and Follow-On Training and Sustainment for PEACE CARVIN V (F-15 Training Detachment)

The Government of Singapore has requested to buy ninety (90) MXU-651 AFGs for 2000LB Paveway II (PWII), GBU-10; ninety (90) MAU-169 or MAU-209 CCGs for 2000LB PWII, GBU-10; one hundred forty (140) MXU-650 AFGs for 500LB PW-II, GBU-12; one hundred forty (140) MAU-169 or MAU-209 CCGs for 500LB PWII, GBU-12; twenty (20) JDAM KMU-556 tail kits for GBU-31; twenty-two (22) JDAM KMU-572 tail kits for Laser JDAM, GBU-54; two hundred (200) FMU-152 fuzes; fifty (50) MK-84 2000LB GP bombs; fifty (50) MK-82 500LB GP bombs; and six hundred twenty-five (625) Mk-82 500LB inert bombs. Also included are DSU-38 and -40 PLGS for Laser JDAM, GBU-54; KGV-135A cryptographic devices; impulse cartridges, chaff, and

flares; training rounds and practice bombs; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; integration support and test equipment; aircraft and munitions support and support equipment; telemetry kits; military exercise participation and support; transportation, airlift, and aircraft ferry support; jet fuel; aerial refueling support; personnel training, and training equipment and maintenance; medical and other exercise- and training-related services and support; personnel clothing and equipment; facilities and construction support; and U.S. Government and contractor engineering, technical, maintenance, and logistics support services, as well as other related elements of logistical and program support. The total estimated program cost is \$630 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a strategic partner that is an important force for political stability and economic progress in Asia.

The proposed sale will enable the Singapore Air Force to continue its flight training program to develop mission-ready and experienced pilots to safely and effectively fly its F-15 aircraft, as part of the Peace Carvin V Detachment Training Program. The well-established pilot proficiency training program at Mountain Home Air Force Base will support professional interaction and enhance operational interoperability with U.S. Forces. Singapore will have no difficulty absorbing this equipment and support into its armed forces.

This proposed sale will not alter the basic military balance in the region.

There is no prime contractor involved in this proposed sale. Manpower support will be determined through competition with defense articles anticipated to come from U.S. inventory, as needed. Sources of supply may award contracts when necessary to provide the defense articles if items are not available from U.S. inventory or are considered long lead-time away. There are no known offset agreements proposed in connection with this sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Singapore.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-37

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 Paveway II (PWII) is a maneuverable, free-fall Laser Guided Bomb (LGB) that guides to a spot of laser energy reflected off the target. The LGB is delivered like a normal GP warhead and the semi-active guidance corrects for many of the normal errors inherent in any delivery system. Laser designation can be provided by a variety of laser target markers or designators. A LGB consists of a non-warhead specific MAU-209 or MAU-169 CCG and a warhead specific AFG that attaches to the nose and tail of the GP bomb body respectively.

- The GBU-12 is a 500LB GP bomb body fitted with the MXU-650 AFG to guide to its laser designated target.

- The GBU-10 is a 2000LB GP bomb body fitted with the MXU-651 AFG to guide to its laser designated target. The inert GBU-12 uses a BDU-50 inert bomb body and MAU-169 CCG for training purposes.

2. The Joint Direct Attack Munitions (JDAM) is a guidance set which converts unguided bombs into an accurate, adverse weather "smart" munition. The Guidance Set consists of a Tail Kit, which contains the Inertial Navigation System (INS) and a Global Positioning System (GPS), a set of Aerosurfaces and an umbilical cover, which allows the JDAM to improve the accuracy of unguided, general purpose bombs. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM is capable of receiving target coordinates via preplanned mission data from the delivery aircraft, by onboard aircraft sensors (*i.e.*, FLIR, Radar, etc.) during captive carry, or from a third-party source via manual or automated aircrew cockpit entry. The Guidance Set, when combined with a warhead and appropriate fuze, forms a JDAM Guided Bomb Unit (GBU).

- The GBU-38 is a 500LB bomb body fitted with a KMU-572 guidance kit.

- The GBU-31 is a 2000LB bomb body fitted with a KMU-556 guidance kit.

3. The Laser Joint Direct Attack Munition (LJDAM) is a JDAM that incorporates all the capabilities of the JDAM guidance tail kit and adds a precision laser guidance set (DSU-38 or DSU-40). The LJDAM gives the weapon

system an optional semi-active laser guidance in addition to the INS/GPS guidance. This provides the optional capability to strike moving targets. The GBU-54 is a 500LB bomb body fitted with a laser guidance set and KMU-572 guidance kit.

4. The KGV-135A is a high-speed, general purpose encryptor/decryptor module used for wide-band data encryption.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Singapore can provide substantially

the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Singapore.

[FR Doc. 2024-12945 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-49]

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.

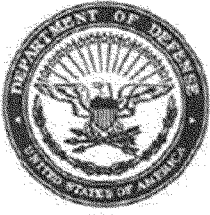
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22-49 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

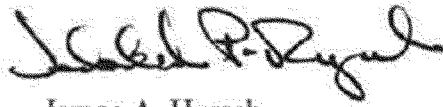
July 21, 2022

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-49, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$235 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,

for 
 James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 22-49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$157 million
Other	\$ 78 million

TOTAL	\$235 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Eighty (80) Joint Air-to-Surface Standoff Missiles—Extended Range (JASSM-ER) (AGM-158B with telemetry kits and/or AGM-158B-2 configurations)

Non-MDE:

Also included are missile containers and support equipment; JASSM training missiles; weapon system support; spare parts, consumables,

accessories, and repair/return support; integration and test support and equipment; personnel training; software delivery and support; classified and unclassified publications and technical documentation; transportation; 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 (AT-D-YAK)

(v) *Prior Related Cases, if any:* AT–D–QAR

(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 21, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—Joint Air-to-Surface Standoff Missiles—Extended Range (JASSM–ER)

The Government of Australia has requested to buy eighty (80) JASSM–ER (AGM–158B with telemetry kits and/or AGM–158B–2 configurations). Also included are missile containers and support equipment; JASSM training missiles; weapon system support; spare parts, consumables, accessories, and repair/return support; integration and test support and equipment; personnel training; software delivery and support; classified and unclassified publications and technical documentation; transportation; 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 \$235 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Australia's capability to meet current and future threats by providing advanced, long-range strike systems for employment from Royal Australian Air Force air platforms including, but not limited to, the F/A–18F Super Hornet and F–35A Lightning II. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Orlando, FL. 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 Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AGM–158B/B–2 Joint Air-to-Surface Standoff Missiles (JASSM) with Extended Range (ER) are low-observable, highly-survivable, subsonic cruise missiles designed to penetrate next-generation air defense systems en-route to target. The JASSM–ER is designed to kill hard, medium-hardened, soft and area-type targets. A turbo-fan engine and reconfigured fuel tanks provide added capacity.

a. The AGM–158B–2 system capabilities include all the capabilities of the AGM–158B. The AGM–158B–2 configuration will have different internal components to address multiple obsolescence issues as well as subcomponent updates to position for M-Code and other potential upgrades.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

[FR Doc. 2024–12953 Filed 6–12–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2023–OS–0081]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), 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 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Assessing the Implementation and Effectiveness of DOD's Lethal Means Safety (LMS) Outreach Materials—Navy Gun Lock Distribution Key Informant (KI) Interviews and Navy Community Lethal Means Safety (LMS) Survey; OMB Control Number 0704–ALON.

Type of Request: New.
Navy Gun Lock KI Interviews:
Number of Respondents: 25.
Responses per Respondent: 1.
Annual Responses: 25.
Average Burden per Response: 1 hour.
Annual Burden Hours: 25 hours.
Navy Community LMS Survey:
Number of Respondents: 10,000.
Responses per Respondent: 1.
Annual Responses: 10,000.
Average Burden per Response: 0.25 hours.

Annual Burden Hours: 2,500 hours.

Total Burden:

Number of Respondents: 10,025.

Annual Responses: 10,025.

Annual Burden Hours: 2,525 hours.

Needs and Uses: The Deputy Secretary of Defense recently directed implementation of Service tailored LMS

plans, which leverage the Defense Suicide Prevention Office's (DSPO's) LMS suite of evidence-informed tools. In accordance with guidance, and with recommendations from the Government Accountability Office to assess the efficacy of nonclinical suicide prevention efforts, DSPO aims to help the Services conduct a thorough evaluation of their LMS outreach efforts.

DSPO has contracted with the Center for Naval Analyses (CNA) to assist the Services in meeting the requirements set forth in DoD Instruction 6490.16 that all suicide prevention activities are developed from a relevant evidence-base and have an evaluation capability prior to implementation. CNA, in conjunction with the participating Services (*i.e.*, Air Force, Army, Navy, and Special Operations Command, propose an information collection covering LMS evaluation activities specific to the needs of each respective Service to assess the implementation, acceptability, and/or effect of their specific LMS activities and materials. Depending on the nature of the selected evaluation activities, study data will be collected via KI interviews and/or a survey.

This **Federal Register** Notice covers the evaluation activities specific to the Navy. The intent of voluntary Navy Gun Lock Distribution KI interviews is to help the Navy evaluate their gun lock distribution efforts and learn how the Navy may improve its safe storage practice materials, outreach, and implementation efforts. The intent of the voluntary Navy Community LMS Survey is to learn about the Navy

community's awareness of current LMS programs, preferences for safety devices and safe storage locations, and thoughts about the place of safety in Navy culture.

The Navy will use the results of the KI interviews and the results of the survey to tailor their LMS activities, materials, messaging, training, and outreach efforts to maximize their effectiveness with their Servicemembers and communities.

Affected Public: Individuals or households.

Frequency: As required.

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: June 5, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12916 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-0J]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22-0J.

Dated: June 10, 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

August 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)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22-0J. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 20-69 of October 21, 2020.

Sincerely,

James A. Hursch
 Director

Enclosures:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 22-0J

**REPORT OF ENHANCEMENT OR
 UPGRADE OF SENSITIVITY OF
 TECHNOLOGY OR CAPABILITY (SEC.
 36(B)(5)(C), AECA)**

(i) *Purchaser:* Taipei Economic and Cultural Representative Office (TECRO) in the United States

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 20-69

Date: October 21, 2020

Military Department: Navy

Funding Source: National Funds

(iii) *Description:* On October 21, 2020, Congress was notified by Congressional certification transmittal number 20-69 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of one hundred thirty-five (135) AGM-

84H Standoff Land Attack Missile Expanded Response (SLAM-ER) Missiles; four (4) ATM-84H SLAM-ER Telemetry Missiles; and twelve (12) CATM-84H Captive Air Training Missiles (CATM). Also included are one hundred fifty-one (151) containers, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representatives' technical assistance, engineering and logistics support services, and other related elements of logistics support. The estimated total cost was \$1.008 billion. Major Defense Equipment (MDE) constituted \$608 million of this total.

This transmittal reports increases in MDE value by \$147 million to \$755

million and non-MDE value by \$145 million to \$545 million. This will result in an overall total case value increase of \$292 million to \$1.3 billion.

(iv) *Significance:* Reassessment of recent market trends by the Original Equipment Manufacturer (OEM) has identified an increase in cost of parts from suppliers, ranging from 20% to 120% over the past 12 months. Global supply chain logistics issues are impacting Long-lead items and increasing volatility to pricing, as some sub-tier suppliers are refusing to bid and others are offering pricing that is only valid for very limited timeframes, resulting in the need to qualify new sources. The OEM has repriced the effort to account for these price increases to add to the stability of this

effort. There is no change to sensitive equipment or quantity/type of MDE previously notified.

(v) *Justification*: 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, and economic progress in the region.

(vi) *Sensitivity of Technology*: The Sensitivity of Technology statement contained in the original notification applies to items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

(vii) *Date Report Delivered to Congress*: August 19, 2022

[FR Doc. 2024-12949 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0081]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), 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 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Assessing the Implementation

and Effectiveness of DOD's Lethal Means Safety (LMS) Outreach Materials—Air Force Time-Based Prevention (TBP) KI Interviews; OMB Control Number 0704-ALAF.

Type of Request: New.

Number of Respondents: 15.

Responses per Respondent: 1.

Annual Responses: 15.

Average Burden per Response: 1 hour.

Annual Burden Hours: 15 hours.

Needs and Uses: The Deputy Secretary of Defense recently directed implementation of Service tailored LMS plans, which leverage the Defense Suicide Prevention Office's (DSPO's) LMS suite of evidence-informed tools. In accordance with guidance, and with recommendations from the Government Accountability Office to assess the efficacy of nonclinical suicide prevention efforts, DSPO aims to help the Services conduct a thorough evaluation of their LMS outreach efforts.

DSPO has contracted with the center for Naval Analyses (CNA) to assist the Services in meeting the requirements set forth in DoD Instruction 6490.16 that all suicide prevention activities are developed from a relevant evidence-base and have an evaluation capability prior to implementation. CNA, in conjunction with the participating Services (i.e., Air Force, Army, Navy, and Special Operations Command, propose an information collection covering LMS evaluation activities specific to the needs of each respective Service to assess the implementation, acceptability, and/or effect of their specific LMS activities and materials. Depending on the nature of the selected evaluation activities, study data will be collected via key informant (KI) interviews and/or a survey.

This **Federal Register** Notice covers the evaluation activity specific to the Air Force. The intent of the voluntary Air Force Time-Based Prevention (TBP) KI Interviews is to help the Air Force gain a better understanding of the implementation and utility of the Air Force's TBP communications and messaging, as well as barriers to implementation.

The Air Force will use the results of the KI interviews to tailor their TBP LMS activities, materials, messaging, training, and outreach efforts to maximize their effectiveness with their Servicemembers and communities.

Affected Public: Individuals or households.

Frequency: As required.

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: June 5, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12915 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-40]

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 22-40 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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 25, 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. 22-40, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost \$293 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. 22-40

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 Japan

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$257 million
Other	\$ 36 million
TOTAL	\$293 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
 One hundred fifty (150) AIM-120C-7/
 C-8 Advanced Medium Range Air-
 to-Air Missiles (AMRAAMs)
 Three (3) AIM-120 AMRAAM
 Guidance Sections

Non-MDE:

Also included are AIM-120 missile
 containers and control sections;
 weapon support and support

equipment; classified software
 delivery and support; spare and
 repair parts, consumables, and
 accessories; classified publications
 and technical documentation; U.S.
 Government and contractor
 engineering, technical and logistical
 support services; and other related
 elements of logistical and program
 support.

(iv) *Military Department:* Air Force
 (JA-D-YAX, JA-D-YBD)

(v) *Prior Related Cases, if any:* JA-D-YAI, JA-D-YAK, JA-D-YAO, JA-D-YCM, JA-D-YAU

(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 25, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Japan—AIM-120C-7/8 Advanced Medium-Range Air-to-Air Missiles (AMRAAMs)

The Government of Japan has requested to buy one hundred fifty (150) AIM-120C-7/C-8 AMRAAMs; and three (3) AIM-120 AMRAAM Guidance Sections. Also included are AIM-120 missile containers and control sections; weapon support and support equipment; classified software delivery and support; spare and repair parts, consumables, and accessories; classified publications and technical documentation; U.S. Government and contractor engineering, technical and logistical support services; and other related elements of logistical and program support. The estimated total program cost is \$293 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 Asia-Pacific region.

The proposed sale will improve Japan's capability to meet current and future threats by defending the Japanese homeland and U.S. personnel stationed there. Japan already has AMRAAMs in its inventory and will have no difficulty absorbing these missiles 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, Tucson, AZ. 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 Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-40

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-7/C-8 AMRAAM is a supersonic, air launched, aerial intercept, guided missile featuring digital technology and micro-miniature solid-state electronics. This potential sale will include AMRAAM Guidance Section. AMRAAM capabilities include look-down/shootdown, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high and low-flying and maneuvering targets. The AIM-120C-8 is a form, fit, and function refresh of the AIM-120C-7 and is the next generation to be produced.

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 Japan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Japan.

[FR Doc. 2024-12955 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-01]

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 22-01 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

JUL 21 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-01 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost \$397 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
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 22-01

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 Kuwait

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$222 million
Other	\$175 million
TOTAL	\$397 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Sixty (60) AIM-120 C-7/8 Advanced Medium Range Air-to-Air Missiles (AMRAAMs)
Two hundred fifty (250) MK-84 General Purpose 2000LB Bombs
Five hundred one (501) MK-83 General Purpose 1000LB Bombs
Three hundred fifty (350) KMU-556 Joint Direct Attack Munition (JDAM) Tail Kits for GBU-31V1 2000LB Bombs

Seven hundred two (702) MXU-667 Air Foil Groups (AFG) for GBU-48 Enhanced Paveway II (EPW-II) 1000LB Bombs
Seven hundred two (702) MAU-210 Enhanced Computer Control Groups (ECCG) for GBU-48 Enhanced Paveway II (EPW-II) 1000LB Bombs

Non-MDE:

Also included are FMU-139 Joint Programmable Fuze Systems; AMRAAM containers; weapons support and software; inert munitions, trainers, and training

equipment; bomb components; spare and repair parts; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department: Air Force* (KU-D-YAE)

(v) *Prior Related Cases, if any:* KU-D-AAC, KU-D-YAB, KU-D-YAC, KU-D-YAD

(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 21, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Advanced Weapons in Support of Eurofighter Typhoon Aircraft Program

The Government of Kuwait has requested to buy sixty (60) AIM-120 C-7/8 AMRAAMs; two hundred fifty (250) MK-84 General Purpose 2000LB bombs; five hundred one (501) MK-83 General Purpose 1000LB bombs; three hundred fifty (350) KMU-556 JDAM tail kits for GBU-31V1 2000LB bombs; seven hundred two (702) MXU-667 AFG for GBU-48 EPW-II 1000LB bombs; and seven hundred two (702) MAU-210 ECCG for GBU-48 EPW-II 1000LB bombs. Also included are FMU-139 Joint Programmable Fuze Systems; AMRAAM containers; weapons support and software; inert munitions, trainers, and training equipment; bomb components; spare, repair parts; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The estimated total cost is \$397 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the infrastructure of a Major Non-NATO ally that has been an important force for political stability and economic progress in the Middle East.

The proposed sale will improve Kuwait's ability to meet current and future regional threats. Kuwait intends to use these missiles and munitions with the Eurofighter Typhoon fleet it is

acquiring. Kuwait has shown a commitment to modernizing its military and 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 contractors will be Raytheon Missiles and Defense, Tucson, AZ; and Lockheed Martin Missiles and Fire Control, Archbald, PA. Multiple end items will be procured from U.S. Government stock. There are no known offset agreements proposed in connection with this potential sale. Any offset agreements will be defined in negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-01

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-7/8 AMRAAM is a supersonic, air launched, aerial intercept, guided missile 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. The AIM-120C-8 is a form, fit, function refresh of the AIM-120C-7 and is the next generation to be produced.

2. The JDAM is a guidance kit that converts existing unguided free-fall bombs into an accurate, adverse weather "smart" munition. The Guidance Set consists of a Tail Kit, which contains the Inertial Navigation System (INS) and a Global Positioning System (GPS), a set of Aerosurfaces and an umbilical cover, which allows the JDAM to improve the accuracy of unguided, General Purpose (GP) bombs. The Guidance Set, when combined with a warhead and appropriate fuze, forms a JDAM Guided Bomb Unit (GBU) and gives the bomb an adverse weather capability. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM is capable of receiving target coordinates via preplanned mission data from the delivery aircraft, by onboard

aircraft sensors (*i.e.*, FLIR, Radar, etc.) during captive carry, or from a third-party source via manual or automated aircrew cockpit entry.

The KMU-556 is the tail kit for a GBU-31 fitted with a 2,000LB (Mk-84 GP) bomb body.

3. GBU-48 Enhanced Paveway II (EP-II) is a maneuverable, free-fall, laser-guided bombs (LGBs) that guide to reflected laser energy from the desired target. The "enhanced" component adds GPS guidance to the laser seeker. This dual-mode capability allows the weapon to operate in all weather conditions. The LGB is delivered the same way as a normal GP warhead, except the semi-active guidance corrects for employment errors inherent in any delivery system. Laser designation for the weapon can be provided by a variety of laser target markers or designators from the air or ground. The Enhanced Paveway system consists of a non-warhead-specific Enhanced Computer Control Group (ECCG), a warhead-specific Air Foil Group (AFG) that attaches to the nose and tail of GP bomb, and a fuze. The weapon is primarily used for precision bombing against non-hardened targets.

The GBU-48 is a 1,000LB (MK-83 GP) bomb body fitted with the MXU-667 AFG and MAU-210 ECCG to guide to its laser-designated target.

4. The FMU-139 Joint Programmable Fuze (JPF) is a multi-delay, multi-arm and proximity sensor compatible with General Purpose blast, frag, and hardened-target penetrator weapons. The FMU-139 settings are cockpit selectable in flight when used with numerous precision-guided weapons. It can interface with numerous weapons, including GBU-31 and GBU-48.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Kuwait can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal are authorized

for release and export to the Government of Kuwait.

[FR Doc. 2024-12943 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-53]

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.

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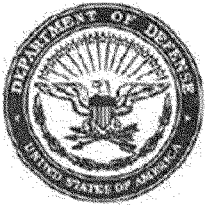
House of Representatives, Transmittal 22-53 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

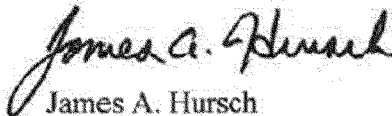
July 28, 2022

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. 22-53, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Germany for defense articles and services estimated to cost \$8.4 billion. 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

Tranmittal No. 22-53

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 Germany.

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$5.38 billion
Other	\$3.02 billion
TOTAL	\$8.40 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Thirty-five (35) F-35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) Aircraft
 Thirty-seven (37) Pratt & Whitney F135-PW-100 Engines (35 installed, 2 spares)
 One hundred five (105) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM)
 Four (4) AIM-120C-8 AMRAAM Guidance Sections
 Seventy-five (75) AGM-158B/B2 Joint Air-to-Surface Standoff Missiles-Extended Range (JASSM-ER)
 Two (2) AGM-158 Inert JASSMs with Test Instrumentation Kits (TIK)
 Two (2) AGM-158 JASSM Separation Test Vehicles (STV)
 Three hundred forty-four (344) GBU-53 Small Diameter Bombs (SDB-II)
 Three (3) GBU-53 SDB-II Guided Test Vehicles (GTV)
 Eight (8) GBU-53 SDB-II Captive Carry Reliability Trainers (CCRT)
 One hundred sixty-two (162) BLU-109 2000LB Hardened Penetrator Bombs for GBU-31
 Two hundred sixty-four (264) MK-82 500LB General Purpose (GP) Bombs for GBU-54
 Six (6) MK-82 Inert Filled GP Bombs
 Thirty (30) BLU-109 Inert 2000LB Hardened Penetrator Bombs
 One hundred eighty (180) KMU-557 Joint Direct-Attack Munition (JDAM) Tail Kits for GBU-31
 Two hundred forty-six (246) KMU-572 JDAM Tail Kits for GBU-54
 Seventy-five (75) AIM-9X Block II+ Tactical Sidewinder Missiles
 Thirty (30) AIM-9X Block II Sidewinder Captive Air Training Missiles (CATM)
 Fifteen (15) Tactical AIM-9X Block II+ Sidewinder Guidance Control Units
 Five (5) AIM-9X Block II Sidewinder CATM Guidance Units

Non-MDE:

Also included are AIM-120 control sections, propulsion sections,

telemetry systems, warheads, and containers; AIM-120 CATMs; AIM-9 Active Optical Target Detectors and containers; FMU-139 joint programmable fuzes; DSU-38 Laser-Illuminated Target Detectors for GBU-54; AN/PYQ-10 Simple Key Loaders; Common Munitions Built-in-Test Reprogramming Equipment (CMBRE) and ADU-891/E Adapter Group Computer Test Sets; KGV-135A embedded secure communications devices; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); impulse cartridges, chaff, and flares; Full Mission Simulators and system trainers; training missiles and components; electronic warfare systems and Reprogramming Lab support; logistics management and support systems; threat detection, tracking, and targeting systems; Contractor Logistics Support (CLS); classified software and software development, delivery and integration support; transportation, ferry, and refueling support; weapons containers; aircraft and munitions support and support equipment; integration and test support and equipment; aircraft engine component improvement program (CIP) support; secure communications, precision navigation, and cryptographic systems and equipment; Identification Friend or Foe (IFF) equipment; spare and repair parts, consumables, and accessories, and repair and return support; minor modifications, maintenance, and maintenance support; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; and U.S. Government and engineering, technical, and logistics support services, studies and surveys, as well as other related elements of logistical and program support.

(iv) *Military Department:* Air Force (GY-D-SAB, GY-D-YAD, GY-D-YAE, GY-D-YAH, GY-D-YAI); and Navy (GY-P-PAG, GY-P-ALE, GY-P-PAH)

(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 28, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Germany—F-35 Aircraft and Munitions

The Government of Germany has requested to buy thirty-five (35) F-35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) aircraft; thirty-seven (37) Pratt & Whitney F135-PW-100 engines (35 installed, 2 spares); one hundred five (105) AIM-120C-8 Advanced Medium Range Air-to-Air Missiles (AMRAAM); four (4) AIM-120C-8 AMRAAM Guidance Sections; seventy-five (75) AGM-158B/B2 Joint Air-to-Surface Standoff Missiles-Extended Range (JASSM-ER); two (2) AGM-158 Inert JASSMs with Test Instrumentation Kits (TIK); two (2) AGM-158 JASSM Separation Test Vehicles (STV); three hundred forty-four (344) GBU-53 Small Diameter Bombs (SDB-II); three (3) GBU-53 SDB-II Guided Test Vehicles (GTV); eight (8) GBU-53 SDB-II Captive Carry Reliability Trainers (CCRT); one hundred sixty-two (162) BLU-109 2000LB Hardened Penetrator Bombs for GBU-31; two hundred sixty-four (264) MK-82 500LB General Purpose (GP) Bombs for GBU-54; six (6) MK-82 Inert Filled GP Bombs; thirty (30) BLU-109 Inert 2000LB Hardened Penetrator Bombs; one hundred eighty (180) KMU-557 Joint Direct-Attack Munition (JDAM) Tail Kits for GBU-31; two hundred forty-six (246) KMU-572 JDAM Tail Kits for GBU-54; seventy-five (75) AIM-9X Block II+ Tactical Sidewinder Missiles; thirty (30) AIM-9X Block II Sidewinder Captive Air Training Missiles (CATM); fifteen (15) Tactical AIM-9X Block II+ Sidewinder Guidance Control Units; and five (5) AIM-9X Block II Sidewinder CATM Guidance Units. Also included are AIM-120 control sections, propulsion sections, telemetry systems, warheads, and containers; AIM-120 CATMs; AIM-9 Active Optical Target Detectors and containers; FMU-139 joint programmable fuzes; DSU-38 Laser-Illuminated Target Detectors for GBU-54; AN/PYQ-10 Simple Key Loaders; Common Munitions Built-in-Test Reprogramming Equipment (CMBRE) and ADU-891/E Adapter Group Computer Test Sets; KGV-135A embedded secure communications devices; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); impulse cartridges, chaff, and flares; Full Mission Simulators and system trainers; training missiles and components; electronic warfare systems and Reprogramming Lab support; logistics management and support systems; threat detection, tracking, and targeting systems; Contractor Logistics Support (CLS); classified software and

software development, delivery and integration support; transportation, ferry, and refueling support; weapons containers; aircraft and munitions support and support equipment; integration and test support and equipment; aircraft engine component improvement program (CIP) support; secure communications, precision navigation, and cryptographic systems and equipment; Identification Friend or Foe (IFF) equipment; spare and repair parts, consumables, and accessories, and repair and return support; minor modifications, maintenance, and maintenance support; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; and U.S. Government and engineering, technical, and logistics support services, studies and surveys, as well as other related elements of logistical and program support. The estimated total cost is \$8.4 billion.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO ally that is an important force for political and economic stability in Europe.

The proposed sale will improve Germany's capability to meet current and future threats by providing a suitable replacement for Germany's retiring Tornado aircraft fleet in support of NATO's nuclear sharing mission, the centerpiece for deterrence in Europe. Germany will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Aeronautics Company, Fort Worth, TX; Pratt & Whitney Military Engines, East Hartford, CT; The Boeing Company, St. Charles, MO; and Raytheon Missiles and Defense, Tucson, AZ. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Germany.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-53

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 F-35A Conventional Take Off and Landing (CTOL) aircraft is a single seat, single engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology including the low observable airframe/outer mold line, the Pratt and Whitney F135 engine, AN/APG-81 radar, an integrated core processor central computer, a mission systems/electronic warfare suite, a multiple sensor suite, technical data/documentation and associated software. Sensitive elements of the F-35A are also included in operational flight and maintenance trainers. Sensitive and classified elements of the F-35A CTOL aircraft include hardware, accessories, components, and associated software for the following major subsystems:

a. The Pratt and Whitney F135 engine is a single 40,000-lb thrust class engine designed for the F-35 and assures highly reliable, affordable performance. The engine is designed to be utilized in all F-35 variants, providing unmatched commonality and supportability throughout the worldwide base of F-35 users.

b. The AN/APG-81 Active Electronically Scanned Array (AESA) is a high processing power/high transmission power electronic array capable of detecting air and ground targets from a greater distance than mechanically scanned array radars. It also contains a Synthetic Aperture Radar (SAR), which creates high-resolution ground maps and provides weather data to the pilot, and provides air and ground tracks to the mission system, which uses it as a component to fuse sensor data.

c. The Electro-Optical Targeting System (EOTS) provides long-range detection and tracking as well as an Infrared Search and Track (IRST) and Forward-Looking Infrared (FLIR) capability for precision tracking, weapons delivery and Bomb Damage Assessment (BDA). The EOTS replaces multiple separate internal or podded systems typically found on legacy aircraft.

d. The Electro-Optical Distributed Aperture System (EODAS) provides the pilot with full spherical coverage for air-to-air and air-to-ground threat awareness, day/night vision enhancements, a fire control capability and precision tracking of wingmen/

friendly aircraft. The EODAS provides data directly to the pilot's helmet as well as the mission system.

e. The F-35 Electronic Warfare (EW) system is a reprogrammable, integrated system that provides radar warning and electronic support measures (ESM) along with a fully integrated countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and self-defense through the search, intercept, location and identification of in-band emitters and to automatically counter IR and RF threats.

f. The F-35 Command, Control, Communications, Computers and Intelligence/Communications, Navigation, and Identification (C4I/CNI) system provides the pilot with unmatched connectivity to flight members, coalition forces and the battlefield. It is an integrated subsystem designed to provide a broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification and connectivity to off-board sources of information. It also includes an inertial navigation and Global Positioning System (GPS) for precise location information. The functionality is tightly integrated within the mission system to enhance efficiency.

g. The F-35 C4I/CNI system includes two data links: the Multi-Function Advanced Data Link (MADL) and Link 16. The MADL is designed specifically for the F-35 and allows for stealthy communications between F-35s. Link 16 is an advanced Command, Control, Communications, and Intelligence (C3I) system incorporating jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. It provides the warfighter key theater functions such as surveillance, identification, air control, weapons engagement coordination, and direction for all services and allied forces. Link-16 equipment allows the F-35 to communicate with legacy aircraft using widely-distributed J-series message protocols.

h. The F-35 Autonomic Logistics Global Sustainment (ALGS) provides a fully integrated logistics management solution. ALGS integrates a number of functional areas, including supply chain management, repair, support equipment, engine support and training. The ALGS infrastructure employs a state-of-the-art information system that provides real-time, decision-worthy information for sustainment decisions

by flight line personnel. Prognostic health monitoring technology is integrated with the air system and is crucial to predictive maintenance of vital components.

i. The F-35 Autonomic Logistics Information System (ALIS) provides an intelligent information infrastructure that binds all the key concepts of ALGS into an effective support system. ALIS establishes the appropriate interfaces among the F-35 Air Vehicle, the warfighter, the training system, government Information Technology (IT) systems, and supporting commercial enterprise systems. Additionally, ALIS provides a comprehensive tool for data collection and analysis, decision support and action tracking.

j. The F-35 Training System includes several training devices to provide integrated training for pilots and maintainers. The pilot training devices include a Full Mission Simulator (FMS) and Deployable Mission Rehearsal Trainer (DMRT). The maintenance training devices include an Aircraft Systems Maintenance Trainer (ASMT), Ejection System Maintenance Trainer (ESMT), Outer Mold Line (OML) Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer and Weapons Loading Trainer (WLT). The F-35 Training System can be integrated, where both pilots and maintainers learn in the same Integrated Training Center (ITC). Alternatively, the pilots and maintainers can train in separate facilities (Pilot Training Center and Maintenance Training Center).

k. Other subsystems, features, and capabilities include the F-35's low observable air frame, Integrated Core Processor (ICP) Central Computer, Helmet Mounted Display System (HMDS), Pilot Life Support System (PLSS), Off-Board Mission Support (OMS) System, and publications/maintenance manuals. The HMDS provides a fully sunlight readable, biocular display presentation of aircraft information projected onto the pilot's helmet visor. The use of a night vision camera integrated into the helmet eliminates the need for separate Night Vision Goggles. The PLSS provides a measure of Pilot Chemical, Biological, and Radiological Protection through use of an On-Board Oxygen Generating System (OBOGS); and an escape system that provides additional protection to the pilot. OBOGS takes the Power and Thermal Management System (PTMS) air and enriches it by removing gases (mainly nitrogen) by adsorption, thereby increasing the concentration of oxygen in the product gas and supplying breathable air to the pilot. The OMS

provides a mission planning, mission briefing, and a maintenance/intelligence/tactical debriefing platform for the F-35.

2. The Electronic Warfare Reprogramming Lab is used by U.S. Government engineers in the reprogramming and creation of shareable Mission Data Files for foreign F-35 customers.

3. The AIM-120C-8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air-launched, aerial intercept, guided missile 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. This potential sale will include Captive Air Training Missiles (CATM) as well as AMRAAM guidance section, propulsion section, control section, telemetry system, and warhead spares.

4. The AGM-158B/B-2 Joint Air-to-Surface Standoff Missile (JASSM) with Extended Range (ER) is a low-observable, highly-survivable, subsonic cruise missile designed to penetrate next-generation air defense systems en-route to target. The JASSM-ER is designed to kill hard, medium-hardened, soft, and area-type targets. A turbo-fan engine and reconfigured fuel tanks provide added capacity. The extended range over the baseline was obtained by going from a turbo jet to a turbo-fan engine and by reconfiguring the fuel tanks for added capacity. This potential sale will include inert missiles with test instrumentation kits, separation test vehicles, and training missiles.

The AGM-158B-2 system capabilities include all the capabilities of the AGM-158B. The AGM-158B-2 configuration will have different internal components to address multiple obsolescence issues as well as subcomponent updates to position for M-Code and other potential upgrades.

5. The GBU-53 Small Diameter Bomb-Increment II (SDB-II) is a 250-lb class precision-guided, semiautonomous, conventional, air-to-ground munition used to defeat moving targets through adverse weather from standoff range. The SDB-II has deployable wings and fins and uses GPS/INS guidance, network-enabled datalink (Link-16 and UHF), and a multi-mode seeker (millimeter wave radar, imaging infrared, semi-active laser) to

autonomously search, acquire, track, and defeat targets a variety of moving or stationary targets, at standoff range or close in, in a variety of attack modes. The SDB-II employs a multi-effects warhead (blast, fragmentation, and shaped-charge) for maximum lethality against armored and soft targets. The SDB II weapon system consists of the tactical all-up round (AUR) weapon, a 4-place common carriage system, and mission planning system munitions application program (MAP).

a. SDB-II Guided Test Vehicles (GTV) is a live or inert SDB-II configuration used for land- or sea-range-based testing of the SDB-II weapon system.

b. SDB-II Captive Carry Reliability Test (CCRT) vehicles are an inert SDB-II configuration used for any purpose where an inert round without telemetry or termination capability would be useful, but primarily for reliability data collection during carriage.

6. The Joint Direct-Attack Munition (JDAM) is a guidance set which converts existing unguided bombs (MK-82, MK-83, MK-84, BLU-109, BLU-110, BLU-111, BLU-117, BLU-126 (Navy) or BLU-129 warhead) into an accurate, adverse weather "smart" munition. The Guidance Set consists of a Tail Kit, which contains the Inertial Navigation System (INS) and a GPS, a set of Aerosurfaces and an umbilical cover, which allows the JDAM to improve the accuracy of unguided, General Purpose (GP) bombs. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM is capable of receiving target coordinates via preplanned mission data from the delivery aircraft, by onboard aircraft sensors (*i.e.*, FLIR, Radar, etc.) during captive carry, or from a third-party source via manual or automated aircrew cockpit entry.

a. GBU-31 is a 2,000 pound JDAM. The GBU-31 consists of the KMU-557 tail kit and the BLU-109 bomb body to make the GBU-31v3.

b. The GBU-54 Laser Joint Direct Attack Munition (LJDAM) is a 500 pound JDAM which incorporates all the capabilities of the JDAM guidance tail kit and adds a precision laser guidance set. The LJDAM gives the weapon system an optional semi-active laser guidance in addition to the INS/GPS guidance. This provides the optional capability to strike moving targets. The GBU-54 consists of a DSU-38 laser guidance set, KMU-572 bomb body-specific tail kit, and MK-82 bomb body.

7. The MK-82 GP bomb is a 500 pound, free-fall, unguided, low-drag weapon. The MK-82 is designed for

soft, fragment-sensitive targets and is not intended for hard targets or penetrations. The explosive filling is usually tritonal, though other compositions have sometimes been used. This potential sale will include MK-82 inerts.

8. The BLU-109/B is a 2,000 pound hard target penetration warhead designed to penetrate hardened structures before detonating. This potential sale will include BLU-109(D-1)/B inerts.

9. The FMU-139 Joint Programmable Fuze (JPF) is a multi-delay multi-arm and proximity sensor compatible with general purpose blast, frag and hardened-target penetrator weapons. The JPF settings are cockpit selectable in flight when used with numerous precision-guided weapons. It can interface with the GBU-31, GBU-32, GBU-38, and GBU-54.

10. The AIM-9X Block II and Block II+ (Plus) SIDEWINDER Missiles represent a substantial increase in missile acquisition and kinematics performance over the AIM-9M and replace the AIM-9X Block I Missile configuration. The missiles include a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate with a helmet mounted cueing system. The software algorithms are the most sensitive portion of the AIM-9X missile. The software continues to be modified via a pre-planned product improvement (P3I) program to improve counter-countermeasure capabilities. This potential sale will include AIM-9X guidance section spares and Active Optical Target Detectors.

11. The AN/PYQ-10 Simple Key Loader is a portable, hand-held device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

12. The KGV-135A is a high-speed, general purpose encryptor/decryptor module used for wide-band data encryption.

13. The Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is support equipment used to interface with weapon systems to initiate and report BIT results, and upload/download flight software. CMBRE supports multiple munitions platforms with a range of applications that perform preflight checks, periodic maintenance checks, loading of Operational Flight Program (OFP) data, loading of munitions mission planning data, loading of Global Positioning System (GPS) cryptographic keys, and declassification of munitions memory.

14. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

15. 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.

16. A determination has been made that Germany 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.

17. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Germany.

[FR Doc. 2024-12956 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0081]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), 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 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Assessing the Implementation

and Effectiveness of DOD's Lethal Means Safety (LMS) Outreach Materials—SOCOM LMS Integrated Performance Plan (IPP) KI Interviews; OMB Control Number 0704-ALSO.

Type of Request: New.

Number of Respondents: 15.

Responses per Respondent: 1.

Annual Responses: 15.

Average Burden per Response: 1 hour.

Annual Burden Hours: 15 hours.

Needs and Uses: The Deputy Secretary of Defense recently directed implementation of Service tailored lethal means safety (LMS) plans, which leverage the Defense Suicide Prevention Office's (DSPO's) LMS suite of evidence-informed tools. In accordance with guidance, and with recommendations from the Government Accountability Office to assess the efficacy of nonclinical suicide prevention efforts, DSPO aims to help the Services conduct a thorough evaluation of their LMS outreach efforts.

DSPO has contracted with the Center for Naval Analyses (CNA) to assist the Services in meeting the requirements set forth in DoD Instruction 6490.16 that all suicide prevention activities are developed from a relevant evidence-base and have an evaluation capability prior to implementation. CNA, in conjunction with the participating Services (*i.e.*, Air Force, Army, Navy, and Special Operations Command (SOCOM)), propose an information collection covering LMS evaluation activities specific to the needs of each respective Service to assess the implementation, acceptability, and/or effect of their specific LMS activities and materials. Depending on the nature of the selected evaluation activities, study data will be collected via KI interviews and/or a survey.

This **Federal Register** Notice (FRN) covers the evaluation activity specific to SOCOM. The intent of the voluntary SOCOM LMS IPP KI Interviews is to help SOCOM gain a better understanding of the implementation and utility of SOCOM's LMS IPP and learn how the SOCOM Suicide Prevention program may improve its LMS materials, outreach, and implementation efforts.

SOCOM will use the results of the KI interviews to tailor their LMS activities, materials, messaging, training, and outreach efforts to maximize their effectiveness with their Servicemembers and communities.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Sehra.

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: June 5, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12919 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-32]

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 22-32 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

AUG 02 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. 22-32, concerning the Missile Defense Agency's proposed Letter(s) of Offer and Acceptance to the Government of the United Arab Emirates for defense articles and services estimated to cost \$2.245 billion. 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
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 22-32

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 *	\$1.820 billion
Other	\$.425 billion
Total *	\$2.245 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Ninety-six (96) Terminal High Altitude Area Defense (THAAD) Missile Rounds
 Two (2) THAAD Launch Control

Stations (LCS)
Two (2) THAAD Tactical Operations
Station (TOS)

Non-MDE:

Also included are repair and return, system integration and checkout, and spare and repair parts; support and testing equipment; publications and technical documentation; construction activities; encryption devices; secure communication equipment; other required COMSEC equipment; and other related elements of logistical and program support.

(iv) *Military Department:* Missile Defense Agency (AE-I-UBC)

(v) *Prior Related Cases, if any:* AE-I-UBB, AE-B-UAE, AE-B-UAF, AE-B-UDR, AE-B-OAE

(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:* August 2, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates—Terminal High Altitude Area Defense (THAAD) System Missiles and THAAD Fire Control and Communication Stations

The Government of the United Arab Emirates (UAE) has requested to buy ninety-six (96) Terminal High Altitude Area Defense (THAAD) missile rounds; two (2) THAAD Launch Control Stations (LCS); and two (2) THAAD Tactical Operations Stations (TOS). Also included are repair and return, system integration and checkout, and spare and repair parts; support and testing equipment; publications and technical documentation; construction activities; encryption devices; secure communication equipment; other required COMSEC equipment; and other related elements of logistical and program support. The total estimated program cost is \$2.245 billion.

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 is a vital U.S. partner for political stability and economic progress in the Middle East.

The proposed sale will improve the UAE's ability to meet current and future ballistic missile threats in the region, and reduce dependence on U.S. forces. The UAE will have no difficulty absorbing this equipment into its armed forces, as it currently employs the THAAD system.

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 Space Systems Corporation, Sunnyvale, CA. It is anticipated the purchaser will request offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the UAE.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–32

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 Terminal High Altitude Area Defense (THAAD) system is the first weapons system with both endo- and exo-atmospheric capability specifically developed to defend against ballistic missiles. The higher altitude and theater-wide protection offered by THAAD provides more protection of larger areas than lower-tier systems alone. THAAD is designed to defend against short, medium and intermediate range ballistic missiles. The THAAD system consists of four major components: Fire Control/ Communications System (comprised of the Tactical Operations Station, Launch Control Station, and System Support Group), Radar, Launchers and Interceptors.

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 UAE can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been

authorized for release and export to the Government of the United Arab Emirates.

[FR Doc. 2024–12944 Filed 6–12–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0064]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Office of Strategic Capital (OSC) 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 12, 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, 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 DoD Loan Program Office (LPO), Office of Strategic Capital, 3030 Defense Pentagon, Washington, DC 20301–3030, ATTN: David Vidal, Office of Strategic Capital Director of Credit Programs, Tel. No.: 703–545–1903, Email: *Federal.Register.Notice@osc.mil*.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD Loan Program Office Application Part 1 and Part 2; OMB Control Number 0704–OSCL.

Needs and Uses: The Department of Defense Office of Strategic Capital (OSC) was statutorily created in section 903 of the National Defense Authorization Act, 2024 (Pub. L. 118–31). Section 903(b) authorized the Secretary to establish a pilot program to make loans, issue loan guarantees, and provide technical assistance to eligible entities, as defined in the statute, that operate within defined critical technology categories. Section 8140 of the Further Consolidated Appropriations Act, 2024 appropriated funds to the OSC pilot program to make loans and issue loan guarantees. That pilot program is designated as the DoD Loan Program Office (DoD LPO). Applications for such loans and loan guarantees will be divided in two parts—a Part 1 and a Part 2. Application Part 1 will include basic information about the applicant and project management, the project or transaction for which the applicant seeks a loan, basic financial information regarding the applicant, project or transaction sources and uses of funds,

and statutory eligibility criteria. Application Part 2 will go into more depth regarding the details of the project or transaction, the applicant's finances, the applicant's management and control, and any environmental issues that may apply. The information collection is necessary and will be used for DoD LPO to first, in Part 1, assess the likelihood that a prospective borrower and a prospective project or transaction meet the eligibility requirements for obtaining a direct loan or loan guarantee from DoD LPO and to prioritize the Part 1 applications to determine which applications will be invited to submit the Application Part 2. The Application Part 2 will be used to complete a detailed underwriting review of all aspects of a prospective borrower's loan application including eligibility, creditworthiness, alignment with the OSC mission, and other credit, technical and legal risks inherent in a specific project or transaction.

Affected Public: “Eligible Entities” as defined in 10 U.S.C. 149(e)(3)).

DoD LPO Application Part 1

Annual Burden Hours: 500.
Number of Respondents: 50.
Responses per Respondent: 1.
Annual Responses: 50.
Average Burden per Response: 10 hours.

DoD LPO Application Part 2

Annual Burden Hours: 350.
Number of Respondents: 10.
Responses per Respondent: 1.
Annual Responses: 10.
Average Burden per Response: 35 hours.

Total

Annual Burden Hours: 850.

Number of Respondents: 60.

Annual Responses: 60.

Frequency: On occasion.

Dated: May 30, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–12935 Filed 6–12–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–39]

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 22–39 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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 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. 22-39, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Belgium for defense articles and services estimated to cost \$127 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. 22-39

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 Belgium

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0 million
Other	\$127 million
TOTAL	\$127 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case BE-D-QBL, was below congressional notification threshold at \$98.4 million for non-MDE F-16 sustainment. The Government of Belgium has requested the case be amended to include additional non-Major Defense Equipment (non-MDE) items and services. This case amendment will increase the total case value above the non-MDE notification

threshold and thus require notification of the entirety of the FMS case.

Major Defense Equipment (MDE):

None

Non-MDE:

Included are AN/ARC-210 radios; classified software, Computer Program Identification Numbers (CPINs), and software integration support; Electronic Warfare (EW) database support; test support and equipment; aircraft and munitions support and support equipment; flight simulator support; additional

hardware and software delivery and support; spare and repair parts, consumables and accessories; maintenance and maintenance support; mission planning system sustainment; facilities, utilities, and information technology support at U.S. Air Force bases; classified and unclassified publications and technical documentation; and 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 (BE-D-QBL)*

(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 19, 2022*

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Belgium—F-16 Sustainment

The Government of Belgium has requested to buy additional F-16 sustainment support that will be added to a previously implemented case. The original FMS case, valued at \$98.4 million, included F-16 sustainment, consisting of AN/ARC-210 radios; classified software, CPINs, and software integration support; EW database support; test support and equipment; aircraft and munitions support and support equipment; flight simulator support; additional hardware and software delivery and support; spare and repair parts, consumables and accessories; maintenance and maintenance support; mission planning system sustainment; facilities, utilities, and information technology support at U.S. Air Force bases; classified and unclassified publications and technical documentation; and U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistical and program support. This notification will include more of the same items and services. The estimated total cost is \$127 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a NATO ally which is an important force for political stability and economic progress in Europe.

The proposed sale will improve Belgium's capability to meet current and future threats by maintaining its F-16 fleet in combat-ready status and providing rotational forces to NATO's Eastern flank. Belgium will have no difficulty absorbing these articles and services 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, Bethesda, MD. 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 Belgium.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-39

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 AN/ARC-210 is a voice communications radio system equipped with HAVE QUICK II, which employs cryptographic technology. Other waveforms may be included as needed.

2. The Electronic Warfare Integrated Reprogramming Database (EWIRDB) is used by USG engineers in the reprogramming and creation of shareable Mission Data Files for the AN/ALQ-131 electronic countermeasures pod on the F-16 aircraft.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

4. 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.

5. A determination has been made that Belgium 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.

6. All defense articles and services listed in this transmittal have been

authorized for release and export to the Government of Belgium.

[FR Doc. 2024-12947 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0081]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), 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 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Assessing the Implementation and Effectiveness of DOD's Lethal Means Safety (LMS) Outreach Materials—Army LMS Toolkit Key Personnel Baseline and Follow-up Interviews; OMB Control Number 0704-ALAR.

Type of Request: New.

Number of Respondents: 25.

Responses per Respondent: 1.

Annual Responses: 25.

Average Burden per Response: 1.5 hours.

Annual Burden Hours: 37.5 hours.

Needs and Uses: The Deputy Secretary of Defense recently directed implementation of Service tailored lethal means safety (LMS) plans, which leverage the Defense Suicide Prevention Office's (DSPO's) LMS suite of evidence-informed tools. In accordance with guidance, and with recommendations from the Government

Accountability Office to assess the efficacy of nonclinical suicide prevention efforts, DSPO aims to help the Services conduct a thorough evaluation of their LMS outreach efforts.

DSPO has contracted with the Center for Naval Analyses (CNA) to assist the Services in meeting the requirements set forth in DOD Instruction 6490.16 that all suicide prevention activities are developed from a relevant evidence-base and have an evaluation capability prior to implementation. CNA, in conjunction with the participating Services (*i.e.*, Air Force, Army, Navy, and Special Operations Command, propose an information collection covering LMS evaluation activities specific to the needs of each respective Service to assess the implementation, acceptability, and/or effect of their specific LMS activities and materials. Depending on the nature of the selected evaluation activities, study data will be collected via key informant (KI) interviews and/or a survey.

This FRN covers the evaluation activity specific to the Army. The intent of voluntary Army LMS Toolkit Key Personnel Baseline and Follow-up Interviews is to consult with key Army personnel to gain a better understanding of the implementation and utility of the Army's new LMS Toolkit.

The Army will use the results of the KI interviews to tailor their LMS activities, materials, messaging, training, and outreach efforts to maximize their

effectiveness with their Servicemembers and communities.

Affected Public: Individuals or households.

Frequency: As required.

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: June 5, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-12914 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-50]

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.

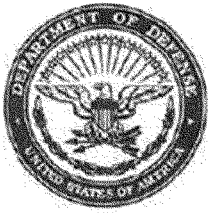
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 22-50 with attached Policy Justification.

Dated: June 10, 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

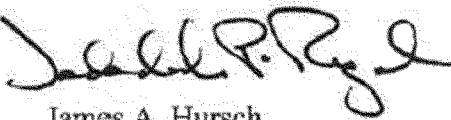
August 1, 2022

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. 22-50, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Greece for defense articles and services estimated to cost \$162.07 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,

for 
 James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Section 620C(d) Certification

BILLING CODE 6001-FR-C

Transmittal No. 22-50

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 Greece

(ii) *Total Estimated Value:*

Major Defense Equip- ment *	\$ 0 million
Other	\$162.07 million
TOTAL	\$162.07 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:* Foreign Military Sales (FMS) case GR-P-BBK, was below congressional notification threshold at \$89.47 million (all non-MDE) and included equipment and services to continue support and sustainment of S-70B helicopters. The Government of Greece has requested the case be amended to increase funding and add Contractor Logistics Support/Field Service Representative and/or

Contractor provided in-service training. This amendment will push the current case above the non-MDE notification threshold and thus requires notification of the entire case.

Major Defense Equipment (MDE):

None

Non-MDE:

Included is follow-on support and sustainment of S-70 helicopters including: aircraft spares; consumables, repair parts, components and accessories to support S-70B/S-70B6 aircraft;

repair of S-70 type aircraft and procurement of parts to include aircraft mission system upgrades; existing radar and sonar obsolescence management; gun mount procurement; unclassified publications required for aircraft operation and maintenance (in the English language); U.S. Government and contractor technical assistance and services; expedited contractual award efforts; evaluation and tailoring solutions of technical issues; provide inputs to planning documents; integration, engineering, testing requirements, obsolescence remediation, equipment upgrades, planned product improvements, Integrated Logistic Support (ILS) management services, and Return, Repair and Reshipment of unserviceable repairable items/equipment; spare parts; Original Equipment Manufacturer (OEM) technical services; technical assistance and travel; OEM program management in the Continental U.S. (CONUS) and Greece; obsolescence driven upgrades; OEM/contractor upgrade program management; engineering analyses, studies and development/validation/test of upgrade solutions; retrofit kit procurement and subsequent installation; publications and Repair of Repairable efforts; Contractor Logistics Support to include Field Service Representative and/or Contractor provided in-service training; and other related elements of logistics and program support.

(iv) *Military Department: Navy (GR-P-BBK)*

(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: None*

(viii) *Date Report Delivered to Congress: August 1, 2022*

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Greece—S-70B Program Follow-On Support and Sustainment

The Government of Greece has requested to buy follow-on support and sustainment of S-70 helicopters

including; aircraft spares; consumables, repair parts, components and accessories to support S-70B/S-70B6 aircraft; repair of S-70 type aircraft and procurement of parts to include aircraft mission system upgrades; existing radar and sonar obsolescence management; gun mount procurement; unclassified publications required for aircraft operation and maintenance (in the English language); U.S. Government and contractor technical assistance and services; expedited contractual award efforts; evaluation and tailoring solutions of technical issues; provide inputs to planning documents; integration, engineering, testing requirements, obsolescence remediation, equipment upgrades, planned product improvements, Integrated Logistic Support (ILS) management services, and Return, Repair and Reshipment of unserviceable repairable items/equipment; spare parts; Original Equipment Manufacturer (OEM) technical services; technical assistance and travel; OEM program management in the Continental U.S. (CONUS) and Greece; obsolescence driven upgrades; OEM/contractor upgrade program management; engineering analyses, studies and development/validation/test of upgrade solutions; retrofit kit procurement and subsequent installation; publications and Repair of Repairable efforts; Contractor Logistics Support to include Field Service Representative and/or Contractor provided in-service training; and other related elements of logistics and program support. The estimated total cost is \$162.07 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally, which is an important partner for political stability and economic progress in Europe.

The proposed sale will improve Greece's capability to meet current and future threats by providing an effective combatant deterrent capability to protect maritime interests and infrastructure in support of its strategic location on NATO's southern flank. Follow-on support and sustainment of Greece's existing fleet of S-70 helicopters enhances stability and maritime security in the Eastern Mediterranean region and contribute to security and strategic objectives of NATO and the United States. Greece

contributes to NATO operations, as well as to counterterrorism and counter-piracy maritime efforts and performs invaluable Search and Rescue (SAR) functions in the region. Greece will have no difficulty absorbing this equipment and services 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, Bethesda, MD. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any U.S. Government personnel but will require one (1) contractor representative, Full-Time Equivalent (FTE) position to Greece to continue follow-on support and sustainment to Greece's S-70B/S-70B6 helicopters.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024-12954 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-47]

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 22-47 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

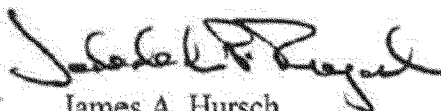
July 21, 2022

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-209, The Capitol
 Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-47, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost \$1.219 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

for 
 James A. Hursch
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001-FR-C

Transmittal No. 22-47

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 Netherlands

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$0.815 billion
Other	\$0.404 billion

TOTAL \$1.219 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
 Ninety-six (96) PATRIOT MIM-104E Guidance Enhanced Missile-Tactical (GEM-T) Ballistic Missiles

Non-MDE:

Also included are tools and test equipment; range and test programs; support equipment to

include associated publications and technical documentation; training equipment; spare and repair parts; new equipment training; transportation; Quality Assurance Team support; U.S. Government and contractor technical assistance, engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; International Engineering Services Program Field Surveillance

Program; and other related elements of logistics and program support.

(iv) *Military Department: Army* (NE-B-YAS)

(v) *Prior Related Cases, if any:* NE-B-YAF

(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 21, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Netherlands—PATRIOT MIM-104E Guidance Enhanced Missile-Tactical (GEM-T) Ballistic Missiles

The Government of the Netherlands has requested to buy ninety-six (96) PATRIOT MIM-104E GEM-T ballistic missiles. Also included are tools and test equipment; range and test programs; support equipment to include associated publications and technical documentation; training equipment; spare and repair parts; new equipment training; transportation; Quality Assurance Team support; U.S. Government and contractor technical assistance, engineering, and logistics support services; SICO; field office support; International Engineering Services Program Field Surveillance Program; and other related elements of logistics and program support. The estimated total cost is \$1.219 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve the Netherlands' capability to meet current and future threats. The proposed sale will increase the defensive capabilities of the Netherlands' military and supports its goal of improving national

and territorial defense as well as interoperability with U.S. and NATO forces. The Netherlands 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 prime contractor will be Raytheon Corporation, Tewksbury, MA. The purchaser normally requests offsets. At this time, offset agreements are undetermined and will be defined in negotiations between the purchaser and contractors.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Netherlands.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-47

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 PATRIOT MIM-104E GEM-T Ballistic Missile is the latest in-production series of the highly successful Raytheon Patriot missile variants available to both U.S. forces and international customers. GEM-T adds a low-noise oscillator for improved acquisition and tracking performance in clutter and provides an upgraded capability to defeat tactical ballistic missile TBM, aircraft and cruise missile threats in complement to the PAC-3 missile.

2. The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

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 the Netherlands can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the Netherlands.

[FR Doc. 2024-12951 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-26]

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 22-26 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

AUG 02 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. 22-26, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost \$3.05 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

for 
James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 22-26

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:* Kingdom of Saudi Arabia

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$2.75 billion
Other	\$0.30 billion
TOTAL	\$3.05 billion

Funding Source: National Funds
(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:*

Major Defense Equipment (MDE):
Three hundred (300) PATRIOT MIM-104E Guidance Enhanced Missile-Tactical Ballistic Missiles (GEM-T)

Non-MDE:

Also included are tools and test equipment; range and test programs; support equipment to include associated publications and

technical documentation; training equipment; spare and repair parts; New Equipment Training; Transportation; Quality Assurance Team support; U.S. Government and contractor technical assistance; engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; International Engineering Services Program Field Surveillance Program; and other related elements of logistics and program support.

(iv) *Military Department: Army* (SR-B-ZAR)
(v) *Prior Related Cases, if any:* SR-B-JBV
(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:* August 2, 2022
* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia—PATRIOT MIM-104E Guidance Enhanced Missile-Tactical Ballistic Missiles (GEM-T)

The Kingdom of Saudi Arabia has requested to buy three hundred (300) PATRIOT MIM-104E Guidance Enhanced Missile-Tactical Ballistic missiles (GEM-T). Also included are tools and test equipment; range and test programs; support equipment to include associated publications and technical documentation; training equipment; spare and repair parts; New Equipment Training; Transportation; Quality Assurance Team support; U.S. Government and contractor technical assistance; engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; International Engineering Services Program Field Surveillance Program; and other related elements of logistics and program support. The total estimated cost is \$3.05 billion.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in the Gulf region.

The proposed sale will improve the Kingdom of Saudi Arabia's capability to meet current and future threats by replenishing its dwindling stock of PATRIOT GEM-T missiles. These missiles are used to defend the Kingdom of Saudi Arabia's borders against persistent Houthi cross-border unmanned aerial system and ballistic

missile attacks on civilian sites and critical infrastructure in Saudi Arabia. These attacks threaten the well-being of Saudi, International, and U.S. citizens (approximately 70,000) residing in the Kingdom. The Kingdom of Saudi Arabia will have no difficulty absorbing these missiles 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 Corporation, Tewksbury, MA. The purchaser normally requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Kingdom of Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22-26

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 PATRIOT MIM-104E Guidance Enhanced Missile-Tactical Ballistic Missile (GEM-T) is the latest in-production series of the highly successful Raytheon Patriot missile variants available to both U.S. forces and international customers. GEM-T deliveries to the U.S. Army began in 2006. This capability adds a low-noise oscillator for improved acquisition and tracking performance in clutter. The GEM-T missile provides an upgraded capability to defeat tactical ballistic missile (TBM), aircraft and cruise missile threats in complement to the PAC-3 missile.

2. The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

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 Kingdom of Saudi Arabia 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 are authorized for release and export to the Kingdom of Saudi Arabia.

[FR Doc. 2024-12941 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22-0K]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Neil Hedlund at neil.g.hedlund.civ@mail.mil or (703) 697-9214.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22-0K.

Dated: June 10, 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 26, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22-0K. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 19-65 of October 29, 2019.

Sincerely,


James A. Hursch
Director

Enclosures:

1. Transmittal

BILLING CODE 6001-FR-C

Transmittal No. 22-0K

*REPORT OF ENHANCEMENT OR
UPGRADE OF SENSITIVITY OF
TECHNOLOGY OR CAPABILITY (SEC.
36(B)(5)(C), AECA)*

(i) *Purchaser:* Government of Japan
(ii) *Sec. 36(b)(1), AECA Transmittal
No.:* 19-65
Date: October 29, 2019
Implementing Agency: Air Force
(iii) *Description:* On October 29, 2019,
Congress was notified by Congressional
certification transmittal number 19-65
of the possible sale, under Section
36(b)(1) of the Arms Export Control Act,
of the upgrade of up to ninety-eight (98)
F-15J aircraft to a Japanese Super
Interceptor (JSI) configuration consisting

of up to one hundred three (103) APG-82(v)1 Active Electronically Scanned Array (AESA) Radar (includes five (5) spares); one hundred sixteen (116) Advanced Display Core Processor II (ADCP II) Mission System Computer (includes eighteen (18) spares); and one hundred one (101) ALQ-239 Digital Electronic Warfare System (DEWS) (includes three (3) spares). Also included were Joint Mission Planning System (JMPS) with software, training and support; Selective Availability Anti-spoofing Module (SAASM); ARC-210 radio, aircraft and munition integration and test support; ground training devices (including flight and maintenance simulators); support and test equipment; software delivery and

support; spare and repair parts; communications equipment; facilities and construction support; publications and technical documentation; 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 program cost was \$4.5 billion. Major Defense Equipment (MDE) constituted \$2.4 billion of this total.

This transmittal reports the addition of the following MDE items: one hundred three (103) AN/ALQ-250 Eagle Passive Active Warning Survivability System (EPAWSS) Electronic Warfare (EW) suites. The total cost of new MDE articles is \$956 million. This does not

increase the total net cost of MDE, which will remain \$2.4 billion. The total case value will not increase, remaining \$4.5 billion.

(iv) *Significance*: The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed articles and services will support Japan's defense of its airspace.

(v) *Justification*: 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 Asia-Pacific region. It is vital to the U.S. national interest to assist Japan in developing and maintaining a strong and effective self-defense capability.

(vi) *Sensitivity of Technology*: EPAWSS is an advanced all-digital EW suite which provides the F-15 with fully integrated radar warning, geolocation, situational awareness, and self-protection solutions to detect and defeat surface and airborne legacy,

current, and future threats in highly contested, dense signal environments. EPAWSS is equipped with advanced Radio Frequency Electronic Countermeasures, enabling deeper penetration against modern integrated air defense systems and providing rapid response capabilities designed to protect the aircrew.

The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

(vii) *Date Report Delivered to Congress*: July 26, 2022

[FR Doc. 2024-12950 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21-68]

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.

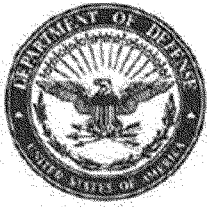
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 21-68 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

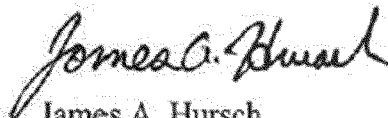
August 9, 2022

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. 21-68, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Brazil for defense articles and services estimated to cost \$74 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. 21-68

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 Brazil

(ii) *Total Estimated Value:*

Major Defense Equipment * \$54 million

Other \$20 million

TOTAL \$74 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 twenty-two (222)

Javelin Missiles, FGM-148

Thirty-three (33) Javelin Command

Launch Units (CLU)

Non-MDE:

Also included are Enhanced

Producibility Basic Skills Trainers;
missile simulation rounds; Security

Assistance Management Directorate technical assistance; Tactical Aviation and Ground Munitions Project Office technical assistance; other associated equipment and services; and other related elements of logistical and program support.

(iv) *Military Department:* Army (BR-B-UCB)

(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:* August 9, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Brazil—Javelin Missiles

The Government of Brazil has requested to buy two hundred twenty-two (222) Javelin missiles, FGM-148; and thirty-three (33) Javelin Command Launch Units (CLU). Also included are Enhanced Producibility Basic Skills Trainers; missile simulation rounds; Security Assistance Management Directorate technical assistance; Tactical Aviation and Ground Munitions Project Office technical assistance; other associated equipment and services; and other related elements of logistical and program support. The estimated total cost is \$74 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of an important regional partner that is an important force for political stability and economic progress in South America.

The proposed sale will improve the Brazilian Army's capability to meet current and future threats by increasing their anti-armor capacity. Brazil 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 prime contractors will be Raytheon/Lockheed Martin Javelin Joint Venture, Orlando, FL, and Tucson, AZ. 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 U.S. Government or contractor representatives to Brazil.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 21-68

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 Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology, which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor, thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable Command Launch Unit (CLU) and a round contained in a disposable launch tube assembly. The CLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The CLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The CLU's thermal sight is a second generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for target undercover). An onboard flight computer guides the missile to the selected target.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary obtains knowledge of the

specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Brazil 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.

8. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Brazil.

[FR Doc. 2024-12948 Filed 6-12-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20-49]

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.

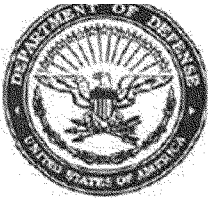
SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 20-49 with attached Policy Justification and Sensitivity of Technology.

Dated: June 10, 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

JUL 21 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-49, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost \$206 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,

for 
James A. Hursch
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 20-49

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 (UAE)

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0 million
Other	\$206 million
TOTAL	\$206 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:* The Government of UAE has requested a possible sale of Oceanographic Observation Equipment System.

Major Defense Equipment (MDE):

None

Non-MDE:

An Oceanographic Observation Equipment System that includes multi-site sensors; multiple remote

data collection facilities; support for centralized data analysis center eight (8) data analysis workstations; fiber optic communications suites; power supplies; uninterruptable power supplies; power and data distribution; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Navy (AE-P-LAI)

(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 21, 2022

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates—Oceanographic Observation Equipment System

The Government of the United Arab Emirates (UAE) has requested to buy an Oceanographic Observation Equipment System that includes multi-site sensors; multiple remote data collection facilities; support for centralized data analysis center eight (8) data analysis workstations; fiber optic communications suites; power supplies; uninterruptable power supplies; power and data distribution; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated total cost is \$206 million.

This proposed sale will support the foreign policy and national security objectives 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 sale will provide UAE with real-time oceanographic data in defense of the UAE maritime boundary, natural resources and ports. The United Arab Emirates 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(s) will be Lockheed Martin Rotary and Mission System, Manassas, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of two (2) contractor representatives to the UAE to provide technical reviews, support, and oversight for two and a half (2.5) years following initial operating capability.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 20–49

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 Oceanographic Environmental Observation Equipment (OEOE) System is an underwater fixed surveillance system that consists of twelve (12) sensors connected to shore processing which allows the tracking of marine platforms. The system provides acoustic detection and tracking of contacts of interest. The performance will depend on the contact's acoustic properties and local environmental conditions. The following capabilities will be provided:

a. *Operator Workstation/Displays:* Eight (8) operator workstations. This capability will provide three flat-panel displays, a keyboard and mouse per operator station to support the presentation of acoustic information to the operators, and the monitoring and maintenance of the system health and status by the maintainer.

b. *Data Storage:* This capability will provide for the collection, aggregation and storage of information in a central contact database.

c. *Maintenance Displays:* Two (2) maintenance displays. This capability will provide a maintenance operator system a view of the health of the system and tools to trouble and correct issues.

d. *Audio Playback:* This capability will allow operators to listen to acoustic data processed by the system.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET//REL TO USA, ARE.

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 United Arab Emirates 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 are authorized

for release and export to the United Arab Emirates.

[FR Doc. 2024–12942 Filed 6–12–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2023–HQ–0013]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, 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 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Marine Corps Safety Needs Assessment; OMB Control Number 0712–LMSA.

Type of Request: New.

Number of Respondents: 9,048.

Responses per Respondent: 1.

Annual Responses: 9,048.

Average Burden per Response: 0.25 hours.

Annual Burden Hours: 2,262 hours.

Needs and Uses: The Deputy Secretary of Defense recently directed implementation of Service tailored lethal means safety (LMS) plans, which leverage the Defense Suicide Prevention Office's (DSPO's) LMS suite of evidence-informed tools. In accordance with guidance, and with recommendations from the Government Accountability Office to assess the efficacy of nonclinical suicide prevention efforts, DSPO aims to help the Services conduct a thorough evaluation of their LMS outreach efforts.

DSPO has contracted with the Center for Naval Analyses (CNA) to conduct a

study titled “Assessing the Implementation and Effectiveness of DoD’s LMS Outreach Materials” to assist the Services in meeting the requirements set forth in DoD Instruction 6490.16 that all suicide prevention activities are developed from a relevant evidence-base and have an evaluation capability prior to implementation. CNA, in conjunction with the participating Services (*i.e.*, Air Force, Army, Navy, and Special Operations Command), propose an information collection covering LMS evaluation activities specific to the needs of each respective Service to assess the implementation, acceptability, and/or effect of their specific LMS activities and materials.

This **Federal Register** Notice covers the evaluation activity specific to the Marine Corps.

Marine Corps suicide attempt rates are among the highest in the DoD, with most attempts occurring via firearm, there is a perception that existing LMS messaging and training are not resonating with Marines. In order to examine this trend within the Marine Corps and gather relevant baseline data for the larger DSPO initiative, CNA, in conjunction with the Marine Corps Marine and Family Programs Division (MFP), propose the information collection, “Marine Corps Safety Needs Assessment” survey. This voluntary survey examines current LMS program awareness, preferences for safety devices and locations, and the place of safety in Marine Corps culture.

This survey will assist MFP in identifying, from the perspective of Marines, the reach of current LMS efforts and the acceptability of potential LMS activities. The results of the survey will be used by MFP and DSPO to better understand which LMS activities and messages resonate with Marines, as well as serve as a baseline data for future LMS activity effectiveness evaluations in accordance with the standards of practice framework prescribed by DoD Instruction 6490.16.

Affected Public: Individuals or households.

Frequency: Once.

Respondent’s Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Sehra.

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: June 5, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–12918 Filed 6–12–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1403–068]

Yuba County Water Agency; Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and available for public inspection.

a. **Type of Application:** New Major License.

b. **Project No.:** 1403–068.

c. **Dated Filed:** November 14, 2023.

d. **Submitted By:** Yuba County Water Agency (YCWA).

e. **Name of Project:** Narrows Hydroelectric Project (Narrows Project).

f. **Location:** At the U.S. Army Corps of Engineers’ (Corps) Englebright Dam, located on the mainstem of the Yuba River northeast of the town of Smartsville in Yuba County, California. The project currently occupies 0.55 acre of Federal land managed by the Corps.

g. **Filed Pursuant to:** Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. **Applicant Contact:** Willie Whittlesey, General Manager, Yuba County Water Agency, 1220 F Street, Marysville, CA 95901; (530) 741–5000; WWhittlesey@yubawater.org.

i. **FERC Contact:** Rebecca Kipp at (202) 502–8846 or email at rebecca.kipp@ferc.gov. Deadline for filing scoping comments: August 6, 2024.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission’s

eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy via U. S. Postal Service 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. All filings must clearly identify the project name and docket number on the first page: Narrows Hydroelectric Project (P–1403–068).

The Commission’s Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. This application is not ready for environmental analysis at this time.

k. **The Narrows Project consists of:** (1) an adit portal connecting to the Corps’ tunnel from Englebright Dam; (2) a 1,077-foot-long tunnel that connects the adit portal to the project penstock; (3) a 266-foot-long steel penstock pipe that connects the project tunnel to the project powerhouse; and (4) a reinforced concrete powerhouse containing a single 12-megawatt Francis turbine capable of passing up to 730 cubic feet per second (cfs). There are no recreation facilities at the project. The estimated average annual generation of the project is 52,887 megawatt-hours.

The Narrows Project operates as a run-of-river facility primarily through remote control using a Supervisory Control and Data Acquisition system. YCWA coordinates operations of the Narrows 1 powerhouse, which is a facility of the Narrows Project and the Narrows 2 powerhouse, which is a facility of YCWA’s Yuba River Development Project No. 2246 located on the north bank of the river at the base of Englebright, to meet downstream flow

requirements and irrigation water demands as follows: (1) lower flow requirements: when the required releases are less than the Narrows 1 powerhouse's current capacity, only Narrows 1 powerhouse operates; (2) moderate flow requirement up to 900 cfs: when the required releases exceed the Narrows 1 powerhouse's capacity but under 900 cfs, the Narrows 1 powerhouse operates at full capacity. The remaining required release is provided via Narrows 2 full or partial bypass; (3) high flow requirement over 900 cfs: when the release is over 900 cfs, the Narrows 2 powerhouse operates either independently or in conjunction with Narrows 1; (4) transitioning Narrows 1 online: if Narrows 2 is operating but Narrows 1 needs to come online, synchronization to the grid occurs while reducing Narrows 2 output; (5) as Narrows 1 gradually increases its load and water releases, Narrows 2 decreases its release to maintain the overall required flow; and (6) transitioning Narrows 2 online: if Narrows 1 is operating and Narrows 2 needs to come online, synchronization to the grid occurs while reducing Narrows 1 output, allowing Narrows 2 to supplement Narrows 1 load to meet the release requirements.

l. Copies of the application can be viewed on the Commission's website at <https://www.ferc.gov>, using the "eLibrary" link. Enter the project's docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202)502-6595, or at OPP@ferc.gov.

m. Scoping Process

Pursuant to the National Environmental Policy Act (NEPA), Commission staff intends to prepare either an environmental assessment

(EA) or an environmental impact statement (EIS) (collectively referred to as the "NEPA document") that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

Scoping Meetings

Commission staff will hold two public scoping meetings to receive input on the scope of the NEPA document. An evening meeting will focus on receiving input from the public and a daytime meeting will focus on the concerns of resource agencies, non-governmental organizations (NGOs), and Indian Tribes. We invite all interested agencies, Indian Tribes, NGOs, and individuals to attend one or both meetings. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Wednesday, July 10, 2024

Time: 10:00 a.m. (PST)

Place: Yuba Water Agency

Address: 1220 F Street, Marysville, CA 95901

Phone: (530) 741-5000

Evening Scoping Meeting

Date: Wednesday, July 10, 2024

Time: 6:00 p.m. (PST)

Place: Yuba Water Agency

Address: 1220 F Street, Marysville, CA 95901

Phone: (530) 741-5000

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting or may be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link (see item m above).

Environmental Site Review

The applicant and Commission staff will conduct an environmental site review of the project. All interested individuals, agencies, tribes, and NGOs are invited to attend. All participants are responsible for their own transportation to/from the project and during the site visit. Participants must wear sturdy, closed-toe shoes, or boots. Please RSVP to John James via email to jjames@yubawater.org on or before July 1, 2024, if you plan to attend the environmental site review. The time and location of the environmental site review is as follows:

Date: Tuesday, July 9, 2024

Time: 9:00 a.m. (PST)

Place: Yuba Water Agency (meet in parking lot)

Address: 1220 F Street, Marysville, CA 95901

Participants must meet at the Yuba Water Agency parking lot to begin promptly at 9:00 a.m. where participants will drive in personal vehicles together to the project.

Meeting Objectives

At the scoping meetings, Commission staff will: (1) summarize the environmental issues tentatively identified for analysis in the NEPA document; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the NEPA document, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the NEPA document; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review SD1 in preparation for the scoping meetings. Directions on how to obtain a copy of SD1 are included in item n of this document.

Meeting Procedures

The meetings are recorded by a 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: June 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024-12985 Filed 6-12-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24-117-000.

Applicants: Scale Microgrid Solutions, LLC.

Description: Petition for Declaratory Order of Scale Microgrid Solutions, LLC.

Filed Date: 6/5/24.

Accession Number: 20240605–5237.

Comment Date: 5 p.m. ET 7/5/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–377–003.

Applicants: Devon Energy Production Company, LP.

Description: Compliance filing: Amendment to Market Base Rate Filing to be effective 12/26/2023.

Filed Date: 6/7/24.

Accession Number: 20240607–5072.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–377–004.

Applicants: Devon Energy Production Company, LP.

Description: Compliance filing: Second Amendment to Market Based Rate Filing to be effective 12/26/2023.

Filed Date: 6/7/24.

Accession Number: 20240607–5107.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2204–000.

Applicants: Pacific Gas and Electric Company.

Description: 205(d) Rate Filing: Amendment to WAPA Cottonwood and Round Mountain O&M Agreement (RS 242) to be effective 5/8/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5000.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2205–000.

Applicants: Pacific Gas and Electric Company.

Description: 205(d) Rate Filing: Amendment to Port of Stockton (SA 117) to be effective 7/2/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5001.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2206–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 3949R1 Platteview Solar Interim GIA to be effective 6/4/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5036.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2207–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 2142R6 Golden Spread Electric Cooperative, Inc. NITSA to be effective 6/1/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5037.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2208–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: Revisions to WEIS Tariff Regarding the Market Power Test to be effective 12/31/9998.

Filed Date: 6/7/24.

Accession Number: 20240607–5042.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2209–000.

Applicants: Evergy Missouri West, Inc.

Description: 205(d) Rate Filing: Notice of Succession to be effective 6/8/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5061.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2210–000.

Applicants: Dogwood Energy LLC.

Description: Tariff Amendment: Notice of Cancellation of Participation Agreement Rate Schedule to be effective 6/8/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5070.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2211–000.

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): Granceil Solar LGIA Filing to be effective 5/24/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5094.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2212–000.

Applicants: Golden Fields Solar IV, LLC.

Description: 205(d) Rate Filing: Second Amendment to Amended and Restated Shared Facilities Agreement No. 1 to be effective 6/8/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5118.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2213–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 371 to be effective 8/6/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5131.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2214–000.

Applicants: Golden Fields Solar III, LLC.

Description: 205(d) Rate Filing: Certificate of Concurrence to be effective 6/8/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5142.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2215–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Original GIA, Service Agreement No. 7256; AE2–139 to be effective 5/8/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5145.

Comment Date: 5 p.m. ET 6/28/24.

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: June 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–12987 Filed 6–12–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2367–057]

Aroostook Power, Inc.; Notice of Application for Non-Capacity Amendment of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection:

a. *Application Type:* Non-Capacity Amendment of License.

b. *Project No:* 2367–057.

c. *Date Filed:* September 29, 2023, and supplemented on February 2, 2024, and April 16, 2024.

d. *Applicant:* Aroostook Power, Inc.

e. *Name of Project:* Aroostook River Hydroelectric Project.

f. *Location:* The project is located on the Aroostook River and the Millinocket Stream, in Piscataquis and Aroostook counties, Maine. The project does not occupy any Federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kevin Quilliam, Aroostook Power, Inc., 326 First Street, Suite 27, Annapolis, MD 21403, (410) 231–3996, kevin.quilliam@inclinesolutions.com.

i. *FERC Contact:* Maryam Akhavan, (202) 502–6110, maryam.akhavan@ferc.gov.

j. *Deadline for filing comments, motions to intervene, and protests:* July 8, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: 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 the docket number P–2367–057. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that

may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Aroostook Power, Inc. (licensee) requests Commission approval to remove the Millinocket Lake Storage Dam Development, including the storage dam and associated lands and facilities, from the license for the Aroostook River Hydroelectric Project No. 2367, which otherwise consists of the Caribou Development. The licensee does not plan to make any physical changes to the project. The Commission is reviewing the Millinocket Lake Storage Dam Development to determine whether it is subject to the Commission's mandatory licensing jurisdiction under section 23 of the Federal Power Act (FPA).

l. *Locations of the Application:* This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address,

and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

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.

Dated: June 7, 2024.

Debbie-Anne A. Reese,
Acting Secretary.

[FR Doc. 2024–12984 Filed 6–12–24; 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: RP24–829–000.

Applicants: Midwestern Gas Transmission Company.

Description: 4(d) Rate Filing: Negotiated Rate Agreement—AES Indiana FA1560 to be effective 7/1/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5076.

Comment Date: 5 p.m. ET 6/20/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP23–241–000.

Applicants: Sea Robin Pipeline Company, LLC.

Description: Refund Report: RP23–241 Rate Case Refund Report to be effective N/A.

Filed Date: 6/7/24.

Accession Number: 20240607–5014.

Comment Date: 5 p.m. ET 6/20/24.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: June 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–12986 Filed 6–12–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 15339–000]

Gravity Storage LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 11, 2024, Gravity Storage, LLC (Gravity Storage), filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the

feasibility of the Escondido Canyon Pumped Storage Project.¹ The proposed project is a 2,000-megawatt (MW) closed-loop pumped storage project would be located 13 miles south of Alamogordo in Otero County, New Mexico. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following new facilities: (1) a 15,340-foot-long, 75-foot-high rolled concrete dam that would impound a 176-acre upper reservoir with a storage capacity of 11,300 acre-feet at a water surface elevation of 7,560 feet above mean sea level (msl); (2) a 3,793-foot-long, 80-foot-high rockfill/concrete dam that would impound a 147-acre lower reservoir with a storage capacity of 11,300 acre-feet at a water surface elevation of 4,300 feet msl; (3) a 6,800-foot-long, 42-foot-diameter concrete penstock from the upper reservoir to eight 330-foot-long, 15-foot-diameter turbine penstocks; (4) a 1,600-foot-long, 150-foot-wide, 60-foot-high underground concrete powerhouse containing eight 250-MW pump-turbine generators; (5) a 2,750-foot-long, 42-foot-diameter concrete tailrace; (6) a 1-mile-long steel well water supply pipeline connecting to existing wells for initial fill water; (7) an 11.7-mile-long, 345-kilovolt transmission line; and (8) appurtenant facilities. Additionally, Gravity Storage proposes to install Solar Power plants on the surface of the upper and lower reservoirs to minimize evaporation due to the arid desert climate. The proposed project would have an estimated annual generation of 8,000 gigawatt-hours.

Applicant Contact: Mr. David Drips, Manager, Gravity Storage LLC, 10958 E Cordova Street, Gold Canyon, AZ 85118; email: dedrips@msn.com; phone: (385) 227–7272.

FERC Contact: Jane Dalglish; email: jane.dalglish@ferc.gov; phone: (503) 552–2718.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of

intent must meet the requirements of 18 CFR 4.36.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15339–000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's website at <https://elibrary.ferc.gov/eLibrary/search>. Enter the docket number (P–15339) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 7, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–12983 Filed 6–12–24; 8:45 am]

BILLING CODE 6717–01–P

¹ Gravity Storage filed an amendment to the application on April 19, 2024, in which it changed the requested term of the permit from 36 to 48 months.

ENVIRONMENTAL PROTECTION AGENCY**[FRL-11976-01-OW]****Acute Aquatic Life Screening Values for 6PPD and 6PPD-Quinone in Freshwater****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing the availability of Acute Freshwater Aquatic Life Screening Values for 6PPD (N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine) and its transformation product 6PPD-quinone (6PPD-q; N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine quinone). The EPA developed these screening values as information under Clean Water Act (CWA) section 304(a)(2)(B) on factors for the protection of aquatic life. States and authorized Tribes may consider these screening values in their water quality protection programs. The screening values for acute exposures to 6PPD and 6PPD-q in freshwater are 8,900 nanograms per liter (ng/L) and 11 ng/L, respectively. Consistent with CWA section 304(a)(2), the EPA expects to update these screening values from time to time as new information becomes available. This announcement is in accordance with CWA section 304(a)(3), which directs the EPA to publish information developed under 304(a)(2) in the **Federal Register** and make it available to States, authorized Tribes, and the public.

FOR FURTHER INFORMATION CONTACT:

Amanda Jarvis, Health and Ecological Criteria Division, Office of Water (Mail Code 4304T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 566-1163; email address: jarvis.amanda@epa.gov.

SUPPLEMENTARY INFORMATION:**I. What are 6PPD and 6PPD-quinone and how do they affect aquatic life?**

6PPD-quinone (6PPD-q) is a breakdown product of the rubber-tire

antioxidant compound 6PPD (N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine). Detections of 6PPD and 6PPD-q in waterways across the United States and elsewhere indicate that they are present in aquatic systems and may present a potential risk to aquatic organisms. Although “urban stream syndrome” or “urban runoff mortality syndrome” (URMS) was first reported in Puget Sound during monitoring of urban streams between 1999 and 2001, URMS was not linked to 6PPD-q until 2021 by Tian et al. (2021). URMS describes the death of adult salmon fish (particularly coho salmon) returning from the ocean to urban waterways and was first reported in Puget Sound (Washington, USA) during monitoring of urban streams between 1999 and 2001.

II. What are aquatic life screening values?

The EPA derived these screening values in accordance with section 304(a)(2) of the Clean Water Act (CWA) to provide States, authorized Tribes, and stakeholders with the best available information on the toxicity of 6PPD and 6PPD-q to aquatic organisms. They are distinct from national recommended ambient water quality criteria (AWQC) issued in accordance with the provisions of section 304(a)(1) of the CWA for protection of aquatic life from toxic chemicals. Empirical data are very limited for 6PPD and 6PPD-q and do not fulfill the EPA's data requirements for deriving national recommended AWQC. Further, much of the available data were developed using aquatic toxicity testing approaches that do not fully conform with EPA's 850 Ecological Effects Test Guidelines or other standard test guidelines, such as those of the American Society for Testing and Materials (ASTM) or the Organisation for Economic Co-operation and Development (OECD). These deviations from standard testing methods made the derived toxicity values and the derived screening values more uncertain than national recommended AWQC. These screening values are based solely on

data and scientific judgments about the relationship between 6PPD and 6PPD-q concentrations and potential effects to aquatic organisms.

What are EPA's 6PPD and 6PPD-q aquatic life screening values in freshwater?

The EPA's 6PPD and 6PPD-q aquatic life screening value documents provide a critical review of 6PPD and 6PPD-q toxicity data, quantify the toxicity of these chemicals to aquatic life based on available data, and provide separate acute screening values for 6PPD and 6PPD-q.

Under CWA section 304(a)(2)(B), the EPA develops, from time to time, information “on the factors necessary for the protection and propagation of shellfish, fish, and wildlife.” The EPA developed the 6PPD and 6PPD-q acute screening values (Table 1 of this document) to support protection of most freshwater aquatic communities. The EPA's acute screening values are the maximum concentrations of 6PPD and 6PPD-q (individually, not in mixtures), with associated frequency and duration specifications, that are expected to support protection of aquatic life from acute effects in freshwaters based on currently available science (see Table 1 of this document). There were insufficient data for 6PPD and 6PPD-q to derive chronic screening values in freshwaters, and acute and chronic values in estuarine/marine waters.

In accordance with CWA section 304(a)(2)(B), the acute freshwater screening values for 6PPD and 6PPD-q are provided only as information for States and authorized Tribes that they may consider for the protection of aquatic life as part of their water quality protection programs. The development of aquatic life screening values as information under CWA section 304(a)(2) does not impose legally binding requirements on the EPA or the regulated community. Further, the aquatic life screening values are not regulations and do not substitute for the CWA or the EPA's regulations.

TABLE 1—RECOMMENDED AQUATIC LIFE ACUTE SCREENING VALUES FOR FRESHWATER (ng/L)

	6PPD	6PPD-q
	8,900	11
Duration	1 hour	
Frequency	Not to be exceeded more than once in three years on average	

Bruno Pigott,

Assistant Administrator.

[FR Doc. 2024–13009 Filed 6–12–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2024–0114; FRL–11809–02–OCSPP]

1,1-Dichloroethane and 1,2-Dichloroethane; Peer Review of Draft Documents by the Science Advisory Committee on Chemicals (SACC); Request for Comments on Experts Being Considered as *ad hoc* Peer Reviewers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or the “Agency”) is announcing the change in the peer review mechanism from the letter peer review to a Science Advisory Committee on Chemicals (SACC) peer review; the addition of the draft human health hazard assessment for 1,2-dichloroethane for peer review; the availability of and solicitation of comment on the list of candidates under consideration for selection as *ad hoc* peer reviewers that will assist the SACC with their peer review of the Agency’s draft risk evaluation of 1,1-dichloroethane and human health hazard assessment of 1,2-dichloroethane. The list of candidates provides the names and biographical sketches of all interested and available candidates identified from the responses to the call for nominations and other sources. Public comments on these candidates will assist the Agency in selecting *ad hoc* peer reviewers to assist the SACC with the identified peer review.

DATES: Submit your comments on or before June 28, 2024.

ADDRESSES: Submit comments, identified by docket identification (ID) number EPA–HQ–OPPT–2024–0114, through the *Federal eRulemaking Portal* at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Official (DFO) is Alie Muneer, Mission Support Division (7602M), Office of Program Support, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency; telephone number: (202) 564–6369; email address: muneer.alie@epa.gov; or call the SACC main office at (202) 564–8450 or send an email at email address: sacc@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. What action is the Agency taking?

The Agency is seeking public comments on scientific and technical experts that EPA is considering for service as *ad hoc* peer reviewers that will assist the SACC with the peer review of the Agency’s evaluation of the draft risk evaluation of 1,1-dichloroethane and the human health hazard assessment of 1,2-dichloroethane. The Agency requested nominations of *ad hoc* expert reviewers in the **Federal Register** of March 21, 2024 (88 FR 20201 (FRL–11809–01–OCSPP)).

B. What is the Agency’s authority for taking this action?

EPA established the SACC in 2016 in accordance with TSCA, 15 U.S.C. 2625(o), to provide independent advice and expert consultation with respect to the scientific and technical aspects of issues relating to the implementation of TSCA. The SACC operates in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. 10, and supports activities under TSCA, 15 U.S.C. 2601 *et seq.*, the Pollution Prevention Act (PPA), 42 U.S.C. 13101 *et seq.*, and other applicable statutes.

C. Does this action apply to me?

This action is directed to the public in general and may be of particular interest to those involved in the manufacture, processing, distribution, and disposal of the subject chemical substance, and/or those interested in the assessment of risks involving chemical substances and mixtures regulated under TSCA.

D. What should I consider as I prepare my comments for EPA?

Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Copyrighted material will not be posted without explicit permission of the copyright holder. Members of the public should also be aware that personal contact

information, if included in any written comments, may be posted on the internet at <https://www.regulations.gov>. If your comment contains any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting that information.

E. How can I stay informed about SACC activities?

You may subscribe to the following listserv for alerts regarding this and other SACC-related activities: https://public.govdelivery.com/accounts/USAEP/AOPPT/subscriber/new?topic_id=USAEP/AOPPT_101.

II. Background

EPA is planning this SACC peer review of the Agency’s draft risk evaluation of 1,1-dichloroethane and human health hazard assessment of 1,2-dichloroethane. As part of the TSCA risk evaluation for 1,1-dichloroethane, EPA is assessing 1,1-dichloroethane conditions of use (COUs) (e.g., processing as a reactant, processing for repackaging, processing for recycling, commercial use for laboratory chemicals, etc.). EPA is providing for public comment and peer review of the TSCA human health hazard assessment for 1,2-dichloroethane because EPA has identified 1,2-dichloroethane as an analog for 1,1-dichloroethane to support a limited non-cancer and cancer human health hazard 1,1-dichloroethane data set. Both 1,1-dichloroethane and 1,2-dichloroethane data sets were used wherever appropriate to conduct the dose-response assessment and identify points-of-departure (PODs) for the risk evaluation of 1,1-dichloroethane. Therefore, simultaneous issuance for public comment and peer review of both the full 1,1-dichloroethane draft risk evaluation (hazard and exposure assessments) and the 1,2-dichloroethane draft human health hazard assessment will provide the public and peer reviewers with the full context of the human health hazard evaluations for both chemicals.

Recommendations from the SACC peer review of the draft documents will be considered in the development of the TSCA risk evaluations for both chemical substances and may inform other EPA efforts related to the assessment and regulation of 1,1-dichloroethane and 1,2-dichloroethane. The Agency will be seeking SACC review of its data analyses and methodologies relevant to human health hazard and exposure analyses that have not been previously peer reviewed.

For additional information about the existing chemicals that have either undergone or are currently undergoing risk evaluation under TSCA, as well as information about the related process under TSCA, please see <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/ongoing-and-completed-chemical-risk-evaluations-under>.

III. Request for Comments on the Candidates List

A. Will *ad hoc* reviewers be subjected to an ethics review?

EPA is currently seeking public comments on all interested and available candidates, without prescreening for ethics concerns. However, SACC members and *ad hoc* peer reviewers are subject to the provisions of the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635, conflict of interest statutes in title 18 of the United States Code and related regulations. In anticipation of this requirement, prospective candidates for service on the SACC will be asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. EPA will evaluate the candidates' financial disclosure forms to assess whether there are financial conflicts of interest, appearance of a loss of impartiality, or any prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service on the SACC as a peer reviewer.

B. How will EPA select the *ad hoc* reviewers?

The selection of scientists to serve as *ad hoc* peer reviewers for the SACC is based on the function of the Committee and the expertise needed to address the Agency's charge to the Committee. No interested scientists shall be ineligible to serve by reason of their membership on any other advisory committee to a federal department or agency or their employment by a federal department or agency, except EPA. Other factors considered during the selection process include availability of the prospective candidate to fully participate in the Committee's reviews, absence of any conflicts of interest or appearance of loss of impartiality, independence with respect to the matters under review, and lack of bias. Although financial conflicts of interest, the appearance of loss of impartiality, lack of independence, and

bias may result in non-selection, the absence of such concerns does not assure that a candidate will be selected to serve on the SACC.

Numerous qualified candidates are often identified for SACC reviews. Therefore, selection decisions involve carefully weighing a number of factors including the candidates' areas of expertise and professional qualifications and achieving an overall balance of different scientific perspectives across reviewers.

Authority: 15 U.S.C. 2625(o); 5 U.S.C. 10.

Dated: June 7, 2024.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2024-12963 Filed 6-12-24; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1292; FR ID 224938]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with

a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 12, 2024. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-1292.

Title: Advanced Methods to Target and Eliminate Unlawful Robocalls, Fourth Report and Order, CG Docket No. 17-59, FCC 20-187.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 6,493 respondents; 575,941 responses.

Estimated Time per Response: .25 to 40 hours.

Frequency of Response: On-occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in sections 4(i), 201, 202, 217, 227, 227b, 251(e), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 201, 202, 217, 227, 227b, 251(e), 303(r), 403.

Total Annual Burden: 173,440 hours.

Total Annual Cost: No cost.

Needs and Uses: On December 29, 2020, the Commission adopted *Advanced Methods to Target and Eliminate Unlawful Robocalls Fourth Report and Order* ("Call Blocking Fourth Report and Order"). Unwanted and illegal robocalls have long been the Federal Communication Commission's ("Commission") top source of consumer complaints and one of the Commission's top consumer protection priorities. In 2019, Congress passed the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act. In addition to directing the Commission to mandate adoption of caller ID authentication technology and encourage voice service providers to block calls by establishing safe harbors, the TRACED Act directs the Commission to ensure that both consumers and callers are provided

with transparency and effective redress when calls are blocked in error. In the *Call Blocking Fourth Report and Order*, the Commission took several steps to better protect consumers from unwanted and illegal robocalls, and implement the TRACED Act. The Commission expanded the existing safe harbor for blocking of calls, established affirmative requirements to ensure that voice service providers better police their networks against illegal calls, and adopted several transparency and redress requirements to ensure that erroneous blocking can be quickly identified and remedied.

47 CFR 64.1200(k)(1), originally adopted in the *Call Blocking Fourth Report and Order* requires any terminating voice service provider that blocks calls on an opt-in or opt-out basis to provide, on the request of the subscriber to a particular number, a list

of all calls intended for that number that the voice service provider or its designee has blocked. The list must include the prior 28 days of blocked calls and must be provided to the subscriber within 3 business days.

The TRACED Act expressly directs the Commission to ensure that both consumers and callers are provided with transparency. In the *Call Blocking Fourth Report and Order*, the Commission determined that, while opt-in or opt-out blocking must already be disclosed to consumers, a consumer may be unaware that particular calls are blocked absent such a list. Consumers can use the list to determine whether to opt out of blocking services or reach out to callers whose calls may have been blocked.

Federal Communications Commission.
Marlene Dortch,
Secretary, Office of the Secretary.
[FR Doc. 2024–13036 Filed 6–12–24; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 224937]

Deletion of Item From June 6, 2024 Open Meeting

June 6, 2024.
The following item has been deleted from the list of items scheduled for consideration at the Thursday, June 6, 2024, Open Meeting. Item No. 4 was released by the Commission on June 6, 2024. The item was previously listed in the Commission’s Sunshine Notice on Thursday, May 30, 2024.

Item No.	Bureau	Subject
4	Media	<i>Title:</i> Amendment of the Commission’s Rules to Advance the Low Power Television, TV Translator and Class A Television Service (MB Docket No. 24–148); Political Programming and Online Public File Requirements for Low Power Television Stations (MB Docket No. 24–147). <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking regarding updates and amendments to the Commission’s rules to address advances in the LPTV Service.

Federal Communications Commission.
Marlene Dortch,
Secretary.
[FR Doc. 2024–12961 Filed 6–12–24; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 24–531; FR ID 224901]

Consumer Advisory Committee; Announcement of Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission announces the second meeting of the twelfth term of its Consumer Advisory Committee (CAC or Committee).

DATES: Wednesday, June 26, 2024. The meeting will come to order at 11:00 a.m. Eastern Time.

ADDRESSES: The CAC meeting will be held remotely, with video and audio coverage at: www.fcc.gov/live.

FOR FURTHER INFORMATION CONTACT: Cara Grayer, Designated Federal Officer, Federal Communications Commission, (202) 418–2960, or email: cac@fcc.gov.

SUPPLEMENTARY INFORMATION: This meeting is open to members of the general public. The meeting will be webcast with sign language interpreters and open captioning at: www.fcc.gov/live. In addition, a reserved amount of time will be available on the agenda for comments and inquiries from the public. Members of the public may comment or ask questions of presenters via livequestions@fcc.gov.

Requests for other reasonable accommodations or for materials in accessible formats for people with disabilities should be submitted via email to: fcc504@fcc.gov or by calling the Consumer and Governmental Affairs Bureau at (202) 418–0530. Such requests should include a detailed description of the accommodation needed and a way for the FCC to contact the requester if more information is needed to fill the request. Requests should be made as early as possible; last minute requests will be accepted but may not be possible to accommodate.

Proposed Agenda: At this meeting, the CAC is expected to (1) hold a facilitated conversation on the current and emerging challenges and opportunities in the area of artificial intelligence (AI); (2) receive updates from the working groups; and (3)

address any other topics relevant to the CAC’s work.

Federal Communications Commission.
Robert A. Garza,
Legal Advisor, Consumer and Government Affairs Bureau.
[FR Doc. 2024–12884 Filed 6–12–24; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OIA Docket No. 24–30–FR–ID–223083]

Federal Advisory Committee, World Radiocommunication Conference Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This notice advises interested persons that Informal Working Group 1 (IWG–1), Informal Working Group 2 (IWG–2,) Informal Working Group 3 (IWG–3,) and Informal Working Group 4 (IWG–4) of the 2027 World Radiocommunication Conference Advisory Committee (WRC–27 Advisory Committee) have scheduled meetings as set forth below. The meetings are open to the public.

DATES:

13-Jun IWG-4: 11:00–1:00 ET
 13-Jun IWG-3: 2:00–4:00 ET
 17-Jun IWG-1: 11:00–1:00 ET
 17-Jun IWG-2: 2:00–4:00 ET
 20-Jun IWG-4: 11:00–1:00 ET
 20-Jun IWG-3: 2:00–4:00 ET
 3-Jul IWG-4: 11:00–1:00 ET
 3-Jul IWG-3: 2:00–4:00 ET
 17-Jul IWG-1: 11:00–1:00 ET
 17-Jul IWG-2: 2:00–4:00 ET
 19-Jul IWG-4: 11:00–1:00 ET
 19-Jul IWG-3: 2:00–4:00 ET
 24-Jul IWG-1: 11:00–1:00 ET
 24-Jul IWG-2: 2:00–4:00 ET
 25-Jul IWG-4: 11:00–1:00 ET
 25-Jul IWG-3: 2:00–4:00 ET
 31-Jul IWG-1: 11:00–1:00 ET
 31-Jul IWG-2: 2:00–4:00 ET
 1-Aug IWG-4: 11:00–1:00 ET
 1-Aug IWG-3: 2:00–4:00 ET

ADDRESSES: The meetings will be held virtually.

FOR FURTHER INFORMATION CONTACT:

Gregory Baker, Designated Federal Official, World Radiocommunication Conference Advisory Committee, FCC Office of International Affairs, Global Strategy and Negotiation Division, at Gregory.Baker@fcc.gov, (202)–919–0758 or WRC-27@fcc.gov.

SUPPLEMENTARY INFORMATION: The FCC established the Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2027 World Radiocommunication Conference (WRC–27).

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the IWG–1, IWG–2, IWG–3 and IWG–4 of the WRC–27 Advisory Committee scheduled meetings. The Commission's WRC–27 website (www.fcc.gov/wrc-27) contains the latest information on all scheduled meetings, meeting agendas, and WRC–27 Advisory Committee matters.

Below is additional IWG meeting information:

WRC–27 Advisory Committee*Schedule of Meetings of Informal Working Groups 1, 2, 3 and 4*

Informal Working Group 1: Maritime, Aeronautical and Radar Services

Chair—Kim Kolb, kim.1.kolb@boeing.com (703) 220–2438

Vice Chair—Nicholas Shrout, njs@asri.aero (443) 951–0335

FCC Representatives: Louis Bell, louis.bell@fcc.gov, telephone: (202) 418–1641; Allen Yang, allen.yang@fcc.gov, telephone: (202) 418–0738; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418–0610

IWG–1—Meetings:

Dates: Monday, June 17, 2024, Wednesday, July 17, 2024, Wednesday, July 24, 2024, Wednesday, July 31, 2024

Time: 11:00 a.m. ET

<https://fcc.gov.zoomgov.com/j/1610847619?pwd=NXozd0djblxQ2dWVYtLOG1PckF3Zz09>

Meeting ID: 161 084 7619

Passcode: 064531

- +1 669 254 5252 US
- +1 669 216 1590 US

Informal Working Group 2: Mobile and Fixed Services

Chair—Daudeline Meme, daudeline.meme@verizon.com, (202) 253–8362

Vice Chair—Reza Arefi, rezaa@apple.com, (202) 235–7298

FCC Representatives: Louis Bell, louis.bell@fcc.gov, telephone: (202) 418–1641; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418–0610

IWG–2—Meetings:

Dates: Monday, June 17, 2024, Wednesday, July 17, 2024, Wednesday, July 24, 2024, Wednesday, July 31, 2024

Time: 2:00 p.m. ET

[https://fcc\[1\]gov.zoomgov.com/j/1617093171?pwd=ZTVER1NIRDZKVINMSGHqNnRKU1BFdz09](https://fcc[1]gov.zoomgov.com/j/1617093171?pwd=ZTVER1NIRDZKVINMSGHqNnRKU1BFdz09)

Meeting ID: 161 709 3171

Passcode: 193943

- +1 669 254 5252 US
- +1 669 216 1590 US

Informal Working Group 3: Fixed-Satellite Service and Regulatory Matters

Chair—Alex Epshteyn, epshteyn@amazon.com, (703) 963–6136

Vice Chair—Ryan Henry, ryan.henry@ses.com, (202) 878–9360

FCC Representatives: Clay DeCell, clay.decell@fcc.gov, telephone: (202) 418–0803; Kathryn Medley, kathryn.medley@fcc.gov, telephone: (202) 418–1211; Eric Grodsky, eric.grodsky@fcc.gov, telephone: (202) 418–0563; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418–0610

IWG–3—Meetings:

Dates: Thursday, June 13, 2024, Thursday, June 20, 2024, Wednesday, July 3, 2024, Friday, July 19, 2024, Thursday, July 25, 2024, Thursday, August 1, 2024

Time: 2:00 p.m. ET

<https://fcc.gov.zoomgov.com/j/1607899181?pwd=REdQM0MrUUIlUmlsMGRkOFhPTlcvUT09>

Meeting ID: 160 789 9181

Passcode: 442135

- +1 669 254 5252 US
- +1 669 216 1590 US

Informal Working Group 4: Mobile Satellite and Space Science Services

Chair—Damon Ladson dladson@hwglaw.com, (202) 730–1315

Vice Chair—George John, george.john@hoganlovells.com, (202) 673–6989

FCC Representatives: Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418–0610; Clay DeCell, clay.decell@fcc.gov, telephone: (202) 418–0803

IWG–4—Meetings:

Dates: Thursday, June 13, 2024, Thursday, June 20, 2024, Wednesday, July 3, 2024, Friday, July 19, 2024, Thursday, July 25, 2024, Thursday, August 1, 2024

Time: 11:00 a.m. ET

<https://fcc.gov.zoomgov.com/j/1607899181?pwd=REdQM0MrUUIlUmlsMGRkOFhPTlcvUT09>

Meeting ID: 160 789 9181

Passcode: 442135

- +1 669 254 5252 US
- +1 669 216 1590 US

Federal Communications Commission.

Thomas Sullivan,

Deputy Chief, Office of International Affairs.

[FR Doc. 2024–12996 Filed 6–12–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company**

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business

information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551-0001, not later than June 28, 2024.

A. *Federal Reserve Bank of Kansas City* (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri, 64198-0001. Comments can also be sent electronically to KCApplicationComments@kc.frb.org:

1. *Roy G. Dinsdale Qualified Marital Trust A, Omaha, Nebraska, John S. Dinsdale (Sid), Omaha, Nebraska, Christopher J. Dinsdale, Sterling, Colorado, and Jane Dinsdale Rogers, Omaha, Nebraska, as co-trustees*; to become members of the Dinsdale Family Group, a group acting in concert, to retain shares of Pinnacle Bancorp, Inc., Omaha, Nebraska, and thereby indirectly retain voting shares of Pinnacle Bank, Lincoln, Nebraska, Pinnacle Bank, Fort Worth, Texas, Pinnacle Bank-Wyoming, Cody, Wyoming, and Bank of Colorado, Fort Collins, Colorado.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024-13011 Filed 6-12-24; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: June 25, 2024 at 9:00 a.m. EDT.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1-202-599-1426, Code: 137 118 470 #; or via web: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTQ0Nzk4MTQtMzZhOC00YzEyLWEzMTY0OGEyYjg4NGNmZGY5%40thread.v2/0?context=%7b%22Tid%22%3a%223f6323b7-e3fd-4f35-b43d-1a7afae5910d%22%2c%22Oid%22%3a%221a441fb8-5318-4ad0-995b-f28a737f4128%22%7d.

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda.

Open Session

1. Approval of the May 21, 2024, Board Meeting Minutes
2. Monthly Reports
 - (a) Participant Report
 - (b) Investment Report
 - (c) Legislative Report
3. Quarterly Reports
 - (d) Vendor Risk Management
4. Annual Financial Audit

Closed Session

5. Information covered under 5 U.S.C. 552b (c)(10)

Authority: 5 U.S.C. 552b (e)(1).

Dated: June 10, 2024.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2024-13001 Filed 6-12-24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-3459-PN]

Medicare and Medicaid Programs: Application by the American Association for Accreditation of Ambulatory Surgery Facilities dba QUAD A for Continued CMS Approval of Its Ambulatory Surgical Center (ASC) Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice with request for comment.

SUMMARY: This notice acknowledges the receipt of an application from the American Association for Accreditation of Ambulatory Surgery Facilities, dba QUAD A, for continued recognition as a national accrediting organization for Ambulatory Surgical Centers that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 15, 2024.

ADDRESSES: In commenting, refer to file code CMS-3459-PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation

to <http://www.regulations.gov>. Follow the "Submit a comment" instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3459-PN, P.O. Box 8010, Baltimore, MD 21244-8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3459-PN, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Erin Imhoff, (410) 786-2337. Joy Webb, (410) 786-1667.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on [Regulations.gov](http://www.regulations.gov) public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

Ambulatory Surgical Centers (ASCs) are distinct entities that operate exclusively for the purpose of furnishing outpatient surgical services to patients. Under the Medicare program, eligible beneficiaries may receive covered services from an ASC provided certain requirements are met. Section 1832(a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for a facility seeking designation as an ASC. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to

activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 416 specify the conditions that an ASC must meet in order to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for ASCs.

Generally, to enter into an agreement, an ASC must first be certified by a state survey agency (SA) as complying with the conditions or requirements set forth in part 416 of our Medicare regulations. Thereafter, the ASC is subject to regular surveys by an SA to determine whether it continues to meet these requirements.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS) approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we may deem that provider entity as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. The AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at § 488.5.

Quad A's current term of approval for its ASC program expires November 27, 2024.

II. Approval of Deeming Organization

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of an AO's requirements consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's

complete application, a notice that identifies the national accrediting body making the request, describes the nature of the request, and provides at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of Quad A's request for continued CMS-approval of its ASC accreditation program. This notice also solicits public comment on whether Quad A's requirements meet or exceed the Medicare conditions for coverage (CfCs) for ASCs.

III. Evaluation of Deeming Authority Request

Quad A submitted all the necessary materials to enable us to make a determination concerning its request for continued CMS approval of its ASC accreditation program. This application was determined to be complete on May 1, 2024. Under section 1865(a)(2) of the Act and § 488.5, our review and evaluation of QUAD A will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of QUAD A's standards for ASCs as compared with Medicare's CfCs for ASCs.
- QUAD A's survey process to determine the following:

- ++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

- ++ The comparability of QUAD A's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

- ++ QUAD A's processes and procedures for monitoring an ASC found out of compliance with QUAD A's program requirements. These monitoring procedures are used only when QUAD A identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the State survey agency monitors corrections as specified at § 488.9(c)(1).

- ++ QUAD A's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

- ++ QUAD A's capacity to provide CMS with electronic data and reports necessary for the effective validation and assessment of the organization's survey process.

- ++ The adequacy of QUAD A's staff and other resources, and its financial viability.

- ++ QUAD A's capacity to adequately fund required surveys.

- ++ QUAD A's policies with respect to whether surveys are announced or unannounced, to ensure that surveys are unannounced.

- ++ QUAD A's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

- ++ QUAD A's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Response to Public Comments

Because of the large number of public comments, we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Vanessa Garcia, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Vanessa Garcia,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2024-12994 Filed 6-12-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services****[CMS-3460-PN]****Medicare and Medicaid Programs: Application by the DNV Healthcare USA, Inc. for Continued CMS-Approval of Its Critical Access Hospital Accreditation Program****AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.**ACTION:** Notice with request for comment.

SUMMARY: This notice acknowledges the receipt of an application from the DNV Healthcare USA, Inc. for continued recognition as a national accrediting organization for critical access hospitals that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 15, 2024.

ADDRESSES: In commenting, please refer to file code CMS-3460-PN.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3460-PN, P.O. Box 8010, Baltimore, MD 21244-8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3460-PN, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Caecilia Andrews, (410) 786-2190.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential

business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a critical access hospital (CAH), provided that certain requirements are met by the CAH. Section 1861(mm) of the Social Security Act (the Act), establishes distinct criteria for facilities seeking designation as a CAH. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 485, subpart F specify the conditions that a CAH must meet to participate in the Medicare program.

Generally, to enter into an agreement, a CAH must first be certified by a state survey agency as complying with the conditions or requirements set forth in part 485 of our regulations. Thereafter, the CAH is subject to regular surveys by a state survey agency to determine whether it continues to meet these requirements.

However, there is an alternative to surveys by state agencies. Section 1865(a)(1) of the Act states, if a provider entity demonstrates through accreditation by an approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Centers for Medicare & Medicaid Services (CMS) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national AO applying for approval of its accreditation program under part 488, subpart A, must provide us with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at § 488.5. The regulations at § 488.5(e)(2)(i) require an AO to reapply for continued approval of its

accreditation program every 6 years or as determined by CMS.

The DNV Healthcare USA, Inc.'s (DNV's) current term of approval for their critical access hospital accreditation program expires December 23, 2024.

II. Approval of Accreditation Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of a national AO's requirements consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of DNV's request for continued approval of its CAH accreditation program. This notice also solicits public comment on whether the DNV requirements meet or exceed the Medicare conditions of participation (CoPs) for CAHs.

III. Evaluation of Deeming Authority Request

DNV submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its CAH accreditation program. This application was determined to be complete on March 1, 2024. Under 1865(a)(2) of the Act and our regulations at § 488.5 (Application and re-application procedures for national AO), our review and evaluation of the DNV CAH accreditation program will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of DNV's standards for hospitals as compared with CMS' CAH CoPs.
- DNV's survey process to determine the following:
 - ++ The composition of the survey team, surveyor qualifications, and the

ability of the organization to provide continuing surveyor training.

++ The comparability of DNV's processes to those of state agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ DNV's processes and procedures for monitoring a CAH found out of compliance with DNV's program requirements. These monitoring procedures are used only when DNV identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the state survey agency monitors corrections as specified at § 488.9.

++ DNV's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ DNV's capacity to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of DNV's staff and other resources, and its financial viability.

++ DNV's capacity to adequately fund required surveys.

++ DNV's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ DNV's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

++ DNV's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3501 *et seq.*).

V. Response to Comments

Because of the large number of public comments, we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and

time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Vanessa Garcia, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Vanessa Garcia,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10398]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services.

ACTION: Notice of request for reinstatement of a previously approved information collection.

SUMMARY: On May 28, 2010, the Office of Management and Budget (OMB) issued Paperwork Reduction Act (PRA) guidance related to the "generic" clearance process. Generally, this is an expedited clearance process by which agencies may obtain OMB's approval of collection of information requests that are "usually voluntary, low-burden, and uncontroversial," do not raise any substantive or policy issues, and do not require policy or methodological review. The process requires the submission of an overarching plan that defines the scope of the individual collections that may be submitted under that umbrella. This notice is intended to advise the public of our intent to reinstate OMB's approval of our generic umbrella (CMS-10398, OMB control number 0938-1148) and all of the individual generic collection of information requests that fall under that umbrella. This notice also provides the public with general instructions for obtaining documents that are associated with such collections and for submitting comments.

DATES: Comments must be received by August 12, 2024.

ADDRESSES:

Submitting comments: When commenting, please reference the applicable collection's CMS ID number and/or the OMB control number (both numbers are listed below under the **SUPPLEMENTARY INFORMATION** caption). To be assured consideration, comments and recommendations must be submitted in any one of the following ways and by the applicable due date:

1. *Electronically.* We encourage you to submit comments through the Federal eRulemaking portal at the applicable web address listed below under the **SUPPLEMENTARY INFORMATION** caption under "Docket Information." If needed, instructions for submitting such comments can be found on that website.

2. *By regular mail.* Alternatively, you can submit written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs (OSORA), Division of Regulations Development, Attention: CMS-10398/OMB 0938-1148, Room C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Obtaining documents: To obtain copies of supporting statements and any related forms and supporting documents for the collections listed in this notice, we encourage you to access the Federal eRulemaking portal at the applicable web address listed below under the **SUPPLEMENTARY INFORMATION** caption under "Docket Information" and "Docket Web Address." If needed, follow the online instructions for accessing the applicable docket and the documents contained therein.

FOR FURTHER INFORMATION CONTACT: For general information contact William N. Parham at 410-786-4669. For policy related questions contact the individual listed below under the **SUPPLEMENTARY INFORMATION** caption under "Docket Information."

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c). Generally, it applies to voluntary and mandatory requirements that are related to any one or more of the following activities: the collection of information, the reporting of information, the disclosure of information to a third-party, and/or recordkeeping.

While there are some exceptions (such as collections having non-substantive changes and collections requesting emergency approval) section

3506(c)(2)(A) of the PRA requires Federal agencies to publish a 60-day notice in the **Federal Register** and solicit comment on each of its proposed collections of information, including: new collections, extensions of existing collections, revisions of existing collections, and reinstatements of previously approved collections before submitting such collections to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Interested parties are invited to submit comments regarding our burden estimates or any other aspect of the collection, including: the necessity and utility of the proposed information collection for the proper performance of our agency's functions; the accuracy of burden estimates; ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden. See **DATES** and **ADDRESSES** for instructions for submitting comments.

While we will review all comments received, we may choose not to post off-topic or inappropriate comments. Otherwise, all comments will be posted without edit under the applicable docket number, including any personal information that the commenter provides. Our response to such comments will be posted at [reginfo.gov](https://www.reginfo.gov) under the applicable OMB control number.

Generic Umbrella for Medicaid and CHIP State Plan, Waiver, and Program Submissions

At this time, our collection is made up of the main umbrella (see collection number 1 in the following list) and fifty individual generic collections of information (see collection numbers 2 through 51 in the following list). Details such as the collection's requirements and burden estimates can be found in the collection's supporting statement and associated materials (see **ADDRESSES** for instructions for obtaining such documents).

Docket Information

1. *Title:* Generic Clearance for Medicaid and CHIP State Plan, Waiver, and Program Submissions.

Type of Request: Reinstatement of a previously approved collection.

CMS ID Number: CMS-10398.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0029.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0029>.

For Policy Related Questions Contact: William N. Parham at 410-786-4669.

2. *Title:* CHIP Annual Report Template System (CARTs).

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #1.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0030.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0030>.

For Policy Related Questions Contact: Gigi Raney at 410-786-6117.

3. *Title:* Medicaid Managed Care Data Collection.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #2.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0031.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0031>.

For Policy Related Questions Contact: Alexis Gibson at 410-786-2813.

4. *Title:* Medicaid Payment Suspensions.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #5.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0032.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0032>.

For Policy Related Questions Contact: Vikki Guarisco at 443-764-4776.

5. *Title:* Cycle IV (AI/AN Round II Outreach & Enrollment Grant Final Report Addendum) and Cycle V (Connecting Kids to Coverage Outreach and Enrollment Semi-Annual and Final.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #7.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0033.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0033>.

For Policy Related Questions Contact: Stephanie Bell at 410-786-0617.

6. *Title:* Application for Section 1915(b)(4) Waiver—Fee For Service Selective Contracting Program.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #9.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0034.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0034>.

For Policy Related Questions Contact: Rebecca Burch Mack at 303-844-7355.

7. *Title:* Section 1115 Demonstration and Waiver Application.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #10.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0035.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0035>.

For Policy Related Questions Contact: Teresa DeCaro at 202-384-6309.

8. *Title:* MAGI- Based Eligibility Verification Plan.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #11.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0036.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0036>.

For Policy Related Questions Contact: Martin Burian at 410-786-3246.

9. *Title:* Medicaid Accountability—Nursing Facility, Outpatient Hospital and Inpatient Hospital Upper Payment Limits.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #13.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0037.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0037>.

For Policy Related Questions Contact: Richard Kimball at 410-786-2278.

10. *Title:* Federally-Facilitated Marketplace (FFM) Integration Data Collection Tool.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS-10398 #16.

OMB Control Number: 0938-1148.

eRulemaking Docket ID Number: CMS-2024-0039.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0039>.

For Policy Related Questions Contact: Pascale Ghafari at 410-786-0719.

11. *Title:* CHIP State Plan Eligibility.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #17.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0040.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0040>.

For Policy Related Questions Contact: Joyce Jordan at 410–786–3413.

12. Title: FMAP Claiming State Plan Amendment.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #21.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0042.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0042>.

For Policy Related Questions Contact: Robert Lane at 410–786–2015.

13. Title: Medicaid Accountability—UPL ICF/IID, Clinic Services, Medicaid Qualified Practitioner Services and Other Inpatient & Outpatient Facility Providers.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #24.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0044.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0044>.

For Policy Related Questions Contact: Richard Kimball at 410–786–2278.

14. Title: MAGI Conversion Plan Part 2.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #27.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0046.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0046>.

For Policy Related Questions Contact: Martin Burian at 410–786–3246.

15. Title: MMIS APD Template NCCI Coding Initiative.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #28.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0047.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0047>.

For Policy Related Questions Contact: Wendy Alexander at 410–786–5245.

16. Title: Medicaid Cost Sharing.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #29.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0048.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0048>.

For Policy Related Questions Contact: Stephanie Bell at 410–786–0617.

17. Title: State Reporting Medicaid Payment Suspension.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #30.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0049.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0049>.

For Policy Related Questions Contact: Wendy Alexander at 410–786–5245.

18. Title: Statewide HCBS Transition Plans.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #31.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0050.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0050>.

For Policy Related Questions Contact: Michele MacKenzie at 410–786–5929.

19. Title: Provider-Preventable Conditions under 42 CFR 438.6 and 447.26 and Title 2702 Non-Payment Preprint (Attachment 4.19).

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #32.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0051.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0051>.

For Policy Related Questions Contact: Andrew Badaracco at 410–786–4589.

20. Title: Opportunity for families of Disabled Children to Purchase Medicaid Coverage for Such Children (DRA 6062).

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #33.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0053.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0053>.

For Policy Related Questions Contact: Martin Burian at 410–786–3246.

21. Title: Model Application Template and Instructions for State Child Health Plan Under Title XXI of the Social Security Act, State Children's Health Insurance Program.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #34.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0054.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0054>.

For Policy Related Questions Contact: Chanelle Parker at 667–290–9798.

22. Title: Eligibility and Enrollment Performance Indicators.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #35.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0055.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0055>.

For Policy Related Questions Contact: Vikki Guarisco at 443–764–4776.

23. Title: Managed Care Rate Setting Guidance.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #37.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0056.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0056>.

For Policy Related Questions Contact: Rebecca Burch Mack at 303–844–7355.

24. Title: Section 223 Demonstration Programs to Improve Community Mental Health Services.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #43.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0057.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0057>.

For Policy Related Questions Contact: Beverly Boston at 410–786–4186.

25. Title: 1915(i) State Plan Home and Community Based Services.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #46.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0059.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0059](https://www.regulations.gov/docket/CMS-2024-0059).

For Policy Related Questions Contact:
Kathy Poisal at 410–786–5940.

26. *Title:* Section 223 Demonstration
Programs to Improve Community
Mental Health Services.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #48.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0061.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0061](https://www.regulations.gov/docket/CMS-2024-0061).

For Policy Related Questions Contact:
Beverly Boston at 410–786–4186.

27. *Title:* Community First Choice
State Plan.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #50.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0062.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0062](https://www.regulations.gov/docket/CMS-2024-0062).

For Policy Related Questions Contact:
Adrienne Delozier at 410–786–0278.

28. *Title:* Fast Track Federal Review
Process for Section 1115 Medicaid and
CHIP Demonstration Extensions.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #51.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0063.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0063](https://www.regulations.gov/docket/CMS-2024-0063).

For Policy Related Questions Contact:
Teresa DeCaro at 202–384–6309.

29. *Title:* Delivery System and
Provider Payment Initiatives Under
Medicaid Managed Care Products.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #52.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0064.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0064](https://www.regulations.gov/docket/CMS-2024-0064).

For Policy Related Questions Contact:
John Giles at 667–290–8626.

30. *Title:* Section 1115 Substance Use
Disorder (SUD) Demonstration: Guide
for Developing Implementation Plan
Protocols.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #53.

OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0065.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0065](https://www.regulations.gov/docket/CMS-2024-0065).

For Policy Related Questions Contact:
Theresa DeCaro at 202–384–6309.

31. *Title:* Electronic Visit Verification
(EVV) Good Faith Effort Exemption
Requests.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #54.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0066.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0066](https://www.regulations.gov/docket/CMS-2024-0066).

For Policy Related Questions Contact:
Ryan Shannahan at 410–786–0295.

32. *Title:* Limit on Federal Financial
Participation for Durable Medical
Equipment in Medicaid.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #55.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0067.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0067](https://www.regulations.gov/docket/CMS-2024-0067).

For Policy Related Questions Contact:
Richard Kimball at 410–786–2278.

33. *Title:* Section 1115 Demonstration:
Budget Neutrality Workbook.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #56.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0068.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0068](https://www.regulations.gov/docket/CMS-2024-0068).

For Policy Related Questions Contact:
Theresa DeCaro at 202–384–6309.

34. *Title:* Section 1115 Substance Use
Disorder (SUD) Demonstration:
Monitoring Reports Documents and
Templates.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #57.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0069.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0069](https://www.regulations.gov/docket/CMS-2024-0069).

For Policy Related Questions Contact:
Theresa DeCaro at 202–384–6309.

35. *Title:* Medicaid Section 1115
Eligibility and Coverage Demonstration
Implementation Plan and Monitoring
Reports Documents and Templates.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #58.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0070.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0070](https://www.regulations.gov/docket/CMS-2024-0070).

For Policy Related Questions Contact:
Theresa DeCaro at 202–384–6309.

36. *Title:* Medicaid Section 1115
Severe Mental Illness and Children with
Serious Emotional Disturbance
Demonstrations.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #59.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0071.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0071](https://www.regulations.gov/docket/CMS-2024-0071).

For Policy Related Questions Contact:
Theresa DeCaro at 202–384–6309.

37. *Title:* Medicaid Disaster Relief for
the COVID–19 National Emergency
State Plan Amendment Template and
Instructions.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #61.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0073.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0073](https://www.regulations.gov/docket/CMS-2024-0073).

For Policy Related Questions Contact:
Anne Marie Costello at 410–786–5075.

38. *Title:* Data Collection for Section
1003 of the SUPPORT Act.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #62.
OMB Control Number: 0938–1148.

eRulemaking Docket ID Number:
CMS–2024–0074.

Docket Web Address: [https://
www.regulations.gov/docket/CMS-2024-
0074](https://www.regulations.gov/docket/CMS-2024-0074).

For Policy Related Questions Contact:
Melanie Brown at 410–786–1095.

39. *Title:* 1932(a) State Plan
Amendment Template.

Type of Request: Reinstatement of a
previously approved information
collection.

CMS ID Number: CMS–10398 #63.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0075.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0075>.

For Policy Related Questions Contact: Amy Gentile at 410–786–3499.

40. Title: Federal Meta-Analysis Support: Section 1115 Substance Use Disorder Demonstrations.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #64.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0076.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0076>.

For Policy Related Questions Contact: Danielle Daly at 410–786–0897.

41. Title: Medicaid and CHIP COVID 19 Public Health Emergency Unwinding Reports.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #66.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0077.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0077>.

For Policy Related Questions Contact: Jessica Stephens at 410–786–3341.

42. Title: Section 1006(b) of the SUPPORT Act: Medicaid Assisted Treatment (MAT).

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #68.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0078.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0078>.

For Policy Related Questions Contact: Kirsten Jensen at 410–786–8146.

43. Title: Reporting Requirements for Additional Funding for Medicaid HCBS During the COVID–19 Emergency.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #69.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0079.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0079>.

For Policy Related Questions Contact: Stephanie Bell at 410–786–0617.

44. Title: Reporting Requirements for State Planning Grants for Qualifying Community Based Mobile Crisis Intervention Services During the COVID–19 Emergency.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #71.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0080.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0080>.

For Policy Related Questions Contact: Effie George at 410–786–8639.

45. Title: Expressions of Interest in the Infant Well-Child Visit Affinity Group.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #72.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0081.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0081>.

For Policy Related Questions Contact: Kristin Zycherman at 410–786–6974.

46. Title: Supplemental Payment Reporting under the Consolidated Appropriations Act, 2021.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #73.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0082.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0082>.

For Policy Related Questions Contact: Richard Kimball at 410–786–2278.

47. Title: Coverage of Routine Patient Cost for Items & Services in Qualifying Clinical Trials.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #74.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0083.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0083>.

For Policy Related Questions Contact: Myla Adams at 410–786–8107.

48. Title: ARP 1135 State Plan Amendment.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #75.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0084.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0084>.

For Policy Related Questions Contact: Kirsten Jensen at 410–786–8146.

49. Title: Expressions of Interest in the Improving Maternal Health by Reducing Low-Risk Cesarean Delivery Affinity Group.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #76.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0085.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0085>.

For Policy Related Questions Contact: Richard Kimball at 410–786–2278.

50. Title: COVID–19 Risk Corridor Reconciliation Reporting Template.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #79.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0086.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0086>.

For Policy Related Questions Contact: Elizabeth Jones at 410–786–7111.

51. Title: Improving Quality of Care and Outcomes Data for Pregnant Medicaid Beneficiaries and Newborn Infants through Linkage and Evaluation of VR, BC, DC, and TAF.

Type of Request: Reinstatement of a previously approved information collection.

CMS ID Number: CMS–10398 #81.
OMB Control Number: 0938–1148.
eRulemaking Docket ID Number:
CMS–2024–0172.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2024-0172>.

For Policy Related Questions Contact: Ali Fokar at 410–786–0020.

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–13127 Filed 6–11–24; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services****[Document Identifiers: CMS–287–22]****Agency Information Collection Activities: Proposed Collection; Comment Request**

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 12, 2024.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: _____, Room C4–26–05, 7500 Security Boulevard Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:**Contents**

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–287–22 Home Office Cost Statement

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension without change of a previously approved collection; *Title of Information Collection:* Home Office Cost Statement; *Use:* A home office/chain organization (HO/CO) submits the home office cost statement annually as the documentary support required for a provider that is a member of the HO/CO to be reimbursed for HO/CO costs claimed in the provider's cost report (see 42 CFR 413.24(f)(5)(i)(E)(1) and (2)).

The relationship of the HO/CO is that of a related organization to a provider (see 42 CFR 413.17). A HO/CO usually furnishes central management and administrative services, e.g., centralized accounting, purchasing, personnel services, management direction and control, and other services. To the

extent that the HO/CO furnishes services related to patient care to a provider, the reasonable costs of such services are included in the provider's cost report and are reimbursable as part of the provider's costs.

CMS requires the form to determine a HO/CO's reasonable cost incurred in furnishing management and administrative services to Medicare providers, each of which includes the costs in their cost report for reimbursement. A Medicare-certified provider includes costs allocated from the home office cost statement in the provider's costs used by CMS for rate setting; payment refinement activities, including developing a market basket; and Medicare Trust Fund projections; and to support program operations. Additionally, the Medicare Payment Advisory Commission (MedPAC) uses the cost report data to calculate Medicare margins (a measure of the relationship between Medicare's payments and providers' Medicare costs) and analyze data to formulate Medicare Program recommendations to Congress. *Form Number:* CMS–287–22 (OMB control number: 0938–0202); *Frequency:* Yearly; *Affected Public:* Private Sector; Business or other for-profits, Not-for-profit institutions; *Number of Respondents:* 1,646; *Total Annual Responses:* 1,646; *Total Annual Hours:* 767,036. (For policy questions regarding this collection contact Gail S. Duncan at (410) 786–7278.)

William N. Parham, III,
Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–13032 Filed 6–12–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****[Docket No. FDA–2024–N–0008]****Request for Nominations for Individuals and Consumer Organizations for Advisory Committees**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is requesting that any consumer organizations interested in participating in the selection of voting and/or nonvoting consumer representatives to serve on its advisory committees or panels notify FDA in writing. FDA is

also requesting nominations for voting and/or nonvoting consumer representatives to serve on advisory committees and/or panels for which vacancies currently exist or are expected to occur in the near future. Nominees recommended to serve as a voting or nonvoting consumer representative may be self-nominated or may be nominated by a consumer organization. FDA seeks to include the views of individuals on its advisory committee regardless of their gender identification, religious affiliation, racial and ethnic identification, or disability status and, therefore, encourages nominations of appropriately qualified candidates from all groups.

DATES: Any consumer organization interested in participating in the selection of an appropriate voting or nonvoting member to represent consumer interests on an FDA advisory committee or panel may send a letter or email stating that interest to FDA (see

ADDRESSES) by July 29, 2024, for vacancies listed in this notice. Concurrently, nomination materials for prospective candidates should be sent to FDA (see **ADDRESSES**) by July 29, 2024. Nominations will be accepted for current vacancies and for those that will or may occur through December 31, 2024.

ADDRESSES: All statements of interest from consumer organizations interested in participating in the selection process should be submitted electronically to ACOMSSubmissions@fda.hhs.gov or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5122, Silver Spring, MD 20993-0002.

Consumer representative nominations should be submitted electronically by logging into the FDA Advisory Committee Membership Nomination Portal: <https://www.accessdata.fda.gov/>

[scripts/FACTRSPortal/FACTRS/index.cfm](https://www.fda.gov/AdvisoryCommittees/default.htm), or by mail to Advisory Committee Oversight and Management Staff, 10903 New Hampshire Ave., Bldg. 32, Rm. 5122, Silver Spring, MD 20993-0002. Additional information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm>.

FOR FURTHER INFORMATION CONTACT: For questions relating to participation in the selection process: Kimberly Hamilton, Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5122, Silver Spring, MD 20993-0002, 301-796-8220, kimberly.hamilton@fda.hhs.gov.

For questions relating to specific advisory committees or panels, contact the appropriate contact person listed in table 1.

TABLE 1—ADVISORY COMMITTEE CONTACTS

Contact person	Committee/panel
Rakesh Raghuwanshi, Office of the Chief Scientist, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3309, Silver Spring, MD 20993-0002, 301-796-4769, Rakesh.Raghuwanshi@fda.hhs.gov .	FDA Science Board Advisory Committee.
Moon Hee Choi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2434, Silver Spring, MD 20993-0002, 301-796-2894, MoonHee.Choi@fda.hhs.gov .	Anesthetic and Analgesic Drug Products Advisory Committee; Drug Safety and Risk Management Advisory Committee; Non-Prescription Drugs Advisory Committee.
Yvette Waples, Center for Drug Evaluation Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2510, Silver Spring, MD 20993-0002, 301-796-9034, Yvette.Waples@fda.hhs.gov .	Antimicrobial Drugs Advisory Committee; Oncologic Drugs Advisory Committee.
LaToya Bonner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2428, Silver Spring, MD 20993-0002, 301-796-2855, LaToya.Bonner@fda.hhs.gov .	Cardiovascular and Renal Drugs Advisory Committee; Endocrinologic and Metabolic Drugs Advisory Committee.
Takyiah Stevenson, Center for Drug Evaluation Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2406, Silver Spring, MD 20993-0002, 240-402-2507, Takyiah.Stevenson@fda.hhs.gov .	Medical Imaging Advisory Committee; Pharmacy Compounding Advisory Committee.
Joyce Frimpong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2426, Silver Spring, MD 20993-0002, 301-796-7973, Joyce.Frimpong@fda.hhs.gov .	Obstetrics, Reproductive and Urologic Drugs Advisory Committee; Psychopharmacologic Drugs Advisory Committee.
Jessica Seo, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2412, Silver Spring, MD 20993-0002, 301-796-7699, Jessica.Seo@fda.hhs.gov .	Peripheral and Central Nervous System Drugs Advisory Committee.
Candace Nalls, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5211, Silver Spring, MD 20993-0002, 301-636-0510, Candace.Nalls@fda.hhs.gov .	Anesthesiology and Respiratory Therapy Devices Panel; Clinical Chemistry and Clinical Toxicology Devices Panel; Ear, Nose and Throat Devices Panel; Gastroenterology-Urology Devices Panel; General and Plastic Surgery Devices Panel.
James Swink, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5211, Silver Spring, MD 20993-0002, 301-796-6313, James.Swink@fda.hhs.gov .	Circulatory System Devices Panel; General Hospital and Personal Use Devices Panel; Hematology and Pathology Devices Panel; Immunology Devices Panel; Microbiology Devices Panel; Molecular and Clinical Genetics Panel; Radiological Devices Panel.
Akinola Awojope, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5216, Silver Spring, MD 20993-0002, 301-636-0512, Akinola.Awojope@fda.hhs.gov .	Dental Products Panel; Ophthalmic Devices Panel; Orthopaedic and Rehabilitation Devices Panel.
Joannie Adams-White, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5561, Silver Spring, MD 20993-0002, 301-796-5421, Joannie.Adams-White@fda.hhs.gov .	Medical Devices Dispute Resolution Panel.

SUPPLEMENTARY INFORMATION: FDA is or nonvoting consumer representatives requesting nominations for voting and/ for the vacancies listed in table 2:

TABLE 2—COMMITTEE DESCRIPTIONS, TYPE OF CONSUMER REPRESENTATIVE VACANCY, AND APPROXIMATE DATE NEEDED

Committee/panel/areas of expertise needed	Type of vacancy	Approximate date needed
FDA Science Board Advisory Committee—The Science Board provides advice to the Commissioner of Food and Drugs Administration (Commissioner) and other appropriate officials on specific complex scientific and technical issues important to FDA and its mission, including emerging issues within the scientific community. Additionally, the Science Board provides advice that supports the Agency in keeping pace with technical and scientific developments, including in regulatory science; and input into the Agency's research agenda, and on upgrading its scientific and research facilities and training opportunities. It also provides, where requested, expert review of Agency-sponsored intramural and extramural scientific research programs.	1—Voting	Immediately.
Anesthetic and Analgesic Drug Products Advisory Committee—Knowledgeable in the fields of anesthesiology, analgesics (such as: abuse deterrent opioids, novel analgesics, and issues related to opioid abuse) epidemiology or statistics, and related specialties.	1—Voting	Immediately.
Drug Safety and Risk Management Advisory Committee—Knowledgeable in risk communication, risk management, drug safety, medical, behavioral, and biological sciences as they apply to risk management, and drug abuse.	1—Voting	Immediately.
Non-Prescription Drugs Advisory Committee—Knowledgeable in the fields of internal medicine, family practice, clinical toxicology, clinical pharmacology, pharmacy, dentistry, and related specialties.	1—Voting	Immediately.
Antimicrobial Drugs Advisory Committee—Knowledgeable in the fields of infectious disease, internal medicine, microbiology, pediatrics, epidemiology or statistics, and related specialties.	1—Voting	Immediately.
Oncologic Drugs Advisory Committee—Knowledgeable in the fields of general oncology, pediatric oncology, hematologic oncology, immunologic oncology, biostatistics, and other related professions.	1—Voting	November 1, 2024.
Cardiovascular and Renal Drugs Advisory Committee—Knowledgeable in the fields of cardiology, hypertension, arrhythmia, angina, congestive heart failure, diuresis, and biostatistics.	1—Voting	Immediately.
Endocrinologic and Metabolic Drugs Advisory Committee—Knowledgeable in the fields of endocrinology, metabolism, epidemiology or statistics, and related specialties.	1—Voting	Immediately.
Medical Imaging Drugs Advisory Committee—Knowledgeable in the fields of nuclear medicine, radiology, epidemiology, statistics, and related specialties.	1—Voting	Immediately.
Pharmacy Compounding Advisory Committee—Knowledgeable in the fields of pharmaceutical compounding, pharmaceutical manufacturing, pharmacy, medicine, and related specialties.	1—Voting	Immediately.
Obstetrics, Reproductive and Urologic Drugs Advisory Committee—Knowledgeable in the fields of obstetrics, gynecology, urology, pediatrics, epidemiology, or statistics and related specialties.	1—Voting	July 2024.
Psychopharmacologic Drugs Advisory Committee—Knowledgeable in the fields of psychopharmacology, psychiatry, epidemiology or statistics, and related specialties.	1—Voting	Immediately.
Peripheral and Central Nervous Systems Drugs Advisory Committee—Knowledgeable in the fields of neurology, neuropharmacology, neuropathology, otolaryngology, epidemiology or statistics, and related specialties.	1—Voting	Immediately.
Anesthesiology and Respiratory Therapy Devices Panel—Anesthesiologists, pulmonary medicine specialists, or other experts who have specialized interests in ventilator support, pharmacology, physiology, or the effects and complications of anesthesia.	1—Nonvoting	Immediately.
Clinical Chemistry and Clinical Toxicology Devices Panel—Doctor of Medicine or Philosophy with experience in clinical chemistry (e.g., cardiac markers), clinical toxicology, clinical pathology, clinical laboratory medicine, and endocrinology.	1—Nonvoting	Immediately.
Ear, Nose and Throat Devices Panel—Otolologists, neurotologists, audiologists	1—Nonvoting	Immediately.
Gastroenterology-Urology Devices Panel—Gastroenterologists, urologists, and nephrologists	1—Nonvoting	Immediately.
General and Plastic Surgery Devices Panel—Surgeons (general, plastic, reconstructive, pediatric, thoracic, abdominal, pelvic and endoscopic); dermatologists; experts in biomaterials, lasers, wound healing, and quality of life; and biostatisticians.	1—Nonvoting	Immediately.
Circulatory System Devices Panel—Interventional cardiologists, electrophysiologists, invasive (vascular) radiologists, vascular and cardiothoracic surgeons, and cardiologists with special interest in congestive heart failure.	1—Nonvoting	Immediately.
General Hospital and Personal Use Devices Panel—Internists, pediatricians, neonatologists, endocrinologists, nurses, biomedical engineers or microbiologists/infection control practitioners or experts.	1—Nonvoting	Immediately.
Hematology and Pathology Devices Panel—Hematologists (benign and/or malignant hematology), hematopathologists (general and special hematology, coagulation and homeostasis, and hematological oncology), gynecologists with special interests in gynecological oncology, cytopathologists, and molecular pathologists with special interests in development of predictive biomarkers.	1—Nonvoting	Immediately.
Immunology Devices Panel—Persons with experience in medical, surgical, or clinical oncology, internal medicine, clinical immunology, allergy, molecular diagnostics, or clinical laboratory medicine.	1—Nonvoting	Immediately.
Microbiology Devices Panel—Clinicians with an expertise in infectious disease, e.g., pulmonary disease specialists, sexually transmitted disease specialists, pediatric infectious disease specialists, experts in tropical medicine and emerging infectious diseases, mycologists; clinical microbiologists and virologists; clinical virology and microbiology laboratory directors, with expertise in clinical diagnosis and in vitro diagnostic assays, e.g., hepatologists; molecular biologists.	1—Nonvoting	Immediately.

TABLE 2—COMMITTEE DESCRIPTIONS, TYPE OF CONSUMER REPRESENTATIVE VACANCY, AND APPROXIMATE DATE NEEDED—Continued

Committee/panel/areas of expertise needed	Type of vacancy	Approximate date needed
Molecular and Clinical Genetics Devices Panel—Experts in human genetics and in the clinical management of patients with genetic disorders, <i>e.g.</i> , pediatricians, obstetricians, neonatologists. The Agency is also interested in considering candidates with training in inborn errors of metabolism, biochemical and/or molecular genetics, population genetics, epidemiology, and related statistical training. Additionally, individuals with experience in genetic counseling, medical ethics, as well as ancillary fields of study will be considered.	1—Nonvoting	Immediately.
Radiological Devices Panel—Physicians with experience in general radiology, mammography, ultrasound, magnetic resonance, computed tomography, other radiological subspecialties, and radiation oncology; scientists with experience in diagnostic devices, radiation physics, statistical analysis, digital imaging, and image analysis.	1—Nonvoting	Immediately.
Dental Products Panel—Dentists, engineers and scientists who have expertise in the areas of dental implants, dental materials, periodontology, tissue engineering, and dental anatomy.	1—Nonvoting	Immediately.
Ophthalmic Devices Panel—Ophthalmologists with expertise in corneal-external disease, vitreo-retinal surgery, glaucoma, ocular immunology, ocular pathology; optometrists; vision scientists; and ophthalmic professionals with expertise in clinical trial design, quality of life assessment, electrophysiology, low vision rehabilitation, and biostatistics.	1—Nonvoting	Immediately.
Orthopaedic and Rehabilitation Devices Panel—Orthopedic surgeons (joint spine, trauma, and pediatric); rheumatologists; engineers (biomedical, biomaterials, and biomechanical); experts in rehabilitation medicine, sports medicine, and connective tissue engineering; and biostatisticians.	1—Nonvoting	Immediately.
Medical Devices Dispute Resolution Panel—Experts with broad, cross-cutting scientific, clinical, analytical or mediation skills.	1—Nonvoting	October 1, 2024.

I. Functions and General Description of the Committee Duties

A. FDA Science Board Advisory Committee

The Science Board Advisory Committee (Science Board) provides advice to the Commissioner of Food and Drugs (Commissioner) and other appropriate officials on specific complex scientific and technical issues important to FDA and its mission, including emerging issues within the scientific community. Additionally, the Science Board provides advice that supports the Agency in keeping pace with technical and scientific developments, including in regulatory science, and input into the Agency's research agenda and on upgrading its scientific and research facilities and training opportunities. It also provides, where requested, expert review of Agency-sponsored intramural and extramural scientific research programs.

B. Anesthetic and Analgesic Drug Products Advisory Committee

Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products including analgesics, *e.g.*, abuse-deterrent opioids, novel analgesics, and issues related to opioid abuse, and those for use in anesthesiology and makes appropriate recommendations to the Commissioner of Food and Drugs Administration.

C. Drug Safety and Risk Management Advisory Committee

Reviews and evaluates information on risk management, risk communication, and quantitative evaluation of spontaneous reports for drugs for human use and for any other product for which FDA has regulatory responsibility. Advises on the scientific and medical evaluation of all information gathered by the Department of Health and Human Services (HHS) and the Department of Justice regarding safety, efficacy, and abuse potential of drugs or other substances, and recommends actions to be taken by HHS regarding the marketing, investigation, and control of such drugs or other substances.

D. Nonprescription Drugs Advisory Committee

Reviews and evaluates available data concerning the safety and effectiveness of over-the-counter (nonprescription) human drug products, or any other FDA-regulated product, for use in the treatment of a broad spectrum of human symptoms and diseases and advises the Commissioner either on the promulgation of monographs establishing conditions under which these drugs are generally recognized as safe and effective and not misbranded or on the approval of new drug applications for such drugs. The Committee serves as a forum for the exchange of views regarding the prescription and nonprescription status, including switches from one status to another, of these various drug products

and combinations thereof. The Committee may also conduct peer review of Agency-sponsored intramural and extramural scientific biomedical programs in support of FDA's mission and regulatory responsibilities.

E. Antimicrobial Drugs Advisory Committee

Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders.

F. Oncologic Drugs Advisory Committee

Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of cancer.

G. Cardiovascular and Renal Drugs Advisory Committee

Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of cardiovascular and renal disorders.

H. Endocrinologic and Metabolic Drugs Advisory Committee

Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of endocrine and metabolic disorders.

I. Medical Imaging Drugs Advisory Committee

Reviews and evaluates data concerning the safety and effectiveness

of marketed and investigational human drug products for use in diagnostic and therapeutic procedures using radioactive pharmaceuticals and contrast media used in diagnostic radiology.

J. Pharmacy Compounding Drugs Advisory Committee

Provides advice on scientific, technical, and medical issues concerning drug compounding under sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act, and, as required, any other product for which FDA has regulatory responsibility.

K. Obstetrics, Reproductive, and Urologic Drugs Advisory Committee

Reviews and evaluates data on the safety and effectiveness of marketed and investigational human drug products for use in the practice of obstetrics, gynecology, urology, and related specialties.

L. Psychopharmacologic Drugs Advisory Committee

Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the practice of psychiatry and related fields.

M. Peripheral and Central Nervous System Drugs Advisory Committee

Reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of neurologic diseases.

N. Medical Devices Advisory Committee Panels

The Medical Devices Advisory Committee has established certain panels to review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area: (1) advises on the classification or reclassification of devices into one of three regulatory categories and advises on any possible risks to health associated with the use of devices; (2) advises on formulation of product development protocols; (3) reviews premarket approval applications for medical devices; (4) reviews guidelines and guidance documents; (5) recommends exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; (6) advises on the necessity to ban a device; and (7) responds to requests from the Agency to review and make

recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Medical Devices Dispute Resolution Panel provides advice to the Commissioner on complex or contested scientific issues between FDA and medical device sponsors, applicants, or manufacturers relating to specific products, marketing applications, regulatory decisions and actions by FDA, and Agency guidance and policies. The Panel makes recommendations on issues that are lacking resolution, are highly complex in nature, or result from challenges to regular advisory panel proceedings or Agency decisions or actions.

II. Criteria for Members

Persons nominated for membership as consumer representatives on committees or panels should meet the following criteria: (1) demonstrate an affiliation with and/or active participation in consumer or community-based organizations, (2) be able to analyze technical data, (3) understand research design, (4) discuss benefits and risks, and (5) evaluate the safety and efficacy of products under review. The consumer representative should be able to represent the consumer perspective on issues and actions before the advisory committee; serve as a liaison between the committee and interested consumers, associations, coalitions, and consumer organizations; and facilitate dialogue with the advisory committees on scientific issues that affect consumers.

III. Selection Procedures

Selection of members representing consumer interests is conducted through procedures that include the use of organizations representing the public interest and public advocacy groups. These organizations recommend nominees for the Agency's selection. Representatives from the consumer health branches of Federal, State, and local governments also may participate in the selection process. Any consumer organization interested in participating in the selection of an appropriate voting or nonvoting member to represent consumer interests should send a letter stating that interest to FDA (see **ADDRESSES**) within 30 days of publication of this document.

Within the subsequent 45 days, FDA will compile a list of consumer organizations that will participate in the selection process and will forward to each such organization a ballot listing at least two qualified nominees selected by the Agency based on the nominations received, together with each nominee's current curriculum vitae or résumé. Ballots are to be filled out and returned to FDA within 30 days. The nominee receiving the highest number of votes ordinarily will be selected to serve as the member representing consumer interests for that particular advisory committee or panel.

IV. Nomination Procedures

Any interested person or organization may nominate one or more qualified persons to represent consumer interests on the Agency's advisory committees or panels. Self-nominations are also accepted. Nominations must include a current, complete résumé or curriculum vitae for each nominee and a signed copy of the "Acknowledgement and Consent" form available at the FDA Advisory Nomination Portal (see **ADDRESSES**), and a list of consumer or community-based organizations for which the candidate can demonstrate active participation.

Nominations must also specify the advisory committee(s) or panel(s) for which the nominee is recommended. In addition, nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflicts of interest. Members will be invited to serve for terms of up to 4 years.

FDA will review all nominations received within the specified timeframes and prepare a ballot containing the names of qualified nominees. Names of qualified nominees not selected will remain on a list of eligible nominees and be reviewed periodically by FDA to determine continued interest. After preparing the ballot, FDA will provide those consumer organizations that are participating in the selection process with the opportunity to vote on the listed nominees. Only organizations vote in the selection process. Persons who nominate themselves to serve as voting or nonvoting consumer representatives will not participate in the selection process.

This notice is issued under the Federal Advisory Committee Act (5

U.S.C. 1001 *et seq.*) and 21 CFR part 14, relating to advisory committees.

Dated: June 10, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–12999 Filed 6–12–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–4466]

Jonathan R. Shaver: 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) permanently debarring Jonathan R. Shaver from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. Shaver was convicted of a felony under Federal law for conduct that relates to the regulation of a drug product under the FD&C Act. Mr. Shaver was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. As of February 16, 2024 (30 days after receipt of the notice), Mr. Shaver has not responded. Mr. Shaver's failure to respond and request a hearing constitutes a waiver of Mr. Shaver's right to a hearing concerning this matter.

DATES: This order is applicable June 13, 2024.

ADDRESSES: Any application by Mr. Shaver for special termination of debarment under section 306(d)(4) of the FD&C Act (21 U.S.C. 335a(d)(4)) 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–4466. 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, 240–402–8743, debarments@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(B) of the FD&C Act requires debarment of an individual from providing services in any capacity to a person that has an approved or pending drug product application if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of any drug product under the FD&C Act. On September 19, 2023, Mr. Shaver was convicted as defined in section 306(l)(1) of the FD&C Act in the U.S. District Court for the Eastern District of Texas–Beaumont Division when the court accepted his plea of guilty and entered judgment against him for the offense of Conspiracy to Traffick in Drugs with Counterfeit Mark in violation of 18 U.S.C. 371 and 18 U.S.C. 2320(a)(4). The underlying facts supporting the conviction are as follows:

As contained in the Second Superseding Indictment, and as contained in Factual Basis and Stipulation memorandum, between April 2015 and January 2019, Mr. Shaver conspired to distribute misbranded and counterfeit cough syrup. Mr. Shaver worked for Woodfield Pharmaceutical LLC, within its manufacturing and operations division and then later as Production Manager. Woodfield Pharmaceutical LLC was a part of a group of pharmaceutical companies which included Woodfield Pharmaceutical LLC, a contract manufacturing company, and Woodfield Distribution LLC, a third-party logistics company (collectively, Woodfield). On April 25, 2014, Woodfield acquired Pernix Manufacturing LLC (Pernix). In January 2014, Pernix entered into an agreement with Byron A. Marshall and his Drug Trafficking Organization (DTO) to copy and manufacture cough syrup according to the directions of Marshall and his associates. Marshall was not

licensed or authorized to distribute cough syrup and any background check of the personal information provided by Marshall to Pernix or later Woodfield would have revealed that he was not a licensed physician. Initially, Marshall sought to copy Actavis Prometh VC with Codeine (Actavis). Actavis is a purple, peach-mint flavor prescription cough syrup that was in demand as a street drug. Marshall and his associates wanted to mass produce and traffic a counterfeit version of Actavis that contained promethazine, but not codeine. Cough syrups containing promethazine and codeine were approved by FDA for distribution only under the supervision of a licensed practitioner. On April 24, 2014, Actavis Holdco US discontinued production of Actavis due to its widespread abuse by recreational drug users. A Pernix product-development scientist worked with Marshall and his associates to recreate the Actavis product without codeine and promethazine in order to recreate the syrup base, which is a necessary component of cough syrup. Marshall and his associates would add promethazine to the counterfeit substance prior to bottling and distribution in order to create the drug. Marshall and his DTO also obtained counterfeit commercial-grade pharmaceutical labels designed to look exactly like the genuine labels for the prescription cough syrup from another supplier.

In his position within Woodfield, Mr. Shaver assisted in the production of the syrup. In his role with Woodfield, Mr. Shaver knew that the Marshall DTO was adding active ingredients to the syrup Woodfield sold to the Marshall DTO. From approximately April 2015 until January 2019, Mr. Shaver along with Woodfield's Director of Technical Operations were principally responsible for the large-scale production of syrup base for the Marshall DTO. When Marshall and his DTO had difficulty dissolving promethazine into the syrup base, Mr. Shaver, along with others, worked to resolve that issue. Later, Mr. Shaver agreed with other Woodfield employees to create additional syrup base supply not authorized by Woodfield in order to sell that additional supply to the Marshall DTO at a reduced price in order to split the fee from the sale with other Woodfield employees, a practice Mr. Shaver and other employees called "double batching." No records of the "double batching" were created by Mr. Shaver or any of the other participants. Later in the conspiracy, upon request from Marshall and his DTO, Woodfield

employees reformulated other cough syrup for use by Marshall and his DTO in their drug trafficking scheme to include Hi-Tech Promethazine Hydrochloride and Codeine Phosphate Oral Solution and Wockhardt Promethazine Syrup Plain. From 2014 through February 2021, the conspiracy between the Marshall DTO produced and distributed, or attempted to produce and distribute, approximately 65,920 gallons of counterfeit cough syrup.

As a result of this conviction, FDA sent Mr. Shaver, by certified mail, on January 5, 2024, a notice proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding, under section 306(a)(2)(B) of the FD&C Act, that Mr. Shaver was convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. The proposal informed Mr. Shaver of the proposed debarment and offered him an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Shaver received the proposal and notice of opportunity for a hearing on January 17, 2024. Mr. Shaver failed to request a hearing within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Assistant Commissioner, Office of Human and Animal Food Operations, under section 306(a)(2)(B) of the FD&C Act, under authority delegated to the Assistant Commissioner, finds that Mr. Jonathan R. Shaver has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act.

As a result of the foregoing finding, Mr. Shaver is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application, effective (see **DATES**) (see sections 306(a)(2)(B) and 306(c)(2)(A)(ii) of the FD&C Act). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses in any capacity the services of Mr. Shaver during his debarment, will be subject to civil money penalties (section 307(a)(6) of the

FD&C Act (21 U.S.C. 335b(a)(6))). If Mr. Shaver provides services in any capacity to a person with an approved or pending drug product application during his period of debarment, he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug application from Mr. Shaver during his period of debarment, other than in connection with an audit under section 306(c)(1)(B) of the FD&C Act. Note that, for purposes of sections 306 and 307 of the FD&C Act, a "drug product" is defined as a "drug subject to regulation under section 505, 512, or 802 of this [FD&C] Act [(21 U.S.C. 355, 360b, 382)] or under section 351 of the Public Health Service Act [(42 U.S.C. 262)]" (section 201(dd) of the FD&C Act (21 U.S.C. 321(dd))).

Dated: June 10, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024-12975 Filed 6-12-24; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-N-3081]

Richard B. Smith III: 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 (the FD&C Act) debarring Richard B. Smith III for a period of 5 years from importing or offering for import any drug into the United States. FDA bases this order on a finding that Mr. Smith was convicted of two felony counts under Federal law, only one of which serves as the basis of this debarment: receiving misbranded drugs in interstate commerce and delivering for pay. The factual basis supporting Mr. Smith's conviction, as described below, is conduct relating to the importation into the United States of a drug or controlled substance. Mr. Smith was given notice of the proposed debarment and was given an opportunity to request a hearing to show why he should not be debarred. As of November 29, 2023 (30 days after receipt of the notice), Mr. Smith had not responded. Mr. Smith's failure to respond and request a hearing constitutes a waiver of his right to a hearing concerning this matter.

DATES: This order is effective June 13, 2024.

ADDRESSES: Any application by Mr. Smith for termination of debarment under section 306(d)(1) of the FD&C Act (21 U.S.C. 335a(d)(1)) may be submitted 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-3081. 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. 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 July 13, 2023, Mr. Smith was convicted, as defined in section 306(l)(1) of the FD&C Act, in the U.S. District Court for the Western District of Missouri-Kansas City Division, when the court entered judgment against him for two offenses, only one of which served as the basis for Mr. Smith's debarment, receiving misbranded drugs in interstate commerce and delivering for pay in violation of sections 301(c) and 303(a)(2) of the FD&C Act (21 U.S.C. 331(c) and 333(a)(2)). FDA's finding that

debarment is appropriate is based on the felony conviction referenced herein. The factual basis for this conviction is as follows:

As contained in the Information, filed on July 27, 2022, and in the Plea Agreement from Mr. Smith's case, filed on July 27, 2022, Mr. Smith operated Tap and Blade, a medical spa, located in Kansas City, MO. Tap and Blade was engaged in medical practices such as injections of prescription drugs to enhance facial features, and aesthetics such as microblading and permanent makeup tattooing, among other services. FDA's Office of Criminal Investigations (OCI) began investigating Tap and Blade in December 2020 based on information that multiple patients of Tap and Blade suffered injuries after receiving treatment. On April 7, 2021, OCI agents executed a search warrant at Tap and Blade and interviewed Mr. Smith. During that interview, he admitted that he purchased BOTOX from the website *Alibaba.com*, which is based in China. Mr. Smith told agents that he had the products mailed to his mother's home and then later had them delivered to his business in Kansas City, MO. The products were shipped from outside Missouri. Mr. Smith admitted during his interview that he knew the products were illegal because "they require a prescription or have to come from Allergan themselves." Mr. Smith admitted that he purchased the products from *Alibaba.com* because those products were cheaper, allowing him to lower his cost compared to his competitors which also gained him more customers. Mr. Smith admitted to agents that the products he administered to his customers were "all Chinese," and that no legal prescriptions were obtained for these products. In his plea agreement, Mr. Smith admitted that he purchased foreign, unapproved, and misbranded BOTOX on or about January 1, 2018, through on or about April 30, 2021, and that all the BOTOX his patients received were foreign and unapproved. The foreign and unapproved BOTOX was misbranded because it did not bear adequate directions for use. Mr. Smith also admitted in his plea agreement that he never told his patients that he was using illegal prescription drugs. Mr. Smith also stated that because he knew what he was doing was not right that he only treated individuals that wouldn't turn him in. Mr. Smith also admitted in his plea agreement that he never had a doctor or medical director associated with Tap and Blade and that he knew his patients should have seen a doctor

prior to being treated with prescription drugs.

As a result of this conviction, FDA sent Mr. Smith, by certified mail, on October 25, 2023, a notice proposing to debar him for a 5-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 Mr. Smith's felony conviction under Federal law for Receiving Misbranded Drugs in Interstate Commerce and Delivering for Pay in violation of 21 U.S.C. 331(c) and 333(a)(2), was for conduct relating to the importation into the United States of any drug or controlled substance because he imported misbranded drugs and introduced those misbranded drugs into interstate.

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 Mr. Smith's offense and concluded that the offense warranted the imposition of a 5-year period of debarment.

The proposal informed Mr. Smith of the proposed debarment and offered him an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Smith received the proposal and notice of opportunity for a hearing at his residence on October 30, 2023. Mr. Smith failed to request a hearing within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his 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 Richard B. Smith III has been convicted of a felony under Federal law for conduct relating to the importation into the United States of any drug or controlled substance. FDA finds that the offense should be accorded a debarment period of 5 years as provided by section 306(c)(2)(A)(iii) of the FD&C Act.

As a result of the foregoing finding, Mr. Smith is debarred for a period of 5 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, the importing or offering for import into the United States of any drug by, with the assistance of, or at the direction of Mr. Smith is a prohibited act.

Dated: June 10, 2024.
Lauren K. Roth,
Associate Commissioner for Policy.
[FR Doc. 2024–12974 Filed 6–12–24; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Implement Maternal, Infant, and Early Childhood Home Visiting Program 2022 Legislative Changes: Assessment of Administrative Burden; Correction

AGENCY: Health Resources and Services Administration, Department of Health and Human Services.

ACTION: Notice; correction.

SUMMARY: The Health Resources and Services Administration published a document in the **Federal Register** of May 28, 2024, concerning an Information Collection Request titled

“Implement Maternal, Infant, and Early Childhood Home Visiting Program 2022 Legislative Changes: Assessment of Administrative Burden.” The document contained an incorrect “Total Estimated Annualized Burden Hours.” The published **Federal Register** Notice had an estimated average burden per response of 27 hours for the “State and Jurisdiction [Maternal, Infant, and Early Childhood Home Visiting (MIECHV)] Funding Recipient Survey,” with the total burden hours for the form being 1,512 hours. The published total estimated burden for the collection was 1,628 hours. This document corrects the estimate so that the average burden per response for the State and Jurisdiction MIECHV Funding Recipient Survey is 14 hours per response, 784 hours for the total estimated burden hours, and 900 hours for the collection.

FOR FURTHER INFORMATION CONTACT:
Joella Roland, HRSA Information Collection Clearance Officer, at *paperwork@hrsa.gov* or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:
Correction

In the **Federal Register** of May 28, 2024, FR Doc. 2024–46141, page 46142, “Total Estimated Annualized Burden Hours,” correct the “Average Burden Per Response (in hours)” column for the “State and Jurisdiction MIECHV Funding Recipient Survey” form to read 14 hours, “Total Burden Hours” column for the “State and Jurisdiction MIECHV Funding Recipient Survey” form to read 784 burden hours, and “Total Burden Hours” for the “Total” row to read 900 burden hours. The corrected “Total Estimated Annualized Burden Hours” table should be as follows:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
State and Jurisdiction MIECHV Funding Recipient Survey	56	1	56	14	784
Tribal MIECHV Funding Recipient Survey	29	1	29	4	116
Total	85		85		900

Maria G. Button,
Director, Executive Secretariat.
[FR Doc. 2024–12957 Filed 6–12–24; 8:45 am]
BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Human Genome Research Institute; 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: Center for Inherited Disease Research Access Committee.

Date: July 12, 2024.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Human Genome Research Institute, 6700B Rockledge Drive, Room 3172, Bethesda, MD 20892 (Virtual).

Contact Person: Barbara J. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Human Genome Research Institute, 6700B Rockledge Drive, Room 3172, Bethesda, MD 20892, (301) 402-8837, barbara.thomas@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 10, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-13025 Filed 6-12-24; 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; Notice of Closed Meetings**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications,

contract proposals, 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 Neurological Disorders and Stroke Special Emphasis Panel; PSPP proposal review.

Date: July 16, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Abhignya Subedi, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-496-9223, abhi.subedi@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; R25 Summer Research Education Experience Program Awards (PAR-21-168).

Date: July 26, 2024.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Steven G. Britt, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301-480-1953, steve.britt@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: June 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-13027 Filed 6-12-24; 8:45 am]

BILLING CODE 4140-01-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; HIV Vaccine Research and Design (HIVRAD) Program (P01 Clinical Trial Not Allowed).

Date: July 22-23, 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 3G11, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Barry J. Margulies, 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 3G11, Rockville, MD 20852, (301) 761-7956, barry.margulies@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 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-13029 Filed 6-12-24; 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; Notice of Closed Meetings**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Clinical Trials and Comparative Effectiveness Research in Neurology.

Date: July 9–10, 2024.

Time: 9:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–435–6033, rajarams@mail.nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Early Phase Clinical Trials in Neurology.

Date: July 10, 2024.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Boulevard, Rockville, MD 20852, 301–435–6033, rajarams@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: June 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13021 Filed 6–12–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Technology Development Coordinating Center.

Date: July 3, 2024.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, MSC 6908 Bethesda, MD 20892, (301) 717–2348 mckenneyk@mail.nih.gov.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; R01—Early Career Investigator.

Date: July 16, 2024.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive Bethesda, MD 20892 (Virtual).

Contact Person: Sarah J. Wheelan, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, MSC 6908 Bethesda, MD 20892, (301) 402–8823, wheelansj@nih.gov.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Genomic Resources.

Date: July 18, 2024.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Virtual).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, MSC 6908, Bethesda, MD 20892, (301) 594–4280, mckenneyk@mail.nih.gov.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Diversity Action Plan.

Date: July 25, 2024.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive Bethesda, MD 20892 (Virtual).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 6700B Rockledge Drive, MSC 6908,

Bethesda, MD 20892 (301) 402–8739, pozattir@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 10, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13026 Filed 6–12–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; High Priority HIV and Substance Use Research.

Date: July 11, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Trinh T. Tran, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH 301, North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5843, trinh.tran@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Cutting-Edge Basic Research Awards (CEBRA).

Date: July 16, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sheila Pirooznia, Ph.D., Scientific Review Officer, Division of Extramural Review, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC

6021, Bethesda, MD 20892, (301) 496–9350, sheila.pirooznia@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Psychedelics Treatment Research in Substance Use Disorder.

Date: July 16, 2024.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Soyoun Cho, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 594–9460, Soyoun.cho@nih.gov.

Contact Person: Brian Stefan Wolff, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 480–1448, brian.wolff@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: June 7, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–12990 Filed 6–12–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Interagency Pain Research Coordinating Committee.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <https://videocast.nih.gov/>.

Name of Committee: Interagency Pain Research Coordinating Committee.

Date: July 10, 2024.

Time: 9:30 a.m. to 12:00 p.m. Eastern Time (ET).

Agenda: The meeting will cover committee business items and Interagency Pain Research Coordinating Committee member updates. Items discussed will include updates on Helping to End Addiction Long-term and Federal Pain Research Strategy research progress.

Webcast Live: <http://videocast.nih.gov/>.

Deadline: Submission of intent to submit written/electronic statement for comments: Monday, July 3, 2024, by 5:00 p.m. ET.

Place: National Institutes of Health Building 31, 31 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Linda L. Porter, Ph.D., Director, Office of Pain Policy and Planning, Office of the Director, National Institute of Neurological Disorders and Stroke, NIH, 31 Center Drive, Room 8A31, Bethesda, MD 20892, Phone: (301) 451–4460, Email: Linda.Porter@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Visit the IPRCC website for more information: <http://iprcc.nih.gov>. Agenda and any additional information for the meeting will be posted when available.

Dated: June 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13023 Filed 6–12–24; 8:45 am]

BILLING CODE 4140–01–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; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: July 9, 2024.

Time: 11:00 a.m. to 4:00 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 3G31B, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: James T. Snyder, 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 3G31B, Rockville, MD 20852, (240) 669–5060, james.snyder@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 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13024 Filed 6–12–24; 8:45 am]

BILLING CODE 4140–01–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; Global Infectious Disease Research Administration Development Award for Low-and Middle-Income Country Institutions (G11 Clinical Trial Not Allowed).

Date: July 25, 2024.

Time: 8:30 a.m. to 1:30 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 3G22, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Michael M. Opat, 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 3G22, Rockville, MD 20852, 240-627-3319, michael.opata@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 10, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-13022 Filed 6-12-24; 8:45 am]

BILLING CODE 4140-01-P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Issuance of the Department of the Army Program Comment for the Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of issuance of the Department of the Army Program Comment for the Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features.

SUMMARY: The Advisory Council on Historic Preservation has issued a program comment for the U.S. Department of the Army that sets forth the way in which the Army complies with section 106 of the National Historic Preservation Act for its inventory of housing constructed prior to 1919. Management actions covered by the Program Comment include maintenance, repair, rehabilitation, abatement of hazardous materials, mothballing, lease, transfer, and conveyance.

DATES: The Program Comment went into effect on May 17, 2024.

ADDRESSES: Address any questions concerning the Program Comment to Lauren Cooper, Office of Federal Agency Programs, Advisory Council on Historic Preservation, 401 F Street NW, Suite 308, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Lauren Cooper, ACHP Army Liaison, (202) 517-0213, lcooper@achp.gov.

SUPPLEMENTARY INFORMATION: Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108 (section 106), requires federal agencies to consider the effects of projects they carry out, license, or assist

(undertakings) on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800 (section 106 regulations).

Under Section 800.14(e) of those regulations, agencies can request the ACHP to provide a “program comment” on a particular category of undertakings in lieu of conducting individual reviews on a case-by-case basis, as set forth in 36 CFR 800.4 through 800.7. An agency can meet its section 106 responsibilities with regard to the effects of those undertakings by taking into account an applicable program comment and following the steps set forth in that comment. The U.S. Department of the Army (Army) sought a program comment for undertakings related to its inventory of approximately 865 housing units constructed prior to 1919, many of which are National Historic Landmarks. Management actions covered by the Program Comment include maintenance, repair, rehabilitation, abatement of hazardous materials, mothballing, lease, transfer, and conveyance, and the Program Comment allows the use of modern readily available industry standard building materials and methods in the implementation of management actions.

The ACHP issued the Program Comment for the Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features on May 17, 2024. The section 106 regulations require that such program comments be published in the **Federal Register**.

I. Need for the Program Comment

The need for this Program Comment is based on the Army’s obligation to provide safe, healthy, quality housing to Soldiers and their families, and the unique challenges the Army has in managing NHPA section 106 compliance for its large and growing inventory of historic housing. Housing and associated living conditions are critical factors for military families. A direct connection exists between poor housing conditions and military readiness. In 2019, the Secretary of the Army declared an Army Housing Crisis due primarily to widespread deficiencies and significant quality of life, health, and safety issues affecting military families living in historic Army housing.

To address the Army Housing Crisis and meet its housing obligations to

military families, the Army must quickly and efficiently implement management actions to improve conditions in housing constructed before 1919. The section 106 project-by-project review process under existing installation-level Programmatic Agreements (PAs) contributes to delays in completing historic housing maintenance, repairs, and improvements needed for the transition in occupancy. Those delays directly impact the ability of reassigned military families to move into and occupy historic housing.

The compliance process efficiencies created by the Program Comment allows the Army to quickly and efficiently address the health and safety risks from certain hazardous historic building materials, ensure cost efficient, effective, and consistent management of the overall inventory, and implement climate adaptations and use modern resilient materials.

II. Pre-1919 Housing and the Program Comment

The Army owns, operates, and manages the largest inventory of historic housing in the federal government with over 30,000 historic homes currently over 50 years old and subject to NHPA section 106 compliance. Approximately 867 of these historic units were constructed prior to 1919, and over 70% of these pre-1919 units have been designated as National Historic Landmarks. The Army’s inventory of pre-1919 housing is located at 19 installations in 13 states and the District of Columbia.

The design and construction of the vast majority of Army pre-1919 housing follows standardized plans developed by the Army Quartermaster Corps. These standardized plans reflected prevailing civilian architectural designs, construction techniques, and community planning trends of the time, with certain regional style variations and use of locally available materials. The resulting architectural styles of pre-1919 Army homes include Federal, Gothic Revival, Greek Revival, Italianate, Romanesque, Queen Anne, Colonial Revival, Spanish Revival, and Craftsman. These houses have been continuously occupied by Army families for 100 to 200 years and are actively used military assets.

The intent of the Program Comment is to provide the Army with NHPA section 106 compliance for repetitive, recurring property management actions on all privatized and non-privatized Army housing, associated buildings and structures, and landscape features constructed before 1919. The property

management actions addressed by the Program Comment are maintenance, repair, rehabilitation, abatement of hazardous materials, mothballing, lease, transfer, and conveyance. The Program Comment also allows for the use of modern, industry-standard substitute materials. If the management actions are implemented in accordance with the *Secretary of the Interior Standards for Rehabilitation*, they will not result in an adverse effect.

This Program Comment implements the *Secretary's Standards for Rehabilitation* through the methodology and procedures in sections 7 and 8. These procedures consider the need to maintain the historic and architectural character of pre-1919 housing in a balanced priority with cost, climate resiliency, materials durability, and the health, safety, and quality of life considerations for military families living in pre-1919 housing. To further ensure that proper planning for and use of appropriate building materials occurs, this Program Comment includes two preservation planning documents: *Design Guidelines for Pre-1919 Army Housing* and *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* incorporated as Appendices A and B, respectively.

III. Consultation on the Program Comment

The Army formally submitted this Program Comment to the ACHP on March 4, 2024. During the Army's consultation period, they sought participation from the public, State Historic Preservation Officers (SHPOs), Indian tribes, Native Hawaiian Organizations (NHOs), and other interested parties. The Army incorporated these into the Program Comment prior to formally submitting its request for a Program Comment to the ACHP.

In accordance with 36 CFR 800.14(e)(2)(3)(4), the ACHP conducted consultation with State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers, Indian Tribes, and Native Hawaiian organizations and provided for public participation.

ACHP outreach consisted of broadcast emails, social media posts, and a dedicated website for the Program Comment. The ACHP conducted one virtual government-to-government consultation with Indian Tribes with a total of two participants. The ACHP conducted one virtual SHPO meeting with a total of 18 participants. Eight written comments were received. The ACHP also hosted a special Membership meeting. During consultation, the ACHP

received substantive comments regarding the use of qualified historic preservation professionals in the implementation of the Program Comment, the definition of lease, transfer, and conveyance, the annual reporting requirements, new construction, and the inclusion of National Historic Landmarks.

Several consulting parties questioned how and when Secretary of the Interior (SOI) qualified professionals will be used in the implementation of the PC. ACHP staff revised the PC to use consistent language when referencing qualified historic preservation professionals, and to more clearly define their role when implementing the PC.

The definition of lease, transfer and conveyance was perceived as too broad and raised questions about how it could be misunderstood. ACHP staff worked with the Army to revise the definition of lease, transfer, and conveyance to clarify which specific actions are covered by the PC.

Consulting parties had concerns regarding the PC's duration and limited reporting requirements. ACHP staff and the Army revised the PC to require summary data in each ACHP Section 3 report until 2055, which is published every three years and is accessible by the public. The summary data will include items similar to the annual report, including any issues that arose when implementing the Program Comment, and how those problems were addressed, and an assessment of the overall effectiveness of the Program Comment.

The Guidelines for new construction as originally written were broad and could potentially have resulted in adverse effects. ACHP staff added parameters to limit new construction to landscape features and associated buildings such as garages and sheds, rather than new housing where none currently exists.

Consulting parties had concerns about the inclusion of National Historic Landmarks (NHL) in the PC and feel that it does not provide the higher standard of care as required in section 110 of the National Historic Preservation Act. However, if the management actions are completed following the procedures and guidelines in the PC, the results will not be adverse and will maintain the integrity of all properties, including NHLs. The ACHP has no reason to believe that the rehabilitation activities allowed under this PC will not be completed following the SOI Standards. Accordingly, use of the PC does not conflict with section 110(f).

ACHP Staff worked with the Army to address these comments and concerns. And all changes are reflected in the final text of the Program Comment.

IV. More Information

For further information on the Program Comment and the Army's Pre-1919 historic housing see: <https://www.denix.osd.mil/army-pre1919-pchh/>.

V. Clarification Regarding Army Housing Partners

The ACHP interprets the Program Comment to allow the Army to ensure compliance with its terms regarding privatized housing by imposing such requirements on its housing partners.

VI. Text of the Program Comment

Due to their length, the appendices of the issued Program Comment are not reproduced here. A copy of the full Program Comment with its appendices, and related information, can be found at: <https://www.denix.osd.mil/army-pre1919-pchh/>. The Program Comment with appendices is the document linked as "Program Comment Pre-1919 Army Housing" under the Administrative and Technical Documents column of the web page.

What follows is the text of the issued Program Comment, minus its appendices:

Program Comment for Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features

1.0. Introduction

1.1. Summary

The Department of the Army (Army) is a large, complex Federal agency with a national defense mission to provide combat-ready military forces to deter war and protect the security of the United States. The Army's real property is a vital component of its national defense mission. As the largest military department in the Department of Defense (DoD), the Army manages the largest portfolio of historic buildings in the DoD and among all federal agencies.

Many of the buildings constructed by the Army over its 248-year history are now historic properties. Among Army historic properties, historic housing is a significant concern; it is a large part of the Army's total housing inventory, it is critical to the readiness mission and well-being of thousands of Soldiers and their families, and it requires substantial financial resources and process time for compliance with section 106 of the National Historic Preservation Act (NHPA). The Army also has a unique

and significant challenge among federal agencies in managing NHPA section 106 compliance for its inventory of historic housing. The Army owns, operates, and manages the largest inventory of historic housing in the federal government with over 30,000 historic homes currently over 50 years old and subject to NHPA section 106 compliance.¹

The Army's 867 pre-1919 homes are located on 19 installations in 13 states and the District of Columbia.² The Army constructed its pre-1919 housing following standardized plans developed by the Army Quartermaster Corps. The Army's pre-1919 homes have been continuously occupied by Army families for 100 to 200 years, and 74% (638) of these homes are contributing properties in designated National Historic Landmark (NHL) districts. The Army's pre-1919 homes are actively used military assets with restricted access and are in general not open to the public.

The management of the vast majority of pre-1919 Army homes was privatized at Army installations beginning in 2004. NHPA compliance activities on installations with privatized housing have occurred following NHPA section 106 programmatic agreements (PA) executed between each installation and their respective State Historic Preservation Office (SHPO) at the time of privatization. The installation specific privatized housing PAs require project-by-project SHPO review and application of the *Secretary of the Interior's Standards for the Treatment of Historic Properties* at 36 CFR 68 (*Secretary's Standards*) for the repair and improvement of historic housing.

In 2019, the Army Inspector General³ conducted an Army-wide review of privatized housing operations including a review of NHPA compliance for historic homes under the installation-level privatized housing PAs and the *Secretary's Standards*. The Army Inspector General found that the NHPA consultation process with SHPOs under the privatized housing PAs is highly procedural and time-consuming, creates a misperception that the SHPO has approval authority over renovations, historic homes are more costly to operate and maintain, are less energy efficient and require special materials

and specially trained craftsmen, and health and safety concerns are present such as lead-based paint and asbestos. The Army Inspector General also found that historic homes are very costly to renovate due to strict rules about the craftsmanship and types of materials that can be used such as custom windows and custom roofing. These complicate repair and renovation projects and increase costs and the time to complete the work. The Army Inspector General also found that the rules and restrictions are variable both by individual home and by installation.

The installation-level privatized housing PAs and the *Secretary's Standards* as implemented by SHPOs and installations over the past 20 years have required the extensive use of high-cost *historic building materials, in-kind building materials* and specialized craftsmen for repairs and improvements. Implementation of those PAs has occurred without adequate consideration of the impact those high-cost materials have on the long-term ability to maintain and improve historic Army housing, nor has there been adequate consideration of the use of lower cost *substitute building materials*. The installation-level privatized housing PAs as they have been implemented has led to the inability to fully implement scopes of work to maintain, repair, and improve pre-1919 housing.⁴ The inability to fully implement scopes of work has contributed to a costly backlog of deferred maintenance, repairs, and improvements, which has led some pre-1919 NHL homes to be entirely vacated, others to be considered for demolition,⁵ and other pre-1919 homes to be mandated by Congress for demolition.⁶ Quality of life, health, and safety issues remain prevalent in pre-1919 Army housing. These issues include obsolete electrical, plumbing, and HVAC systems, structural issues, asbestos and lead-based paint hazards, restrictive and outdated floorplans, and a backlog of deferred maintenance, repairs, and improvements.

The Army Inspector General recommended that the Assistant Secretary of the Army for Installations, Energy and Environment (ASA IE&E) evaluate the feasibility of continuing the installation specific PAs for historic housing. That evaluation led to

consideration of the programmatic alternatives available in 36 CFR 800.14. The Army determined that a standardized nation-wide programmatic approach was the best course of action to ensure more consistent, efficient, and effective approach to NHPA compliance, rather than to continue to operate under the installation specific PAs. This approach was defined in the ASA IE&E's *Strategic Agenda for National Historic Preservation Act Improvement*⁷ issued in July 2019.

Installation-level privatized housing PAs and the *Secretary's Standards* have been implemented by installations and SHPOs over the past 20 years without a systematic approach and methodology for the selection of building materials. Also, adequate attention has not been paid by installations and SHPOs to the requirement that the *Secretary's Standards* must be applied in consideration of the economic and technical feasibility of each project.⁸ Further, the installation-level privatized housing PAs do not have any standardize process and procedures for consideration of the full range of available and appropriate building materials including alternative and less costly *substitute building materials* as provided for under the *Secretary's Standards for Rehabilitation* (36 CFR 68.3(b)). Nor do the privatized housing PAs include detailed design guidelines and a catalog of applicable building materials for pre-1919 homes. Additionally, the lengthy project-by-project consultations between installations and SHPOs required by installation-level PAs cause delays in occupancy of the housing, resulting in negative impacts to military families. This *Program Comment for Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features* (Program Comment) directly addresses and remedies these issues.

This Program Comment is the Army's nationwide programmatic NHPA compliance solution to longstanding pre-1919 housing issues. It is responsive to the Army Inspector General's findings and recommendation, ensures that the economic and technical feasibility of each project is assessed as required by the *Secretary's Standards*, makes certain that the full range of building materials are considered through a systematic approach and standardized methodology that will help reduce the

¹ Additional information on historic Army housing in general is on the *Army Historic Preservation and Cultural Resources Management* website at <https://www.denix.osd.mil/army-cr/>.

² Specific information on pre-1919 Army housing is at <https://www.denix.osd.mil/army-pre1919-pchh/>.

³ Department of the Army Inspector General Special Interest Item Assessment of the Residential Communities Initiative (RCI). ID Report 1903, 2019, at <https://www.denix.osd.mil/army-pre1919-pchh/>.

⁴ See *Supplemental Information Briefing* at <https://www.denix.osd.mil/army-pre1919-pchh/>.

⁵ The Kansas City Star. "89 historic Fort Leavenworth homes recommended for demolition" Eric Alder, 20 December 2023.

⁶ National Defense Authorization Act 2023, section 2104, *Demolition of District of Columbia Fort McNair Quarters 4, 13, and 15*.

⁷ *Strategic Agenda for National Historic Preservation Act Improvement* letter provided to the Advisory Council on Historic Preservation is posted at <https://www.denix.osd.mil/army-pre1919-pchh/>.

⁸ Secretary of the Interior's Standards for Treatment of Historic Properties, 36 CFR 68.3.

backlog of deferred maintenance, repairs, and improvements. Detailed design guidelines, and an extensive building materials guideline and catalog are incorporated into this Program Comment to support the building materials selection process. Qualified historic preservation professionals guide implementation, and the approach will improve process time and address the delays in occupancy of the housing by military families.

This Program Comment in its entirety minimizes harm and manages pre-1919 NHL housing to a higher standard of care than has occurred under installation level PAs over the past 20 years. This Program Comment is consistent with and implements the *Secretary's Standards for Rehabilitation*, and its effect on the Army's inventory of pre-1919 housing is *not adverse*. This Program Comment demonstrates that the *Secretary's Standards for Rehabilitation* when applied as intended have the flexibility to address quality of life, health, safety, climate resiliency, energy efficiency and other issues in a cost-effective manner. This Program Comment also reflects a shift occurring among historic preservation professionals to a more humanistic approach to historic preservation that prioritizes the needs of people living in and managing historic homes equally with preservation of the material integrity of the homes.⁹

1.2. Justification

NHPA section 106 requires Federal agencies to take into account the effects of projects they carry out, license, or assist (*i.e.*, undertakings) on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. The ACHP has issued regulations codified under 36 CFR 800 that set forth the process through which Federal agencies comply with the requirements of NHPA section 106.

Under 36 CFR 800.14(e), federal agencies can request the ACHP provide program comments on a category of undertakings, in lieu of conducting individual reviews of those undertakings under 36 CFR 800.4–800.7. An agency can meet its NHPA section 106 responsibilities regarding the effects of a category of undertakings on historic properties by following an ACHP-approved program comment.

ACHP's program comment guidance¹⁰ states the primary benefit of program comments is they allow a federal agency to comply with section 106 of the NHPA in a tailored, consistent way for a class of undertakings rather than addressing each undertaking individually. This is especially useful for the Army considering the magnitude of its historic housing inventory and the many thousands of similar repetitive undertakings occurring to repair, maintain, and improve this large housing inventory. This Program Comment provides the Army with an alternative means to comply with NHPA section 106 regarding the category of undertakings termed *management actions* for its inventory of pre-1919 housing, associated buildings and structures, and landscape features (pre-1919 housing).

The need for this Program Comment is driven by the Army's obligation to provide safe, healthy, quality housing to Soldiers and their families, and the unique challenges the Army has in managing NHPA section 106 compliance for its large inventory of historic housing. In 2019, the Secretary of the Army declared an *Army Housing Crisis* due primarily to the widespread deficiencies and significant quality of life, health, and safety issues affecting military families living in historic Army housing. These issues led to the Army Inspector General's investigation and continue to receive a high level of attention from Congress, senior military officials, and military family members residing in historic Army homes.

To meet its obligations to military families, the Army must implement specific *management actions* to improve pre-1919 housing conditions. The Army must improve the quality of life of Soldiers and their families, address the health and safety risks from certain hazardous materials found in historic housing, ensure cost efficient, effective, and consistent management of the inventory, and use climate resilient and energy efficient building materials. The Army must also improve the NHPA section 106 compliance processes time for projects that improve and preserve pre-1919 housing in order to reduce impacts to military families waiting to occupy the housing.

Housing and associated material living conditions are critical factors for military families in the context of the challenges and stressors Soldiers and their families must cope with in their

daily lives. The Government Accountability Office¹¹ found that a direct connection exists between poor housing conditions and military readiness. Concerns among service members about poor housing conditions have been found to make it difficult to focus on the military mission, some service members are leaving the military because of poor housing conditions, and the issue is also impacting the ability to recruit new service members.

For pre-1919 housing, the Army must abate the historic building materials used in housing from this period that present lead-based paint, asbestos, and other hazards to housing occupants; implement improvements and additions that address the need for modernization of living spaces; provide kitchen and bathroom improvements; implement climate change adaptations through the use of climate resilient and energy efficient building materials; implement other energy efficiency measures; modernize heating, cooling and ventilation systems; modernize plumbing and electrical systems; install modern life safety and protective elements such as fire suppression systems and force protection features; and address the project-by-project PA compliance review process that affects the rapid turnaround and occupancy of housing by military families.

The Army also has the need to lease, transfer, or convey pre-1919 housing to facilitate housing operations by its privatized housing partners under the Army's Residential Communities Initiative (RCI). RCI operates under Army authority on Army installations nationwide through legal partnerships between the Army and private sector real property managers. Lease, transfer, and conveyance under this Program Comment is only for the purposes of transfer of pre-1919 housing to and between RCI partners, and between RCI partners and the Army solely for the purposes of and use as military housing and for associated purposes that support military housing operations.

Addressing NHPA section 106 compliance requirements for the thousands of repetitive *management actions* occurring on this large inventory of pre-1919 housing presents unique and significant challenges for the Army. According to the *ACHP Program Comment Guidance*, the program comment approach as provided for in 36 CFR 800.14(e) was established to address situations such as this, where a federal agency has repetitive actions

⁹ *The Relevancy Guidebook: How We Can Transform the Future of Preservation*. Bonnie McDonald. Landmarks Illinois, November 2023.

¹⁰ ACHP Program Comment Guidance <https://www.achp.gov/program> comment questions and answers.

¹¹ Government Accountability Office Report 20–281, Military Housing, March 2020.

occurring within a large inventory of historic properties.

The Army's three prior ACHP-approved program comments for historic housing (Program Comment for Army Inter-War era housing (1919–1940), Program Comment for Army Capehart-Wherry Housing (1949–1962), and the Program Comment for Army Vietnam War Era housing (1963–1975)) provide the Army the ability to implement *management actions* in a more efficient, consistent, and cost-effective manner.¹² These prior program comments have in turn preserved the historic character of the housing, improved the quality of life, health, and safety of the military families living in historic Army housing, saved millions of dollars in rehabilitation costs for reinvestment into additional rehabilitation efforts, and ensure that historic Army housing will be preserved as a viable and sustainable military real property asset. The Army needs a similar efficient, consistent, and cost-effective means to manage its inventory of pre-1919 homes.

1.3. Coordination and Public Involvement

Issues related to implementation of installation privatized housing PAs were identified by the Army Inspector General, Army housing managers, and Army privatized housing partners.¹³ As a result of its investigation, the Army Inspector General recommended that the ASA IE&E assess the feasibility of continuing the installation specific PAs for historic housing. The *Strategic Agenda for National Historic Preservation Act Improvement*¹⁴ issued in July 2019 by the ASA IE&E responded to the Army Inspector General's recommendation. It directs the Army Federal Preservation Officer (FPO) to pursue programmatic Army-wide NHPA section 106 compliance solutions, with the ACHP to achieve greater efficiencies in NHPA section 106 compliance for historic housing.

To implement the strategic agenda for pre-1919 housing, the Army's leadership began discussions in June 2023 with the ACHP Chair and other key stakeholders. On 15 June 2023, the ASA IE&E held a forum at Fort McNair, Washington, DC with senior leaders in

historic preservation to discuss pre-1919 Army housing NHPA compliance issues. Stakeholders present at the 15 June 2023 forum included the Assistant Secretary of Defense for Energy, Installations, and Environment; Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior; Chairman, ACHP; Chairman, National Capital Planning Commission; Associate Director, Cultural Resources, Partnerships, and Science, National Park Service (NPS); Executive Director, ACHP; and the Executive Director, National Conference of State Historic Preservation Officers (NCSHPO). There was general agreement among attendees that a nationwide programmatic NHPA section 106 compliance approach to pre-1919 Army housing was needed.

On 20 July 2023, as a follow-up to the Fort McNair meeting, the Army FPO held a consultation meeting with the ACHP Executive Director, NCSHPO Executive Director, and the NPS Associate Director to obtain their views on specific programmatic NHPA section 106 compliance approaches for pre-1919 housing. On 24 August 2023, the Army FPO again met with the representatives from ACHP, NPS, and NCSHPO to further discuss a program alternative for pre-1919 Army housing. Also on 24 August, the Army FPO had a separate follow-on discussion with the ACHP Executive Director. On 19 September 2023, the Army FPO officially notified the ACHP Executive Director of the Army's decision to seek a program comment for its inventory of pre-1919 housing.

On October 23, 2023, the Army published a notice of availability in the **Federal Register**¹⁵ seeking public comment on its *Program Comment Plan for Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features*. Also on October 23, 2023, the Army FPO sent a notification to over 800 stakeholders including all SHPOs, all Tribal Historic Preservation Officers, tribal leaders from all Federally recognized tribes, Native Hawaiian Organizations, and non-governmental historic preservation advocacy organizations informing them of the **Federal Register** notice and the 30-day public comment period on the program comment plan. The Army FPO also invited all of the over 800 stakeholders to participate in the Army's ensuing program comment consultation

conferences. During November and December 2023, the Army FPO held a series of six in-depth consultation conferences with all interested parties addressing the scope of the Program Comment, category of undertakings, likely effects on historic properties, steps to take effects into account, the duration of the Program Comment, among other relevant topics. The Army prepared an administrative record of all comments on the program comment plan formally submitted by interested parties and provided that administrative record to the ACHP.

2.0. Goal, Objective, and Intent of the Program Comment

2.1. Goal

The Army's goal for the Program Comment is to obtain programmatic compliance with NHPA section 106 for the repetitive *management actions* occurring on this large inventory of pre-1919 historic housing by means of the program comment alternative procedure under 36 CFR 800.14(e). In accordance with 36 CFR 800.14(e), the Army will implement this program comment and *management actions* in lieu of conducting individual project-by-project reviews.

2.2. Objective

The objective of the Program Comment is to achieve the goal in a manner that provides the appropriate balance between preservation of the housing and the efficient, consistent, and cost-effective management of the housing in order to improve of the quality of life, health, and safety of the Army families. The goal and objective are met by the ACHP's adoption of the Program Comment and the Army's implementation of it for its *management actions*.

2.3. Intent

This Program Comment recognizes that among federal agencies, the Army faces a unique and significant NHPA section 106 compliance challenge due to the magnitude of its inventory of historic housing.

This Program Comment recognizes that the Army's pre-1919 homes are actively used military assets with restricted access and are in general not open to the public.

The Army recognizes that its pre-1919 housing is eligible for and listed in the National Register of Historic Places (NRHP), and that many pre-1919 Army homes are contributing properties in designated NHL districts.

This Program Comment meets the requirements of NHPA section 110(f) by

¹² See information at <https://www.denix.osd.mil/army-pchh/>, <https://www.denix.osd.mil/army-vwehh-pc/>, and *ACHP section 106 Success Story: Capehart Wherry Housing Challenge Spurred Innovative Solution* at <https://www.achp.gov/success-stories/capehart-wherry-army-housing>.

¹³ See *Supplemental Information Briefing* at <https://www.denix.osd.mil/army-pre1919-pchh/>.

¹⁴ *Strategic Agenda for National Historic Preservation Act Improvement*, July 26, 2019, <https://www.denix.osd.mil/army-pre1919-pchh/>.

¹⁵ **Federal Register**/Vol. 88, No. 203/72743. 23 October 2023. *Department of the Army Notice of Availability Program Comment Plan for Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features*.

planning and taking necessary action that minimize harm to pre-1919 NHLs to the maximum extent possible and provides a higher standard of care for NHL housing than is currently occurring.

This Program Comment is consistent with the *Secretary of the Interior's Standards for Rehabilitation* (36 CFR 68.3(b)). It provides for the compatible use of the properties through repairs, alterations, and additions, while preserving those portions or features which convey historical, cultural, and architectural values.

This Program Comment covers a category of undertakings termed *management actions* and affirms that the effect of those *management actions* on pre-1919 Army housing are *not adverse* as addressed in this Program Comment.

This Program Comment implements the *Secretary's Standards for Rehabilitation* through the methodology and procedures in sections 7 and 8, and by application of the *Design Guidelines for Pre-1919 Army Housing* and the *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* in appendices A and B.

This Program Comment recognizes that the *Secretary of the Interior's Standards* must be applied in consideration of the economic and technical feasibility of each project per 36 CFR 68.3.

This Program Comment recognizes that the *Secretary's Standards for Rehabilitation* allow for the use of *substitute building materials* when the use of *historic building materials* and *in-kind building materials* is not reasonably possible in consideration of the economic and technical feasibility of projects.

This Program Comment recognizes that the appended *Design Guidelines for Pre-1919 Army Housing* and *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* are applicable guidelines (as referenced in 36 CFR 800.5(a)(2)(ii)) implementing the *Secretary's Standards for Rehabilitation* for pre-1919 Army housing.

This Program Comment provides a systematic, standardized building materials selection procedure with guidelines that ensure the balanced consideration of repair of *historic building materials* or, where repair is not possible, the use of *in-kind building materials* or *substitute building materials* in *management actions*.

This Program Comment ensures that qualified historic preservation professionals support its implementation.

This Program Comment recognizes that intensifying climate risks and the ACHP's *Policy Statement on Climate Change and Historic Preservation* may necessitate the use of modern climate resilient *substitute building materials*.

This Program Comment recognizes that *substitute building materials* are *reversible* and may be replaced with *in-kind building materials* to minimize any diminishment of historic integrity.

This Program Comment recognizes that the compilation and analysis of original Army Quartermaster Corps housing design plans, extensive historic context documentation, and the Historic American Building Survey (HABS) architectural documentation of pre-1919 Army housing are suitable and appropriate mitigation measures. These Program Comment mitigation documents are located in a single centralized public site at <https://www.denix.osd.mil/army-pre1919-pchh/>.

3.0. Scope of the Program Comment

The Program Comment applies to *management actions* for all of the Army's pre-1919 housing, associated buildings and structures, and landscape features, both privatized and Army-owned. The best available information indicates there are 867 pre-1919 homes located on 19 installations in 13 states and the District of Columbia. Among these, there are 10 installations where pre-1919 housing has been designated as individual or contributing properties to NHL Districts. The installations and numbers of pre-1919 homes are: Fort Leavenworth, KS 269 homes; Fort Riley, KS 109; Fort Sam Houston, TX 91; West Point, NY 84; Fort Sill, OK 73; Fort Bliss, TX 39; Fort Huachuca, AZ 38; Presidio of Monterey, CA 37; Fort Myer, VA 34; Fort McNair, Washington DC 27; Carlisle Barracks, PA 18; US Army Garrison HI/Fort Shafter, 17; Watervliet Arsenal, NY 8; Rock Island Arsenal, IL 6; Fort Hamilton, NY 6; Picatinny Arsenal, NJ 6; Fort Detrick, MD 2; Arlington National Cemetery, VA and DC 2; and Fort Moore, GA 1.

4.0. Description of Property Type

Standardized plans developed by the Army Quartermaster Corps were followed for the design and construction of the vast majority of Army pre-1919 housing. Army Quartermaster Corps standardized plans reflected prevailing civilian architectural designs, construction techniques, and community planning trends of the time, with certain regional style variations and use of locally available materials. The Army has documented mitigation measures for pre-1919 housing.

The mitigation documentation¹⁶ includes historic contexts, a documentary history with an extensive compilation and analysis of original Quartermaster Corps plans and drawings including exterior and interior floorplans for pre-1919 homes, and many HABS documents recording the architectural design and features of pre-1919 Army housing in detail. The Army has posted these mitigation documents on the website <https://denix.osd.mil/army-pre1919-pchh/>. Additional information on the Army's inventory of NHLs is also available in the Army's historic preservation story-map at <https://www.denix.osd.mil/army-cr/>.

Historic context information is extensive and includes social, economic, and military factors influencing pre-1919 home design. Army Quartermaster Corps housing standardization began in earnest after the close of the Civil War. From 1866 on the Army began its evolution into a modern military force as it abandoned its small temporary frontier posts and consolidated troops into larger regional installations. The need for new, larger, permanent installations required a higher degree of planning and design for buildings as well as post-wide site plans.

When the Army began to contract this work to civilian architects, mid-nineteenth century American architectural designs began to influence both Army building and Army installation designs. The Army Quartermaster Corps standardization of house plans incorporated versions of nationally popular architectural styles. Civilian builder's handbooks, also known as pattern books, were used as source books by the Quartermaster Corps housing design staff.¹⁷ The resulting architectural styles of pre-1919 Army homes include Federal, Gothic Revival, Greek Revival, Italianate, Romanesque, Queen Anne, Colonial Revival, Spanish Revival, and Craftsman. Following design trends of the time, the Army Quartermaster Corps also developed standardized plans for landscaping, neighborhood design, circulation patterns, and the design of installations.

¹⁶ *National Historic Context for Department of Defense Installations, 1790–1940*, Volumes I–4. DoD Legacy Resource Management Program Project 92–0075 (1995). *A Study of United States Army Family Housing Standardized Plans*, Volumes 1–5., Grashof, B. (1986). *Context Study of the United States Quartermaster General Standardized Plans 1866–1942*. Army Corps of Engineers, Seattle District (1997).

¹⁷ *A Study of United States Army Family Housing Standardized Plans*, Volumes 1–5., Grashof, B. (1986).

5.0. National Historic Landmarks

5.1. Pre-1919 Army NHL Housing and NHL Requirements

Of the Army's 867 historic pre-1919 homes, 74% (638) of these homes at ten installations are contributing properties in designated NHL districts. The ten installations with NHL districts are: Fort Leavenworth, KS 269 homes; Fort Sam Houston, TX 91; West Point, NY 84; Fort Sill, OK 73; Fort Huachuca, AZ 38; Fort Myer, VA 34; Carlisle Barracks, PA 18; US Army Garrison HI/Fort Shafter, 17; Watervliet Arsenal, NY 8; Rock Island Arsenal, IL 6. These ten NHL designations by the Department of the Interior/National Park Service are consolidated and published on the Program Comment website at <https://denix.osd.mil/army-pre1919-pchh/>.

NHLs are designated by the Secretary of the Interior under the authority of the Historic Sites Act of 1935. The Historic Sites Act authorizes the Secretary of the Interior to identify historic buildings, and other sites and objects that possess exceptional value in commemorating or illustrating the history of the United States. NHPA section 110(f) *Planning and actions to minimize harm to National Historic Landmarks* states that prior to the approval of any Federal undertaking that may directly and adversely affect any NHL, the Federal agency will to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark. The Federal agency also must afford the ACHP and the Secretary of the Interior/National Park Service a reasonable opportunity to comment with regard to the adverse effect undertaking.

The *Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act* (63 FR 20496) provide the National Park Service's guidance to federal agencies for their preservation programs and treatment of NHLs. The standard and guidelines at 4(j) *National Historic Landmarks* states that Federal agencies exercise a higher standard of care when considering undertakings that may directly and adversely affect NHLs. Standard 4 states when alternatives to avoid an adverse effect on NHLs appear to require undue cost or to compromise the undertaking's goals and objectives, the agency must balance those goals and objectives with the intent of section 110(f).

The regulations implementing NHPA section 106 include specific procedural provisions for NHLs at 36 CFR 800.10. The regulation requires federal agencies to request the ACHP participate in any

consultation regarding adverse effects to NHLs, and to also invite the Secretary of the Interior/National Park Service to participate in those consultations.

5.2. Standard of Care for Pre-1919 Army NHL Housing and Districts

This Program Comment confirms that the effects of its *management actions* on pre-1919 Army housing including pre-1919 NHL housing and districts are *not adverse*. Through its conformance with and implementation of the *Secretary of the Interior Standards for Rehabilitation* by means of the approach, methodology, and procedures in sections 7 and 8 and guidelines in appendices A and B, this Program Comment provides a more effective NHPA section 106 compliance solution for NHLs than is currently in place under installation-level PAs (as discussed in section 1). The Program Comment supports full implementation of scopes of work for maintenance, repairs, and improvements to NHL housing by ensuring that the full range of appropriate and cost-effective building materials are considered through a systematic approach and standardized methodology. This in turn will reduce the backlog of deferred maintenance, repairs, and improvements, alleviating issues that lead to vacancy and considerations to demolish pre-1919 NHL homes. It also demonstrates a more efficient, cost-effective, programmatic solution for rehabilitation of pre-1919 Army housing to help avoid additional statutory mandates to demolish pre-1919 Army housing.

Further, the standard set of *management actions* in the Army's three prior Program Comment procedures for historic housing approved by the ACHP include the following *adverse effect* actions: cessation of maintenance, demolition, and new construction not in accordance with the *Secretary's Standards for Rehabilitation*. The Army is excluding adverse effect actions from this Program Comment. Such adverse effect actions will be addressed outside of this Program Comment through the process in 36 CFR 800.4–800.7, and 36 CFR 800.10 for NHLs.

Due to the special considerations required by NHPA section 110 for NHLs and properties with national level significance, the Army is holding this Program Comment for pre-1919 housing to a higher standard of care than has occurred under installation level PAs and under prior Program Comment procedures for historic Army housing.

6.0. Category of Undertaking and Effects on Historic Properties

The category of undertaking for this Program Comment is *management actions*. *Management actions* are defined for the purposes of this Program Comment as maintenance, repair, rehabilitation, abatement of hazardous materials, mothballing, lease, transfer, and conveyance. This Program Comment is consistent with and implements the *Secretary's Standards for Rehabilitation* at 36 CFR 68.3(b). When implemented following its substantive and procedural requirements, this Program Comment and the effects of those *management actions* on pre-1919 Army housing are *not adverse*.

The regulation at 36 CFR 800.5 cites criteria for adverse effect. "An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." The adverse effect example in 36 CFR 800.5 relevant to this Program Comment is alteration of a property that is not consistent with the *Secretary's Standards* (36 CFR 68), and applicable guidelines. This Program Comment is consistent with and implements the *Secretary's Standards for Rehabilitation*. The *Design Guidelines for Pre-1919 Army Housing* and the *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* appended to this Program Comment are applicable guidelines. This Program Comment will maintain the integrity of pre-1919 housing and historic district location, design, setting, materials, workmanship, feeling, and association consistent with the *Secretary's Standards*.

This Program Comment implements a systematic approach and standardized methodology with specific procedures for selection of appropriate building materials that consider the economic and technical feasibility of each project. It utilizes detailed *Design Guidelines for Pre-1919 Army Housing* and a *Building Materials Guideline and Catalog for Pre-1919 Army Housing* (in appendices A and B) to support the materials selection process.

7.0. Approach and Methodology

7.1. Implementation of the Secretary's Standards for Rehabilitation

In carrying out the *management actions* under this Program Comment, the Army, or RCI housing partner where

housing is privatized will implement the *Secretary's Standards for Rehabilitation* (36 CFR 68.3(b)), taking into consideration the economic and technical feasibility of each project by means of the procedure in section 8 and with reference to the applicable guidelines in appendices A and B. The *Secretary's Standards for Rehabilitation* state:

(1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships;

(2) The historic character will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided;

(3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken;

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved;

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved;

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence;

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used;

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken;

(9) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential

form and integrity of the historic property and its environment would be unimpaired.

As stated in National Park Service Preservation Brief 16 *The Use of Substitute Materials on Historic Building Exteriors*,¹⁸ the *Secretary's Standards for Rehabilitation* generally require historic features be repaired rather than replaced. Standard 6 of the *Secretary's Standards for Rehabilitation* states that when replacement of a distinctive feature is necessary, the new feature must "match the old in composition, design, color, texture, and other visual properties, and, where possible, materials." While the use of in-kind materials to replace *historic building materials* is preferred under the *Standards for Rehabilitation*, those *Standards* also purposely recognize that flexibility is needed when it comes to the use of *substitute building materials*. *Substitute building materials* that match the visual and physical properties of historic materials have been successfully used by the Army on many rehabilitation projects under the Program Comment for Army Inter-War Era housing in ways that are consistent with the *Standards for Rehabilitation*.¹⁹

The *Secretary's Standards for Rehabilitation* standards (9) and (10) allow for new additions, exterior alterations or related new construction that are in accordance with those specified standards. The *Guidelines for Rehabilitation, Additions, Exterior Alterations, and Adjacent or Related Construction* in Appendix A of this program comment implements those requirements.

In order to ensure consistency with the *Secretary's Standards for Rehabilitation*, the Army, or RCI housing partner where housing is privatized will implement the *Secretary's Standards for Rehabilitation* through the preservation planning guidelines in appendices A and B, will take the economic and technical feasibility of each project into consideration by following the procedures in section 8, and will have qualified historic preservation professionals available to support application of the *Secretary's Standards for Rehabilitation* and the building materials selection process.

¹⁸ Preservation Brief 16 *The Use of Substitute Materials on Historic Building Exteriors*, National Park Service, September 2023.

¹⁹ See the *Annual Reports* submitted to the ACHP for the Program Comment for Army Inter-War Era Housing (1919–1940) at <https://www.denix.osd.mil/army-pchh/>.

7.2. Preservation Planning Guidelines in Appendices A and B

The Army or RCI partner where housing is privatized will plan for the selection and use of appropriate building materials in the repair and rehabilitation of pre-1919 Army housing. Specific building material selection procedures are established in section 8 of this Program Comment that consider the need to maintain the historic and architectural character of pre-1919 housing in a balanced priority with cost, climate resiliency, materials durability, and the health, safety, and quality of life considerations for military families living in pre-1919 housing. To further ensure that proper planning for and use of appropriate building materials occurs, this Program Comment also provides for support from qualified historic preservation professionals (see section 11) and includes two preservation planning documents: *Design Guidelines for Pre-1919 Army Housing* and *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* incorporated as Appendices A and B, respectively.

The *Design Guidelines for Pre-1919 Army Housing* in Appendix A provide specific information regarding pre-1919 housing architectural styles and identify character-defining features and design elements associated with the pre-1919 architectural styles. Character-defining features include the overall shape, style, and design of the building, decorative details, interior spaces and features, as well as its associated buildings and structures, and landscape features. The *Design Guidelines for Pre-1919 Army Housing* include detailed guidance for rehabilitation and features such as windows and doors, entrances, porches, roofs, foundations and walls, interiors, interior structural systems, historic designed landscapes and features, historic districts, circulation systems, associated buildings and structures, as well as guidance on mothballing of housing, emergency repairs and disasters, and actions related to military force protection requirements.

The *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* in Appendix B is used in concert with the *Design Guidelines for Pre-1919 Army Housing*. The *Building Materials Guidelines and Catalog* provides additional specificity on building materials and their use. The *Building Materials Guidelines and Catalog* provides information to assist in selecting the appropriate building materials that maintain the historic and architectural character of the housing and meet cost and technical feasibility

requirement of the *Secretary's Standards*. Catalog entries are provided for major components of pre-1919 housing design. Design considerations for each catalog entry are derived from the design fundamentals of scale, mass, proportion, and materials. This provides the guidance for selection of appropriate materials and component designs that factor location, type, size, finish and maintenance into their selection. Focus is on appropriate design, applicable materials, and performance characteristics with emphasis on retention of overall housing design integrity.

The *Building Materials Guidelines and Catalog* includes *in-kind*, and *substitute building materials*. A range of modern *substitute building materials* are included for considerations related to economic feasibility and technical feasibility such as material durability, energy efficiency, and climate resiliency. Cost and durability are factors relevant for example to the selection of in-kind wood windows or windows made of substitute materials such as vinyl. As stated in National Park Service Preservation Brief 16, the poor quality of available commercial supplies of lumber no longer provides the denser, more decay-resistant wood of old-growth forests. Due to the poor quality of available lumber used in the manufacture of in-kind wood windows, modern vinyl windows are as or more durable than today's in-kind wood windows. This is made clear by the manufacturer warranty periods provided for vinyl windows which are as long or longer than the manufacturer warranties for in-kind wood windows.²⁰ Vinyl windows can also provide an adequate visual replication of the historic windows, cost significantly less than in-kind wood windows, have a shorter turn-around time for manufacture and installation, improve energy efficiency, and have lower long-term maintenance requirements.

As stated in National Park Service Preservation Brief 16, when a *substitute building material* is used for replacement, a loss in integrity can sometimes although not always occur. That situation is mitigated by the fact that *substitute building materials* are *reversible* and can be replaced with *in-kind materials* at any point in time. Additionally, the support of qualified historic preservation professionals (see section 11) in the building materials selection process and monitoring of *management actions* by the Army FPO will ensure that the historic character of

pre-1919 housing and historic districts is maintained.

7.3. Consideration of Interior Spaces

The Army has extensive documentation and recordation of the interiors of pre-1919 housing. The original floorplans designed by the Army Quartermaster Corps for pre-1919 housing have been collected, categorized, reproduced, and analyzed in *A Study of United States Army Family Housing Standardized Plans*, Volumes 1–5, (Grashof, B., 1986), posted at <https://www.denix.osd.mil/army-pre1919-pchh/>. The Army also has 77 HABS documents for pre-1919 housing posted at <https://www.denix.osd.mil/army-pre1919-pchh/> which represent a sample of over 10% of the Army's pre-1919 housing units. The housing selected for HABS documentation are the most representative examples of this category of Army housing and records their setting, interiors, and exteriors. The extensive historical documentation and analysis of original floorplans combined with the HABS recordation of pre-1919 Army housing are suitable and appropriate mitigation measures for this Program Comment.

The Army's pre-1919 homes have been continuously occupied by Army families for 100 to 200 years and the original interior floorplans have all been modified. Current floorplans include rooms that were not features of the original Quartermaster Corps design, new walls and partitions have been added to expand kitchens and to create bathrooms and closets that were not features of original construction. Additions have been made, floors, walls, and ceilings have been cut through and modified to add plumbing, electrical service, and heating and ventilation ductwork, plaster walls have been replaced with drywall, paint and plaster have been removed to create a new appearance. Some of the homes have had complete renovations prior to enactment of the NHPA; for example, Quarters 1 is a pre-1919 home at Fort Myer, Virginia documented to have been "completely renovated" in 1953.²¹

The *Secretary's Standards for Rehabilitation* state that changes to a property that have acquired historic significance in their own right will be retained and preserved. The significance of the interiors of pre-1919 Army housing is that they represent such changes in terms of the ongoing evolution of interior spaces in response

to changing technological, military, and quality of life, health, and safety requirements, and interior design trends. To maintain their significance, the interiors must continue to develop and change in response to changing military, technological, and social needs, and such changes will acquire future historic significance in their own right. The interiors of pre-1919 Army housing could be adversely affected if their development were frozen at an arbitrary point in time.

The *Design Guidelines for Pre-1919 Army Housing* in Appendix A contain Guidelines for Interiors. In consideration of the above, the Guidelines for Interiors state that where the existing interior floorplan does not accommodate current technological, military, or quality of life, health, and safety requirements, floorplan reconfiguration is acceptable if implemented in accordance with the Guidelines. The Guidelines for Interiors requires the retention of interior features that are important in defining the overall historic character of the building to the extent possible. Interior character-defining features include columns, cornices, baseboards, crown molding, fireplaces and mantels, stairs, and ceiling height. Before removing interior walls that would result in a loss of historic features, the Army or Army housing partner where the housing is privatized will first consider options to retain those interior walls and historic features. If, following consideration of the economic and technical feasibility of the project, the Army or Army housing partner where the housing has been privatized must proceed with the removal of interior walls, they will consider retaining historic features. When in situ preservation of such historic features is not possible, the Army or Army housing partner will retain such historic features through salvage and will preserve those features through reuse on other similar housing at that location, to the maximum extent possible.

8.0. Procedure for Building Materials Assessment and Selection

8.1. Building Materials Selection Procedure Summary

The Army or RCI partner where housing is privatized, will implement the following building materials selection procedure in support of *management actions* and with the assistance of qualified historic preservation professionals, as needed. The procedure first evaluates the character and condition of the *historic building material* and considers if the

²⁰ See *Supplemental Information Briefing* at <https://www.denix.osd.mil/army-pre1919-pchh/>.

²¹ Quarters 1, Fort Myer. *General Condition and Programmed Improvements*. June 20, 1967. Fort Myer Quarters 1, HABS documentation package, posted at <https://www.denix.osd.mil/army-pre1919-pchh/>.

repair of *historic building material* is financially and technically feasible. If repair of *historic building materials* is not feasible, *in-kind building materials* or *substitute building materials* are considered for replacement of *historic building materials* with reference to the *Design Guidelines for Pre-1919 Army Housing and Building Materials Guidelines and Catalog for Pre-1919 Army Housing* in appendices A and B. Section 11 of this Program Comment ensures qualified historic preservation professionals are available to support implementation of the building materials selection procedure. This procedure ensures preservation of the integrity of pre-1919 housing and historic districts to the maximum extent possible by a thorough consideration of character defining features, design, materials, workmanship, feeling, and association.

8.2. Building Materials Selection Procedure

Prior to execution of a project under an applicable *management action*, the following step-by-step procedure will be implemented by the Army or by the RCI partner where housing is privatized with the assistance of qualified historic preservation professionals, as needed:

(1) Characterize the *historic building materials* present in terms of condition, design, material properties, performance, safety, and presence of hazards such as lead-based paint, asbestos, and other hazardous materials;

(2) Determine if *historic building materials* can be repaired or if they must be replaced due to technical and financial feasibility factors. Consider health and safety factors, availability of historic materials and/or skilled craftsmen, need to improve quality of life, climate resiliency, energy efficiency. Assess financial feasibility and determine if costs of repair will impede full implementation of scope of the project;

(3) If replacement is required, determine if there are material characteristics of the *historic building materials* that should be improved upon;

(4) Identify potential *in-kind building materials* and *substitute building materials* with reference to appendices A and B. Compile a short list of potential *in-kind building materials* and/or *substitute building materials*;

(5) Determine the technical feasibility of the potential *in-kind* and *substitute materials* by evaluating quality of life, health and safety considerations, climate resiliency, energy efficiency, long-term durability of materials;

(6) Determine the financial feasibility of the potential *in-kind* and *substitute materials* through an assessment of the project budget and consideration of materials and labor costs to ensure full implementation of the project. Cost assessment should also include consideration of historic preservation tax credits; and

(7) Select the appropriate *in-kind building material* or *substitute building material* and use the selected material in the management action.

To ensure *management actions* follow the building materials selection procedure, *Design Guidelines for Pre-1919 Army Housing*, and the *Building Materials Guidelines and Catalog for Pre-1919 Army Housing*, the Army Federal Preservation Officer (FPO) will:

(1) Ensure installations and Army privatized housing partners with pre-1919 housing have access to the building materials selection procedure in this Program Comment, the *Design Guidelines for Pre-1919 Army Housing* (Appendix A), and the *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* (Appendix B);

(2) Ensure that qualified historic preservation professionals are available to support the building materials selection process and application of the *Secretary Standards for Rehabilitation* as implemented through appendices A and B, and to provide on-site monitoring for activities under this Program Comment;

(3) Maintain oversight of the *Design Guidelines for Pre-1919 Army Housing* and the *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* and update the *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* as new applicable building materials become available; and

(4) Make the Program Comment, *Design Guidelines for Pre-1919 Army Housing* and *Building Materials Guidelines and Catalog for Pre-1919 Army Housing* publicly available on the Army's pre-1919 Program Comment website.

9.0. Historic Preservation Tax Credits

The Army FPO will advise its RCI privatized housing partners that pre-1919 housing rehabilitation may be eligible for Federal and State historic preservation tax credits. Additional information may be found at the National Park Service Historic Preservation Tax Incentives page <https://www.nps.gov/subjects/taxincentives/index.htm>, and at the Internal Revenue Service web page <https://www.irs.gov/businesses/small-businesses-self-employed/rehabilitation-tax-credit-real-estate-tax-tips>.

Individual states may also offer similar state-level tax incentive programs for historic building rehabilitation and additional information on state-level historic preservation tax incentive programs may be obtained from the relevant State Historic Preservation Office. It is noted that the National Park Service approves federal tax act rehabilitation projects that include use of *substitute building materials*.

10.0. Annual Report and Annual Meeting

The Army FPO will provide an annual report to the ACHP for the previous reporting year regarding activities under this Program Comment. The annual report will identify any significant issues that may have arisen while implementing the Program Comment, how those were addressed, and how they may be avoided in the future. The annual report will also include an assessment of the overall effectiveness of the Program Comment in meeting its intent, and a summary of professional assistance and compliance monitoring activities. Annual reporting will occur for five years beginning from the date of the ACHP **Federal Register** notice of issuance of this Program Comment.

Following submission of an annual report, or upon the ACHP's request, the Army will schedule a meeting with the ACHP and any other ACHP identified invitees to discuss implementation of the Program Comment. The meeting provides an opportunity for attendees to provide their views on the overall effectiveness of the Program Comment in meeting its intent and purpose. Annual meetings may take place in-person, by phone, virtually using electronic meeting platforms, or any combination of such means.

After the first five years of annual reporting and for the remaining duration of this program comment, information on implementation of this program comment will be reported every three years through the Army's submission to the ACHP Section 3 Report to the President under Executive Order (E.O.) 13287 *Preserve America*. Similar to the annual reports, the Section 3 Report will identify significant issues that may have arisen while implementing the Program Comment, how those were addressed, and how they may be avoided in the future. The report will also include an assessment of the overall effectiveness of the Program Comment in meeting its intent.

11.0. Professional Assistance by Qualified Experts

The Army FPO will provide for professional assistance and monitoring of activities under this Program Comment by qualified historic preservation experts. Professional assistance will be available to the Army's RCI partners by experts that meet qualification standards published in 36 CFR part 61 for architectural history, architecture, historic architecture, or history. Professional assistance will include on-site technical support, on-call technical support, and on-site assistance visits and monitoring.

The Army FPO will provide the contact information of the qualified historic preservation professionals to the RCI privatized housing partners. The technical expert support includes review of the requirements under this Program Comment, support for implementation of the *Secretary's Standards for Rehabilitation* and the building materials selection process, use of appendices A and B, and monitoring and reporting on activities implemented under this Program Comment. The Army FPO will ensure that a minimum of five annual on-site technical assistance and monitoring visits occur each reporting year for installations with privatized pre-1919 housing. On-call technical assistance will also be available to the Army's RCI partners via telephone, email, and virtual meetings. The historic preservation professional assistance and on-site monitoring activities will be reported in each Annual Report.

12.0. Applicability and Implementation

The Program Comment applies to all privatized and non-privatized pre-1919 Army housing, associated buildings and structures, and landscape features. Where pre-1919 housing has been privatized, Army privatized housing partners are responsible for implementing this Program Comment and all *management actions* following the procedures herein. Where housing has not been privatized, or when there is a reversion of leased or otherwise conveyed pre-1919 housing from a privatized management entity back to the Army, Army installation personnel will implement all *management actions* following this Program Comment.

The Army, or RCI partner where housing is privatized will implement the *management actions* in accordance with this Program Comment in lieu of conducting individual project reviews under 36 CFR 800.4–800.7 or installation PAs, Memoranda of Agreement (MOAs), or Army Alternate

Procedures (AAP). This Program Comment supersedes and replaces the requirements in all Army installation PAs, MOAs, and AAPs pertaining to *management actions* for pre-1919 housing, associated buildings and structures, and landscape features. The Army and its privatized housing partners will implement this Program Comment in lieu of all PA, MOA, and AAP requirements and procedures previously applicable to the *management actions* for pre-1919 Army housing, associated buildings and structures, and landscape features. To further clarify Program Comment implementation, existing PAs, MOAs, and AAPs are not voided, rather the Program Comment simply replaces the requirements applicable to pre-1919 housing *management actions* in existing agreements with the requirements of this Program Comment.

The Program Comment is a stand-alone NHPA section 106 compliance document approved by the ACHP. PAs, MOAs, and AAPs shall not be developed or amended to “implement” the Program Comment. The terms of the Program Comment are not subject to any change, amendment, or further consultation through PAs, MOAs, AAPs, or other NHPA-related actions. Changes to the terms of the Program Comment can only be made following the amendment procedures in section 14 this program comment.

The Army or RCI partner where housing is privatized will also implement the Program Comment in lieu of any procedures, environmental management plans, guidelines, reporting requirements, Integrated Cultural Resources Management Plans, and all other installation documents, standards, procedures, or guidelines pertaining to pre-1919 housing, associated buildings and structures, and landscape features.

The Army or RCI partner where housing is privatized will not implement any further historic property identification, evaluation, or documentation in connection with pre-1919 housing and the *management actions* covered by the Program Comment. Pre-1919 Army housing is adequately identified, evaluated, and documented by the referenced mitigation documents at <https://denix.osd.mil/army-pre1919-pchh/>.

Army pre-1919 housing and historic districts are the equivalent of similar historic housing developments in the civilian sector. As such, there is significant prior ground disturbance in pre-1919 housing areas resulting from the original construction the housing and subsequent improvements over the

past 100 to 200 years including overall grading for the original construction, housing construction, construction of associated buildings and structures, road and sidewalk construction, installation of above and below ground utilities, landscaping, construction of recreational structures, and other ground disturbing actions that have occurred after original construction. Such areas of extensive ground disturbance associated with housing development are generally considered to have a low probability for the presence of NRHP eligible archeological properties. No further efforts to identify archeological properties or other historic properties will be conducted in connection with the implementation of Program Comment *management actions*.

The Army, or RCI partner where housing is privatized will protect known archeological resources and preserve them in place whenever possible. If such resources must be disturbed, mitigation measures will be undertaken by the Army. If implementation of any *management actions* under this Program Comment may cause damage, physical destruction, or change in the physical features of all or any part of a known NRHP-eligible archeological site or property of traditional religious and cultural importance to Federally recognized Indian tribes or Native Hawaiian Organizations, those effects will be addressed by the Army following the procedures in 36 CFR 800.4–800.7 in consideration of applicable principles in the ACHP *Policy Statement on Burial Sites, Human Remains, and Funerary Objects*, or by following procedures in an applicable installation PA. The unanticipated discovery of a NRHP eligible archeological property or human remains during implementation of *management actions* will be addressed following the procedures in 36 CFR 800.13, or by following the unanticipated discovery procedures in an applicable installation PA, and/or by following the compliance procedures of the Native American Graves Protection and Repatriation Act, as applicable.

The Program Comment is not applicable to pre-1919 housing, associated buildings and structures, and landscape features that have previously been determined to be not eligible for inclusion in the NRHP in accordance with 36 CFR 800.4(c)(2), an applicable NHPA agreement document, or by a determination of eligibility pursuant to 36 CFR 63. If at a future date pre-1919 housing, associated buildings and structures, and landscape features previously determined not eligible for

inclusion in the NRHP are reassessed and subsequently determined to be eligible for inclusion in the NRHP, NHPA section 106 compliance for those properties shall occur by means of this Program Comment.

13.0. Effect and Duration

This Program Comment will remain in effect from the date of adoption by the ACHP through December 31, 2055, unless prior to that time the Army determines that such comments are no longer needed and notifies the ACHP in writing, or the ACHP withdraws the Program Comment in accordance with 36 CFR 800.14(e)(6). Following such withdrawal, the Army will be required to comply with section 106 through the process in 36 CFR 800.4–800.7, or an applicable program alternative under 36 CFR 800.14, for each individual undertaking formerly covered by this Program Comment.

The effective period for the Program Comment coincides with the term of the ground leases that have been executed with the Army's privatized housing partners under the RCI program. Upon termination of the ground lease, ownership of all RCI partnership owned improvements including all housing that is located within the boundaries of the ground lease is automatically conveyed back to the Army. On or prior to December 31, 2055, the Army and the ACHP will meet to determine whether to consider an extension to the term of this Program Comment.

14.0. Program Comment Amendment and Withdrawal

The ACHP may formally amend this Program Comment after consulting with the Army and other parties as it deems appropriate.

14.1. Amendment by Chair, ACHP

The Chair of the ACHP, after notice to the rest of the ACHP membership and the Army may amend this Program Comment to extend its duration. The ACHP will notify the Army and will publish notice in the **Federal Register** regarding such amendment within 30 days after their issuance.

14.2. Amendment by Executive Director, ACHP

The Executive Director of the ACHP, after notice to the ACHP membership and the Army may amend this Program Comment to adjust due dates and make corrections of grammatical and typographical errors. The ACHP will notify the Army and will publish notice in the **Federal Register** regarding such amendments within 30 days after their issuance.

14.3. Other Amendments

Amendments to this Program Comment not covered by sections 14.1 or 14.2, above, will be subject to ACHP membership approval.

14.4. Withdrawal of the Program Comment

If the ACHP determines that treatment of Army pre-1919 housing is not being carried out in a manner consistent with this Program Comment, the ACHP may withdraw the Program Comment. The Chair will then notify the Army and will publish notice in the **Federal Register** regarding withdrawal of the Program Comment within 30 days of the decision to withdraw. If this Program Comment is so withdrawn, the Army shall comply with the requirements of 36 CFR 800.4–800.7, or an applicable program alternative, for individual undertakings covered by this Program Comment.

15.0. Definitions

The following definitions apply for the purposes of the Program Comment:

Abate or abatement means actions to eliminate, lessen, reduce, or remove hazardous and toxic materials, and unsafe conditions.

Army Pre-1919 historic housing is all privatized and non-privatized Army housing, with construction completed prior to January 1, 1919, located on an Army installation, a joint base, or managed by the Army or by an Army privatized housing partner including those operating under the RCI program. The terms *housing*, *pre-1919 housing*, and *pre-1919 historic Army housing* are used interchangeably in the Program Comment and mean all Army pre-1919 historic housing, associated buildings and structures, landscapes and landscape features, and neighborhoods. Quarters 18 at Palm Circle, Fort Shafter, HI constructed in 1924 is included in this Program Comment to ensure consistent treatment of the housing in this predominantly pre-1919 historic district.

Army pre-1919 neighborhood means a geographical area, district, development, community, subdivision, or locality on an installation that is characterized by and comprised predominantly of Army pre-1919 housing, associated buildings and structures, and landscapes and landscape features.

Associated buildings and structures includes detached garages, carports, storage buildings, above and below ground utilities and service systems including water, sewage, storm water, gas, and electrical service systems, tennis courts, pools, all buildings and structures associated with recreational

and athletic activities, playgrounds and playground equipment, all other recreational buildings and structures, gazebos, fencing, community centers, shelters, associated ancillary facilities that support housing, and any and all other buildings, structures, and objects associated Army pre-1919 housing located within Army pre-1919 housing neighborhoods.

Associated ancillary purposes that support housing operations (reference *Lease, transfer, and conveyance*) refers to the use of pre-1919 housing, buildings, and structures for purposes such as offices including rental offices for privatized housing partners, community centers, public safety offices that service the housing areas, and other purposes that support housing operations and residents of pre-1919 housing.

Climate resilient building materials means, for the purposes of this Program Comment, modern building materials that are used to retrofit historic buildings in order to better withstand and recover from the negative impacts of climate change including extreme weather events. Climate resilient building materials help minimize those impacts on people and on the costs to retrofit and repair historic buildings, while preserving their historic character as much as possible.

Economic feasibility means a determination if the estimated costs of a proposed project including consideration of the project's available budget, the cost of building materials, labor, and other considerations, may jeopardize the viability and complete implementation of the full scope and all parts of the proposed project. The term economic feasibility is used interchangeably with financial feasibility and cost feasibility for the purposes of this Program Comment.

Financial feasibility see definition of *economic feasibility*.

Health and safety hazards means housing that has any of the following conditions: damaged roofs or walls; non-functional or poorly functioning mechanical systems; unsafe common areas such as stairs; significant rodent, insect, or mold infestations; lead based paint exposure risks; asbestos exposure risks; risk of exposure to other chemical or environmental hazards; violations of health and safety codes and standards; damages due to fire, flooding, or natural disasters; and other conditions that present health hazards or make the housing unsafe or uninhabitable.

Historic building materials means building materials that were used in the initial construction of pre-1919 housing, and/or for designated NHLs, all

materials within the period of significance.

Historic character means the same as the terms usage in *The Secretary of the Interior's Standards for the Treatment of Historic Properties* at 36 CFR 68.

Historic designed landscapes and features are landscapes and their features that were designed or laid out by a landscape architect, master gardener, architect, or horticulturist according to design principles, and retain significant character-defining features of their original design.

Historic district means a geographically definable area that possesses a significant concentration of historic buildings, associated buildings and structures, and objects united historically by plan or physical development that area eligible for inclusion or that are included in the NRHP.

Historic property means buildings, sites, structures, objects, and districts that are eligible for inclusion or that are included in the NRHP.

Homes and housing units are used interchangeably for the purposes of this Program Comment.

Imitative substitute building materials means modern, industry standard, natural, composite, and synthetic materials that simulate the appearance, physical properties, and related attributes of historic materials well enough to make them alternatives for use when historic building materials require replacement. The terms *imitative substitute building materials* and *substitute building materials* are used interchangeably for the purposes of this Program Comment and apply to both interior and exterior building materials.

In-kind building materials means new building materials that are identical to historic building materials in all possible respects, including their composition, design, color, texture, and other physical and visual properties.

Landscape features and landscapes includes the overall design and layout of the pre-1919 housing neighborhoods including roadway circulation systems and patterns, plantings and landscaping, gardens, open spaces, playgrounds, recreational landscape features including but not limited to recreational and athletic fields, golf courses, fencing, parking areas, signage, site furnishings, parade grounds, lighting, sidewalks and curbing, driveways, setbacks, historic designed landscapes and features, all visual elements and viewsheds into pre-1919 housing and neighborhoods and out from pre-1919 housing and historic districts into other historic properties and districts, any and all other

landscape features present in pre-1919 housing and historic districts, and any archeological properties or features associated with pre-1919 housing construction. The term *landscape features* as used in the Program Comment is inclusive of all landscapes and landscape features in pre-1919 historic districts.

Lease, transfer, and conveyance means the execution of lease, transfer, and conveyance documents for lease, possession, management, operation, and transfer of pre-1919 housing solely for the purposes of and use as housing and associated ancillary purposes that support housing operations. The terms of this Program Comment apply to any such lease, transfer, and conveyance. The RCI ground lease requires the lessee (*i.e.*, the limited liability corporation whose members include the Army and the privatized housing partner) to comply with all applicable laws and regulations. As the requirements of the Program Comment constitute applicable law and regulation, lessee compliance with the Program Comment is required. As new ground leases on which pre-1919 housing is located are prepared, or as such existing ground leases are amended, an explicit requirement to comply with this Program Comment will be added. In the event of a conflict or inconsistency between a lease, transfer, and conveyance document and the Program Comment, with respect to the obligations pursuant to sections 106 of the NHPA, the terms of this Program Comment shall govern.

Maintenance and repair means activities required to maintain the interior and exterior of housing, mechanical systems, and all interior and exterior building features, elements, and materials in an operational state, or to bring them back to operating condition by repair or replacement of obsolete, broken, damaged, or deteriorated mechanical systems, features, elements, and materials on housing interiors or exteriors.

Management actions means maintenance, repair, rehabilitation, abatement of hazardous materials, mothballing, and lease, transfer, and conveyance.

Mechanical systems means heating, ventilation, air conditioning, plumbing, and electrical systems, and the individual elements and components of each system.

Mitigation measures means any existing, new, or updated materials or actions that serve to address, reduce, minimize, or otherwise mitigate adverse effects on historic properties, and may include research reports, historical

documentation, recordation, and other materials and activities.

Mothballing means an action to close and deactivate housing and/or associated buildings and structures for an extended period, with the intent that the property would be brought back to a mission supporting operational status at some future time.

National Historic Landmark means historic properties formally designated by the Secretary of the Interior under the authority of the Historic Sites Act of 1935, that possess exceptional value in commemorating or illustrating the history of the United States.

Physical properties means overall size, dimensions, and visual appearance.

Privatized housing means Army housing that has been privatized under the Army's Residential Communities Initiative (RCI). The RCI operates on Army installations through the operation of legal partnerships between the Army and private sector developers. At each installation where RCI housing is located, the Army conveys ownership of existing housing and leases land to the RCI partnership. The RCI partnership with the Army then operates and manages the conveyed housing and leased lands for military housing purposes.

Professional assistance or qualified historic preservation professional means assistance from an individual who meets the Professional Qualification Standards previously published in 36 CFR 61 in the field of architectural history, architecture, historic architecture, or history.

Rehabilitation means, in accordance with the *Secretary of the Interior's Standards for Rehabilitation* at 36 CFR 68.3(b), the act or process of making possible an efficient compatible use for pre-1919 housing through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values. Includes actions to improve energy efficiency and climate resiliency, address obsolete, damaged, deteriorated, or defective interior and exterior building materials and elements, and make other changes to improve the quality of life, health, and safety of residents. Rehabilitation includes additions, exterior alterations, and adjacent or related new construction allowed under the *Secretary of the Interior's Standards for Rehabilitation* (9) and (10), provided they are in accordance with the design guidelines in appendix A.

Substitute building materials means modern, industry standard, natural, composite, and synthetic materials that

simulate the appearance, physical properties, and related attributes of historic materials well enough to make them alternatives for use when historic building materials require replacement. The terms *substitute building materials* and *imitative substitute building materials* are used interchangeably for the purposes of this Program Comment and apply to both interior and exterior building materials.

Technical feasibility means an assessment of relevant factors to determine if an action, project, or product is suitable, practical, viable, and can be successfully implemented. For the purposes of this program comment, technical feasibility factors include quality of life, health, safety, climate resiliency, energy efficiency, durability of building materials, and compliance process time.

Texture means the visual surface appearance of building materials.

To the maximum extent possible means implementation of actions to the extent capable of being carried out with reasonable effort taking into account economic and technical feasibility.

Viewshed includes all the area visible from a particular location, viewing point, or series of viewing points. It includes all visual elements and surrounding points that are in the line of sight from any location, viewing point, or series of viewing points and excludes all points and locations that are not visible and/or are obstructed by terrain, other natural features, man-made features, and points beyond the horizon.

16.0. Appendices

Appendix A—Design Guidelines for Pre-1919 Army Housing²²

Appendix B—Building Materials Guidelines and Catalog for Pre-1919 Army Housing²³

The Design Guidelines in Appendix A and the Building Materials Catalog in Appendix B, along with the building materials selection procedure in section 8 are the means whereby the Army implements the *Secretary's Standards for Rehabilitation*. The guidelines in Appendix A and B were prepared with the assistance of qualified experts that meet qualification standards published in 36 CFR part 61 for architectural history, architecture, historic architecture, or history. [As mentioned above, due to their length, the

appendices of the issued Program Comment are not reproduced here. A copy of the full Program Comment with its appendices, and related information, can be found at: <https://www.denix.osd.mil/army-pre1919-pchh/>. The Program Comment with appendices is the document linked as “Program Comment Pre-1919 Army Housing” under the Administrative and Technical Documents column of the web page.]

Authority: 36 CFR 800.14(e).

Dated: June 10, 2024.

Javier Marques,
General Counsel.

[FR Doc. 2024–13045 Filed 6–12–24; 8:45 am]

BILLING CODE 4310–K6–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0044]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0085

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0085, Streamlined Inspection Program; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 15, 2024.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG–2024–0044]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to <https://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.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: COMMANDANT (CG–6P), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, fax 202–372–8405, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2024–0044, and must be received by July 15, 2024.

Submitting Comments

We encourage you to submit comments through the Federal

²² From *Design Guidelines for Department of Defense Historic Buildings and Districts*. Heather McDonald and Michelle Michael. August 2008. DoD Legacy Program Project 07–382.

²³ Prepared by R. Christopher Goodwin & Associates.

eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625-0085.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (89 FR 12851, February 20, 2024) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Streamlined Inspection Program.

OMB Control Number: 1625-0085.

Summary: The Coast Guard established an optional Streamlined Inspection Program (SIP) to provide owners and operators of U.S. vessels an alternative method of complying with inspection requirements of the Coast Guard.

Need: The SIP regulations under 46 CFR part 8, subpart E, offer owners and operators of inspected vessels an alternative to traditional Coast Guard inspection procedures. Title 46 U.S.C. 3306 authorizes the Coast Guard to prescribe regulations necessary to carry out the inspections of vessels required to be inspected under 46 U.S.C. 3301, and 46 U.S.C. 3103 allows the Coast Guard to rely on reports, documents, and records of other persons who have

been determined to be reliable, and other methods that have been determined to be reliable to ensure compliance with vessels and seamen requirements under 46 U.S.C. subtitle II.

Forms: None.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 13,298 hours to 13,330 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: May 9, 2024.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2024-12980 Filed 6-12-24; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2024-0045]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625-0127

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625-0127, Marine Transportation System Recovery; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before July 15, 2024.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at <https://www.regulations.gov>. Search for docket number [USCG-2024-0045]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days

of publication of this notice to <https://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.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: COMMANDANT (CG-6P), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE SE, STOP 7710, WASHINGTON, DC 20593-7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202-475-3528, fax 202-372-8405, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this

request, USCG–2024–0044, and must be received by July 15, 2024.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the <https://www.reginfo.gov>, comment-submission web page. OIRA posts its decisions on ICRs online at <https://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0127.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (89 FR 12852, February 20, 2024) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Marine Transportation System Recovery.

OMB Control Number: 1625–0127.

Summary: This information collection captures data on facilities, vessels, and shared transportation infrastructure prior to a port disruption to be able to characterize the port in its normal fully functioning condition.

Need: 46 U.S.C. 70011, 70051 and 70103 require the U.S. Coast Guard to take action to prevent damage to, or the destruction of, bridges, other structures, on or in navigable waters or shore area adjacent; to minimize damage from and respond to a transportation security

incident; and to safeguard against destruction of vessels, harbors, ports and waterfront facilities in the United States and all territorial waters during a national emergency. This information is needed to establish a Marine Transportation System (MTS) Essential Elements of Information baseline. Following a port disruption, Facility Status information is needed to determine the best course of action for port recovery.

Forms:

- CG–11410, Marine Transportation System Recovery Essential Elements of Information.

- CG–11410A, Marine Transportation System Recovery Facility Status.

Respondents: Owners or operators of vessels and U.S. waterfront facilities.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 338 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.*, chapter 35, as amended.

Dated: May 9, 2024.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2024–12979 Filed 6–12–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS–2024–0019]

Agency Information Collection Activities: Various Homeland Security Acquisitions Regulations Forms OMB Control No. 1600–0002

AGENCY: Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Department of Homeland Security will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until August 12, 2024. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: You may submit comments, identified by docket number Docket # DHS–2024–0019, at:

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

Instructions: All submissions received must include the agency name and docket number Docket # DHS–2024–

0019. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

Circumstances Making the Collection of Information Necessary

This information collection is associated with the forms listed below and is necessary to implement applicable parts of the Homeland Security Acquisition Regulation (HSAR) (48 CFR chapter 30). There are four forms under this collection of information request that are used by offerors, contractors, and the general public to comply with requirements in contracts awarded by the Department of Homeland Security (DHS). The information collected is used by contracting officers to ensure compliance with terms and conditions of DHS contracts.

The forms are as follows:

- (1) DHS Form 700–1, Cumulative Claim and Reconciliation Statement (see HSAR, 48 CFR 3004.804–507(a)(3))
- (2) DHS Form 700–2, Contractor's Assignment of Refund, Rebates, Credits and Other Amounts (see HSAR, 48 CFR 3004.804–570(a)(2))
- (3) DHS Form 700–3, Contractor's Release (see HSAR, 48 CFR 3004.804–570(a)(1))
- (4) DHS Form 700–4, Employee Claim for Wage Restitution (see HSAR, 48 CFR 3022.406–9)

These forms will be prepared by individuals, contractors or contract employees during contract administration. The information collected includes the following:

- DHS Forms 700–1, 700–2 and 700–3: Prepared by individuals, contractors or contractor employees prior to contract closure to determine whether there are excess funds that are available for deobligation versus remaining (payable) funds on contracts; assignment or transfer of rights, title, and interest to the Government; and release from liability. The contracting officer obtains the forms from the contractor for closeout, as applicable. Forms 700–1 and 02 are mainly used for calculating costs related to the closeout of cost-reimbursement, time-and-materials, and labor-hour contracts; and Form 700–3 is mainly used for calculating costs related to the closeout of cost-reimbursement, time-and-materials, and labor-hour contracts but can be used for all contract types.

- DHS Form 700–4 is prepared by contractor employees making claims for unpaid wages. Contracting officers must obtain this form from employees seeking restitution under contracts to provide to the Comptroller General. This form is applicable to all contract types, both opened and closed.

The prior information collection request for OMB No. 1600–0002 was approved through May 31, 2025, by OMB in a Notice of OMB Action. This justification supports a request for an extension of the approval.

The purpose of the information collected is to ensure proper closing of physically complete contracts. The information will be used by DHS contracting officers to ensure compliance with terms and conditions of DHS contracts and to complete reports required by other Federal agencies such as the General Services Administration and the Department of Labor (DOL). If this information is not collected, DHS could inadvertently violate statutory or regulatory requirements and DHS's interests concerning inventions and contractors' claims would not be protected.

The four DHS forms are available on the DHS Homepage (<https://www.dhs.gov/acquisition-policy>). These forms can be filled in electronically and submitted via email or facsimile to the specified Government point of contact. Since the responses must meet specific timeframes, a centralized mailbox or website would not be an expeditious or practical method of submission. The use of email or facsimile is the best solution and is most commonly used in the Government. The forms are prescribed for use in the closeout of applicable contracts and during contract administration. As the information collection is governed by FAR, HSAR and certain procurement statutes, usability testing is limited to ensuring the use of plain language, no duplicate/superfluous collection and electronic submission. DHS found the following: As much as feasible, plain language is used in the applicable forms. DHS encourages the information collected from the public under this request complements but does not duplicate vendor information available to the Government-wide acquisition community through Integrated Award Environment (IAE) systems, including the System for Award Management (SAM). To ensure the information collected under this collection isn't duplicative, DHS Office of the Chief Procurement Officer: (1) monitors the acquisition processes and procedures of the various DHS Components; (2) reviews proposed and published

changes to the FAR; and (3) provides one location for the final review and approval of all proposed acquisition regulations for DHS. Respondents may submit requested information electronically, through email or facsimile to the specified Government point of contact. Contractors will utilize their own computers to provide the required information to the Government point of contact.

Information collection may or may not involve small business contractors. The burden applied to small business is the minimum consistent with the goals of ensuring responsiveness to Government requirements. To reduce burden on small businesses and other small entities, the HSAR is continuously reviewed to determine whether the requirements remain valid.

DHS Form 700–1, Cumulative Claim and Reconciliation Statement: Less frequent incidence of collecting such information would result in inadequate closeout data. The office administering the contract would not have the necessary information to (1) determine settlement of indirect costs; and (2) adequately closeout cost-reimbursement, time-and-materials, and labor-hour contracts.

DHS Form 700–2, Contractor's Assignment of Refunds, Rebates, Credits and Other Amounts. DHS would not be allowed to collect funds to which it may be rightfully entitled.

DHS Form 700–3 Contractor's Release: DHS would not have legal protection from a contractor asserting later claims against a contract.

DHS Form 700–4 Employee Claim for Wage Restitution: DOL requires this form be completed by Contractor employees claiming restitution under contracts. If the form is not completed and submitted, payment may not be made to the employee.

Disclosure/non-disclosure of information is handled in accordance with the Freedom of Information Act, other disclosure statutes, and Federal and agency acquisition regulations.

The burden estimates provided in response to Item 12 above are based upon contracts reported by DHS and its Components to the FPDS for fiscal year 2022. No program changes occurred and there were no changes to the information being collected. However, the burden was adjusted to reflect an agency adjustment decrease of 12,634 in the number of respondents within DHS for fiscal year 2022, and an increase in the average hourly wage rate.

The Office of Management and Budget is particularly interested in comments which:

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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security (DHS).

Title: Various Homeland Security Acquisitions Regulations Forms.

OMB Number: 1600–0002.

Frequency: Annually.

Affected Public: Contractor.

Number of Respondents: 21,379.

Estimated Time per Respondent: 1 Hour.

Total Burden Hours: 21,379.

Robert Dorr,

Acting Executive Director, Business Management Directorate.

[FR Doc. 2024–12804 Filed 6–12–24; 8:45 am]

BILLING CODE 9112–FL–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0053]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Certification of Military or Naval Service

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the

information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until August 12, 2024.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0053 in the body of the letter, the agency name and Docket ID USCIS–2007–0016. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS–2007–0016.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS–2007–0016 in the search box. Comments must be submitted in English, or an English translation must be provided. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Certification of Military or Naval Service.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–426; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The Form N–426 is used by naturalization applicants to document honorable service in the U.S. Armed Forces. The form is filed with U.S. Citizenship and Immigration Services (USCIS) when the respondent applies for naturalization with USCIS Form N–400, Application for Naturalization (OMB Control Number 1615–0052). The Department of Defense (DOD) verifies and certifies the applicant's military or naval service information provided on Form N–426. USCIS reviews the form as part of the process to determine the applicant's eligibility for naturalization.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–426 is 10,000 and the estimated hour burden per response is 0.50 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual

hour burden associated with this collection is 5,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$245,000.

Dated: June 7, 2024.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2024–12989 Filed 6–12–24; 8:45 am]

BILLING CODE 9111–97–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1318 (Modification (III) and Rescission (III))]

Certain Graphics Systems, Components Thereof, and Digital Televisions Containing the Same; Notice of Commission Determination To Institute Modification and Rescission Proceedings and To Grant a Joint Motion for Limited Service of Confidential Exhibits; Modification of Limited Exclusion Order and Rescission of Cease and Desist Orders; Termination of Modification and Rescission Proceedings

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute modification and rescission proceedings based on a second corrected joint petition to modify a limited exclusion order (“LEO”) and rescind in full cease and desist orders (“CDOs”) issued in the underlying investigation based on a settlement agreement and grant petitioners’ motion for limited service of confidential exhibits. The LEO is modified and the CDOs are rescinded. The modification and rescission proceedings are terminated.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 7, 2022, based on a complaint filed by Advanced Micro Devices, Inc. of Santa Clara, California and ATI Technologies ULC of Ontario, Canada (together, "AMD"). 87 FR 34718-19 (June 7, 2022). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on certain graphics systems, components thereof, and digital televisions containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,742,053; 8,760,454; 11,184,628; 8,468,547; and 8,854,381 ("the '381 patent"). *Id.* at 34718. The complaint further alleges that a domestic industry exists. *Id.* The notice of institution named 14 respondents: (1) TCL Industries Holdings Co., Ltd. of Guangdong, China; (2) TCL Industries Holdings (H.K.) Co. Limited of Hong Kong, China; (3) TCL Electronics Holdings Ltd. f/k/a TCL Multimedia Technology Holdings, Ltd. of Hong Kong, China; (4) TCL Technology Group Corporation of Guangdong, China; (5) TTE Corporation of Hong Kong, China; (6) TCL Holdings (BVI) Ltd. of Hong Kong, China; (7) TCL King Electrical Appliances (Huizhou) Co. Ltd. of Guangdong, China; (8) Shenzhen TCL New Technology Co., Ltd. of Guangdong, China; (9) TCL MOKA International Ltd. of Hong Kong, China; (10) TCL Smart Device (Vietnam) Co., Ltd. of Binh Duong Province, Vietnam; (11) Manufacturas Avanzadas SA de CV of Chihuahua, Mexico; (12) TCL Electronics Mexico, S de RL de CV of Benito Juarez, Mexico; (13) TCL Overseas Marketing Ltd. of Hong Kong, China; and (14) Realtek Semiconductor Corporation ("Realtek") of Hsinchu, Taiwan. *Id.* at 34719, as amended, 87 FR 62452-53 (Oct. 14, 2022). The Office of Unfair Import Investigations was not named as a party to this investigation. 87 FR at 34719.

On September 26, 2022, the Commission allowed TTE Technology, Inc. of Corona, California to intervene in this investigation as an additional respondent (collectively, with all named respondents except for Realtek, "TCL"). See Order No. 17 (Aug. 30, 2022), *unreviewed by Comm'n Notice* (Sept. 26, 2022).

On January 24, 2024, the Commission issued a final determination finding a

violation of section 337 by TCL and Realtek with respect to claims 19 and 20 of the '381 patent. 89 FR 5934-35 (Jan. 30, 2024); see Comm'n Opinion (Jan. 24, 2024). The Commission determined that the appropriate remedy is: (i) an LEO against TCL's and Realtek's infringing products and (ii) CDOs against each of the TCL entities, but not against Realtek. 89 FR at 5935. The Commission also set the bond during the period of Presidential review at zero (0) percent of the entered value of the infringing articles. *Id.*

On March 28, 2024, Realtek filed an appeal from the Commission's final determination with the U.S. Court of Appeals for the Federal Circuit. See *Realtek Semiconductor Corp. v. ITC*, Appeal Nos. 24-1613. That appeal remains pending.

On April 1, 2024, pursuant to 19 U.S.C. 1337(k) and Commission Rule 210.76(a) (19 CFR 210.76(a)), AMD and TCL (together, "Petitioners") filed a joint petition ("Original Petition") to modify the LEO as to TCL and rescind in full the CDOs against TCL based on a settlement agreement between Petitioners. On April 11, 2024, Realtek filed a response to the Original Petition. Realtek states that it "takes no position" on whether the Original Petition should be granted because Petitioners failed to disclose certain information required by Commission Rules 210.76(a)(1) and (a)(3). Realtek also states that, in assessing the Original Petition, the Commission and Realtek would "benefit from" receiving certain additional information from Petitioners.

On April 12, 2024, Petitioners filed a corrected joint petition ("Corrected Petition" or "CPet.") and a joint motion to limit service to only the Commission and its staff of the confidential versions of the exhibits attached thereto. Attached to the Corrected Petition are redacted copies of a license and settlement agreement between the Petitioners (Ex. D), as well as "two documents referenced therein" (Exs. E and F). CPet. at 4. The unredacted versions of Exhibits D, E, and F correspond to confidential Exhibits G, H, and I, respectively. See *id.* Petitioners stated that they would file certain unredacted exhibits via a separate cover letter. *Id.* That same day, AMD filed a separate correspondence to the Secretary requesting confidential treatment of business information contained in Exhibits G and H attached thereto but did not attach Exhibit I to the request. On April 24, 2024, Realtek filed a response to the Corrected Petition and motion for limited service stating that it "takes no position" on whether the Corrected Petition should

be granted because Petitioners again failed to disclose certain information required by Commission Rules 210.76(a)(1) and (a)(3). Realtek also stated that Petitioners failed to show good cause to support their request for limited service of the confidential versions of the exhibits attached to the Corrected Petition.

On April 30, 2024, the Commission determined not to institute the requested modification and rescission proceedings due to the Corrected Petition's failure to comply with Commission rules. See Comm'n Notice (May 1, 2024); see 19 CFR 210.76(a)(3). Specifically, the Commission determined that "[w]hile the Corrected Petition cures the lack of the statement of no other agreements that was missing in the Original Petition, the corrected filing and correspondence to the Secretary fail to comply with the requirement that unredacted copies of the settlement documents (and documents referenced therein) be submitted." *Id.* The Commission specified that the determination not to institute was without prejudice. *Id.* The Commission also determined to deny as moot Petitioners' motion for limited service of confidential exhibits G, H, and I. *Id.*

On May 2, 2024, TCL filed a separate correspondence to the Secretary requesting confidential treatment of business information contained in Exhibit I attached thereto. On May 7, 2024, AMD and TCL filed a second corrected joint petition ("Second Corrected Petition" or "SCPet.") to modify and rescind the remedial orders as to TCL based on settlement and a joint motion to limit service to only the Commission and its staff of the confidential versions of the exhibits attached thereto. The petition states that there are "no other agreements, written or oral, express or implied between the AMD and TCL [*sic*] concerning the subject matter of the Investigation" and includes or references the licensing agreements and underlying documents serving as a basis for the settlement, including confidential and redacted versions of such documents. SCPet. at 2-4. The separate submissions of the confidential documents state that there is good cause to limit service because the confidential documents are "not available to the public," "unauthorized disclosure . . . could cause substantial harm to [TCL's and/or AMD's] competitive position," and "disclosure could impair the Commission's ability to obtain information necessary to perform its statutory function." See Letter from AMD's counsel, Michael T. Renaud, to Secretary at 1 (Apr. 12,

2024); Letter from TCL's counsel, Yun Louise Lu, to Secretary at 1 (May 2, 2024).

On May 17, 2024, Realtek filed a response to the Second Corrected Petition and motion to limit service stating that it "takes no position" on whether the Second Corrected Petition should be granted because Petitioners again failed to disclose certain information required by Commission Rules 210.76(a)(1) and (a)(3). Realtek also stated that Petitioners failed to show good cause to support their request for limited service of the confidential versions of the exhibits attached to the Second Corrected Petition.

The Commission, having reviewed the record in this investigation, including Petitioners' Second Corrected Petition and motion for limited service, Realtek's response thereto, as well as AMD's and TCL's separate correspondence to the Secretary requesting confidential treatment of the business information contained in Exhibits G, H, and I, has determined that the Second Corrected Petition satisfies the requirements of Commission Rule 210.76(a)(3), 19 CFR 210.76(a)(3). The Commission has further determined that the conditions justifying the remedial orders against TCL no longer exist, and, therefore, granting the Second Corrected Petition is warranted under section 337(k), 19 U.S.C. 1337(k), and Commission Rule 210.76(a)(3). Accordingly, the Commission has determined to institute modification and rescission proceedings and to modify the LEO to remove reference to TCL and rescind in full the CDOs against TCL based on the settlement agreement between Petitioners. The Commission also finds that Petitioners have shown the requisite good cause under Commission Rule 210.76(a)(3) to grant their motion for limited service of confidential Exhibits G, H, and I. The Commission issues a modified LEO and an order herewith setting forth its determinations.

The modification and rescission proceedings are terminated.

The Commission vote for this determination took place on June 7, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 7, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-12940 Filed 6-12-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1404]

Certain Surface Cleaning Devices and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 23, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of SharkNinja Operating LLC of Needham, Massachusetts, Omachron Alpha Inc. of Canada, and Omachron Intellectual Property Inc. of Canada. A supplement to the complaint was filed on May 9, 2024. An amended complaint was filed on May 16, 2024, and supplemented on May 23, 2024. The amended complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain surface cleaning devices and components thereof by reason of the infringement of certain claims of U.S. Patent No. 7,776,120 ("the '120 patent"); U.S. Patent No. 10,219,661 ("the '661 patent"); U.S. Patent No. 11,903,546 ("the '546 patent"); U.S. Patent No. 11,910,983 ("the '983 patent"); and U.S. Patent No. 11,910,984 ("the '984 patent"). The amended complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will

need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

Heidi Yoo, The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2024).

Scope of Investigation: Having considered the amended complaint, the U.S. International Trade Commission, on June 7, 2024, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 7-9, 12, 14, and 15 of the '120 patent; claims 1-5, 8-12, 15, and 16 of the '661 patent; claims 10 and 15 of the '546 patent; claims 1, 4, 6-8, 12, and 17-19 of the '983 patent; and claims 1-18 of the '984 patent; and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "stick and handheld vacuum cleaners, along with wands, cleaner heads, tool kits, and attachments";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

SharkNinja Operating LLC, 89 A Street, Suite 100, Needham, MA 02494
Omachron Alpha Inc., 9 King Lane, P.O. Box 130, Hampton, ON L0B 1J0, Canada
Omachron Intellectual Property Inc., 9 King Lane, P.O. Box 130, Hampton, ON L0B 1J0, Canada

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

Dyson, Inc., 1330 W Fulton Street, 5th Floor, Chicago, IL 60607

Dyson Technology Limited, Tetbury Hill, Malmesbury, Wiltshire, SN16 0RP, United Kingdom

Dyson Canada Limited, 8 Spadina Avenue, Suite 2200, Toronto, ON M5V 058, Canada

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 7, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-12892 Filed 6-12-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1353]

Certain Pick-Up Truck Folding Bed Cover Systems and Components Thereof (III); Notice of a Commission Determination Not To Review an Initial Determination Granting Summary Determination of Violation of Section 337; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 33) issued by the presiding administrative law judge ("ALJ") granting a motion for summary determination of violation of section 337. The Commission requests written submissions from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT:

Robert J. Needham, 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 <http://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 (<http://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: The Commission instituted this investigation on February 27, 2023, based on a complaint, as supplemented and amended, filed by Extang Corporation of Ann Arbor, Michigan ("Extang"); Laurmark Enterprises, Inc. d/b/a BAK Industries ("BAK") of Ann Arbor, Michigan; and UnderCover, Inc. of Rogersville, Missouri (together, "Complainants"). 88 FR 12422-23 (Feb. 27, 2023). The complaint alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of

certain pick-up truck folding bed cover systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,188,888; 7,484,788 ("the '788 patent"); 8,061,758 ("the '758 patent"); 7,537,264; 8,182,021; 8,690,224; and 9,815,358. *Id.* at 12422. The Commission's notice of investigation named 21 respondents: 4 Wheel Parts of Compton, California; American Trucks of Lenexa, Kansas; Auto Dynasty a/k/a Shun Fung Int'l Inc. of City of Industry, California; AUTOSTARLAND Technology (US), Inc. of Riverside, California; DNA Motoring of City of Industry, California; Fanciest Pickup Accessories of Riverside, California; Future Trucks a/k/a Future Trading Company, LLC of Houston, Texas; Ikon Motorsports, Inc. of City of Industry, California; Jiaxing Kscar Auto Accessories Co., Ltd. a/k/a KSC Auto of Pinghu City, China; Kiko Kikito of Ruian City, China; Lyon Cover Auto a/k/a Truck Tonneau Covers of Wenzhou City, China; Mamoru Cover, a/k/a Ningbo Surpass Auto Parts Co., Ltd. of Ningbo City, China; MOSTPLUS Auto of Hong Kong, China; Newpowa America, Inc. of Ontario, California; New Home Materials, Inc. of Riverside, California; OEDRO of Kent, Washington; Pickup Zone, a/k/a Dai Qun Feng of Riverside, California; RDJ Trucks, LLC of Talmo, Georgia ("RDJ"); Smittybilt, Inc. of Compton, California; Trek Power, Inc. of Placentia, California ("Trek"); and Wenzhou Tianmao Automobile Parts Co., Ltd. of Wenzhou City, China. *Id.* The Office of Unfair Import Investigations ("OUII") is participating in this investigation. *Id.*

The Commission subsequently granted leave to amend the complaint and notice of investigation to change the names of several respondents. Order No. 9 (May 4, 2023), *unreviewed by Notice* (May 30, 2023). Specifically, the Commission granted leave to change the names of: (1) respondents 4 Wheel Parts and Smittybilt, Inc. to TAP Worldwide, LLC d/b/a 4 Wheel Parts; (2) respondent MOSTPLUS Auto to Ultimate Motor Parts Limited; (3) respondent OEDRO to Hong Kong Yintatech Network Co., Ltd. a/k/a OEDRO; (4) respondent Ikon Motorsports, Inc. to Advance Tuning, LLC d/b/a Ikon Motorsports, Inc.; (5) respondents AUTOSTARLAND Technology (US), Inc. and Pickup Zone a/k/a Dai Qun Feng to Autostarland Technology (US), Inc. dba Pickup Zone; (6) respondent Mamoru Cover a/k/a Ningbo Surpass Auto Parts Co., Ltd. to Ningbo Surpass Auto Parts Co., Ltd.; (7) respondent American Trucks to American Trucks Inc. and Turn 5 d/b/a American Trucks; (8) respondent Kiko

Kikito to Wenzhou Tianmao Automobile Parts Co., Ltd. DBA Kikito and Rui'an Yiming Trading Co. Ltd.; and (9) respondent Lyon Cover Auto a/k/a Truck Tonneau Covers to Wenzhou Tianmao Automobile Parts Co., Ltd. DBA Lyon Cover and Wenzhou Chaoming Auto Parts Co., Ltd.

The Commission also terminated two respondents based on settlement, one respondent based on the entry of a consent order, and 14 respondents based on both settlement and the entry of a consent order. Order No. 15 (Jun. 13, 2023), *unreviewed by* Notice (Jul. 11, 2023) (terminating TAP Worldwide, LLC d/b/a 4 Wheel Parts based on a settlement agreement); Order No. 17 (Jul. 11, 2023), *unreviewed by* Notice (Aug. 9, 2023) (terminating Advance Tuning, LLC d/b/a Ikon Motorsport, Inc. based on the entry of a consent order); Order No. 18 (Jul. 18, 2023), *unreviewed by* Notice (Aug. 16, 2023) (terminating American Trucks, Inc. and Turn 5 d/b/a American Trucks based on a settlement agreement); Order Nos. 22, 23, and 24 (Jul. 31, 2023), *unreviewed by* Notice (Aug. 28, 2023) (terminating Ningbo Surpass Auto Parts Co., Ltd., Newpowa America, Inc., and New Home Materials, Inc. based on a settlement agreement and entry of a consent order); Order Nos. 25 and 26 (Aug. 1, 2023), *unreviewed by* Notice (Aug. 30, 2023) (terminating Autostarland Technology (US), Inc. d/b/a Pickup Zone and Fanciest Pickup Accessories based on a settlement agreement and entry of a consent order); Order No. 27 (Aug. 21, 2023), *unreviewed by* Notice (Sept. 19, 2023) (terminating Auto Dynasty a/k/a Shun Fung International Inc. based on a settlement agreement and entry of a consent order); Order No. 28 (Aug. 24, 2023), *unreviewed by* Corrected Notice (Sept. 20, 2023) (terminating DNA Motoring based on a settlement agreement and entry of a consent order); Order Nos. 29 and 30 (Aug. 25, 2023), *unreviewed by* Notice (Sept. 21, 2023) (terminating Wenzhou Tianmao Automobile Parts Co., Ltd., Wenzhou Tianmao Automobile Parts Co., Ltd. DBA Kikito, Rui'an Yiming Trading Co. Ltd., Wenzhou Tianmao Automobile Parts Co., Ltd. DBA Lyon Cover, Wenzhou Chaoming Auto Parts Co., Ltd., Jiaying Kscar Auto Accessories Co. Ltd. a/k/a KSC Auto, Future Trucks a/k/a Future Trading Co., LLC, Ultimate Motor Parts Limited, and Hong Kong Yintatech Network Co., Ltd. based on a settlement agreement and entry of a consent order).

On August 22, 2023, the Commission found RDJ and Trek in default. Order No. 19 (Jul. 21, 2023), *unreviewed by*

Notice (Aug. 22, 2023). On October 6, 2023, Extang and BAK ("Movants") filed a motion for a summary determination of violation with respect to claims 2–4 of the '758 patent and claims 1–3 of the '788 patent, and requested the entry of a general exclusion order ("GEO"), the entry of cease and desist orders ("CDOs") against RDJ and Trek, and the imposition of a bond rate of 100 percent during the period of Presidential review. On October 27, 2023, OUII filed a response in support of the motion and the requested remedial relief.

On April 23, 2024, the ALJ issued the subject ID granting the Movants' motion and included a recommended determination on remedy and bond ("RD") recommending issuance of a GEO, the issuance of CDOs against RDJ and Trek, and the imposition of a bond in the amount of 100 percent of the entered value of infringing products during the period of Presidential review. Specifically, the ID finds that: (1) the Commission has statutory authority in the present investigation, *in rem* jurisdiction over the accused products, and that *in personam* jurisdiction is not required and is in any event waived by defaulting; (2) that the importation requirement is satisfied; (3) that all of the remaining asserted claims are infringed by RDJ's and Trek's products; and (4) that Movants have satisfied the domestic industry requirement with respect to the '758 and '788 patents. In support of its recommendation for issuance of a GEO, the RD finds: (1) that a GEO is necessary in this investigation to prevent circumvention of a limited exclusion order and (2) that the record shows a pattern of violation of section 337 through importation of articles that infringe the '758 and '788 patents, and that the source of those infringing articles is difficult to identify. No party petitioned for review of the ID.

The Commission has determined not to review the ID.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so

indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In their initial submission, Complainants are also requested to identify the remedy sought and Complainants and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the dates that the Asserted Patents expire, the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close

of business on June 21, 2024. Reply submissions must be filed no later than the close of business on June 28, 2024. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

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 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337-TA-1353) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. 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.

The Commission vote for this determination took place on June 7, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of

Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 7, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-12885 Filed 6-12-24; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 22-52]

Coconut Grove Pharmacy; Decision and Order

On September 8, 2022, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Coconut Grove Pharmacy (Respondent) of Florida. Administrative Law Judge Exhibit (ALJX) 1 (OSC/ISO), at 1. The OSC/ISO informed Respondent of the immediate suspension of its DEA Certificate of Registration (registration), Control No. FC1162382, pursuant to 21 U.S.C. 824(d), alleging that Respondent's continued registration constitutes "an imminent danger to the public health or safety." *Id.* (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Respondent's registration, alleging that Respondent's continued registration is inconsistent with the public interest. *Id.* (citing 21 U.S.C. 823(g)(1),¹ 824(a)(4)).²

A hearing was held before DEA Administrative Law Judge Paul E. Soeffing (the ALJ), who, on March 2, 2023, issued his Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (RD or Recommended Decision). The RD recommended that Respondent's revocation be revoked. RD, at 86. Following the issuance of the RD, Respondent filed exceptions.³

¹ Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117-215, 136 Stat. 2257 (2022) (Marijuana Research Amendments or MRA), amended the Controlled Substances Act (CSA) and other statutes. Relevant to this matter, the MRA redesignated 21 U.S.C. 823(f), cited in the OSC/ISO, as 21 U.S.C. 823(g)(1). Accordingly, this Decision cites to the current designation, 21 U.S.C. 823(g)(1), and to the MRA-amended CSA throughout.

² According to Agency records, Respondent's registration expired on August 31, 2023. The fact that a registrant allows its registration to expire during the pendency of an OSC/ISO does not impact the Agency's jurisdiction or prerogative under CSA to adjudicate the OSC/ISO to finality. *Jeffrey D. Olsen, M.D.*, 84 FR 68474, 68,76-79 (2019).

³ The Agency has reviewed and considered the Respondent's exceptions and addresses them

Having reviewed the entire record, the Agency adopts and hereby incorporates by reference the entirety of the ALJ's rulings, credibility findings,⁴ findings of fact, conclusions of law, sanctions analysis, and recommended sanction as found in the RD and summarizes and expands upon portions thereof herein.

I. Findings of Fact

Florida Standard of Care

Thomas E. Hamilton, Pharm.D., testified as the Government's expert regarding pharmacy practice and standards in the state of Florida. RD, at 12-13; Tr. 182-83. Dr. Hamilton testified that he has over twenty years of experience as a Florida pharmacist and is currently employed as a pharmacist in Northern Miami. RD, at 12; Tr. 176-78, 181.⁵ As for Respondent, Mr. Robert M. Parrado, R.Ph., testified as Respondent's expert. RD, at 36; Tr. 497-98. Mr. Parrado testified that he has been a licensed pharmacist in Florida for over fifty years and has served on the Florida Board of Pharmacy in various roles, including as Chairman and as a member of the rules committee. RD, at 37; Tr. 493-96.⁶ Regarding Mr. Parrado's testimony, the Agency agrees with the ALJ that Mr. Parrado's testimony was not consistent nor logical (particularly when compared to his prior testimony in other matters) as Mr. Parrado at times contradicted the language of Florida's regulations and used the term "red flag" inconsistently in a way that created confusion; as such, his testimony warrants only minimal weight. RD, at 48-49.⁷ Where Mr. Parrado's testimony diverges from that of Dr. Hamilton, the Agency, like the ALJ, will credit Dr. Hamilton. RD, at 49.⁸

Dr. Hamilton testified that the standard of care for pharmacists in Florida is informed by the regulations

herein, but ultimately agrees with the ALJ's recommendation.

⁴ The Agency adopts the ALJ's summary of each of the witnesses' testimonies as well as the ALJ's assessment of each of the witnesses' credibility. *See* RD, at 8-49.

⁵ For Dr. Hamilton's full qualifications, *see* RD, at 12-13, Government Exhibit (GX) 9.

⁶ For Mr. Parrado's full qualifications, *see* RD, at 36-37, Respondent Exhibit (RX) 27.

⁷ The Agency incorporates herein the entire summary of Mr. Parrado's testimony as well as the ALJ's credibility assessment of Mr. Parrado as set forth in the Recommended Decision, at 36-49.

⁸ The ALJ found, and the Agency agrees, that Dr. Hamilton's testimony was credible, internally consistent, and generally logically persuasive. RD, at 26. As noted by the ALJ, "[a]lthough at times [Dr. Hamilton's] explanation of the factual support and basis for some of his opinions and conclusions was brief, overall he presented an objective analysis." *Id.* As such, the Agency finds Dr. Hamilton's testimony to be credible and reliable and affords it significant weight. *Id.*

promulgated by the Florida Board of Pharmacy (the Board), including Florida Administrative Code sections 64B16–27.800, 64B16–27.810, and 64B16–27.831. RD, at 13; Tr. 183–84. Florida Administrative Code section 64B16–27.800 states that pharmacies “shall” maintain a “patient record system,” that “provide[s] for the immediate retrieval of information necessary for the dispensing pharmacist to identify previously dispensed drugs,” and “shall record any known allergies, drug reactions, idiosyncrasies, and chronic conditions or disease states of the patient and the identity of any other drugs, including over-the-counter drugs, or devices currently being used by the patient which may relate to prospective drug review.” Fla. Admin. Code section 64B16–27.800(1)–(2).⁹ It also states that “[t]he pharmacist shall record any related information indicated by a licensed health care practitioner.” *Id.* Dr. Hamilton testified that this regulation requires pharmacists to document in the patient profile known information that is specific to a patient, especially information about a specific drug or reasons that a patient is prescribed a specific drug, to guide future decision making and justify dispensing. RD, at 13; Tr. 185, 194.

Florida Administrative Code section 64B16–27.810 requires that, prior to dispensing, a pharmacist “review the patient record and each new and refill prescription . . . to promote therapeutic appropriateness by identifying: (a) Over-utilization or under-utilization; (b) Therapeutic duplication; (c) Drug-disease contraindications; (d) Drug-drug interactions; (e) Incorrect drug dosage or duration of drug treatment; (f) Drug-allergy interactions; [and] (g) Clinical abuse/misuse.” Fla. Admin. Code section 64B16–27.810. The regulation further states that “[u]pon recognizing any of the above, the pharmacist shall take appropriate steps to avoid or resolve the potential problems which shall, if necessary, include consultation with the prescriber.” *Id.* section 64B16–27.810(2). Regarding this regulation, Dr. Hamilton testified that in the practice of pharmacy, the “things to look for” when verifying or assessing a prescription are termed “red flags” and the term “red flag” means “caution” or “something to bring your heightened awareness to.” RD, at 14; Tr. 185–86, 188.¹⁰ Dr.

Hamilton further testified that the practice of pharmacy in Florida requires that when a pharmacist recognizes any of the “things to look for” or “red flags” in a prescription, “those things must be resolved, and that resolution must be documented before dispensing medication.”¹¹ RD, at 14; Tr. 192, 273, 275–76, 353.

Lastly, Florida Administrative Code section 64B16–27.831 states that “in filling valid prescriptions for controlled substances,” pharmacists should “exercise[e] sound professional judgment,” and “dispens[e] controlled substances for a legitimate medical purpose in the usual course of professional practice” considering “each patient’s unique situation.” Fla. Admin. Code section 64B16–27.831. Dr. Hamilton testified that this regulation sets forth the standards for validating prescriptions for controlled substances as well as addresses how Florida pharmacists are to assess whether a prescription is written for a “legitimate medical purpose,” which Dr. Hamilton defines as the pharmacist’s “corresponding responsibility.” RD, at 15; Tr. 185.¹² Dr. Hamilton further testified that the “corresponding responsibility” of pharmacists is to work with physicians to take care of patients, to make sure that prescriptions written by physicians are not filled blindly, and to make sure that a prescription is correct for and used correctly by the patient. RD, at 15; Tr. 188. Dr. Hamilton noted that if red flags

Tr. 186–188, 283, 344–345. Dr. Hamilton also testified that there are not a finite number of red flags and red flags could be “almost anything” that causes concern. RD, at 14; Tr. 208.

¹¹ Mr. Parrado disagreed with Dr. Hamilton regarding the documentation of red flags and their resolution; he testified that if there is a concern with a prescription, a pharmacist can resolve the concern and fill the prescription, but documentation of the concern and its resolution is strictly discretionary by the language of Florida law. RD, at 38–39; Tr. 509–10, 520–21. However, when testifying previously on behalf of the Government in *Superior Pharmacy I & II*, Mr. Parrado stated that (1) a pharmacist would “absolutely” document resolution of a red flag; (2) anytime a pharmacist has a concern with a prescription, the pharmacist “always [does] what [he/she has] to do to resolve it and then [documents] it on the prescription”; and (3) “the standard of practice has always been [that] [a pharmacist documents] it on the prescription.” RD, at 43 (citing *Superior Pharmacy I & II*, 81 FR 31310, 31321 (2016)); Tr. 532–34. Here, like the ALJ, the Agency credits the testimony of Dr. Hamilton and finds that the Florida standard of care requires that any red flags present in a prescription must be resolved before dispensing and such resolution must be documented. RD, at 81; Tr. 192–93, 228–29. The Agency also agrees with the ALJ that from a plain reading of the laws at issue, documentation of red flags and their resolution is not discretionary, as argued by Mr. Parrado above, but required. RD, at 81.

¹² Dr. Hamilton testified that a valid prescription is a prescription written for a legitimate medical purpose. RD, at 15–16; Tr. 276.

in a prescription have not been resolved, the prescription is not valid under the above regulation and should not be filled. RD, at 15; Tr. 275–76.¹³

Respondent’s Improper Dispensing

Failure To Maintain Records

As mentioned above, Dr. Hamilton testified that any red flags present in a controlled substance prescription must be resolved before dispensing the prescription and such resolution must be documented. RD, at 25; Tr. 192. Dr. Hamilton testified that red flag resolution should appear on a prescription or in an electronic patient profile as “some kind of note” or documentation that references resolution of the red flag. RD, at 14; Tr. 228. Further, Dr. Hamilton testified that the need to document red flag resolution is for patient safety purposes so that information relating to the red flag resolution is “readily retrievable.” RD, at 14, 25; Tr. 192–93, 228. Ultimately, Dr. Hamilton asserted that “if there [is] no documentation, nothing happened.” RD, at 14, 25; Tr. 193.

Upon reviewing the documentation for the seven patients at issue in the current matter who filled their prescriptions at Respondent over a span of nearly two years, Dr. Hamilton found that there were no notations resolving the red flags present in the prescriptions. RD, at 25; Tr. 197–276; see GX 2–8. Because he did not find any documentation of the identification or resolution of the red flags present in these prescriptions, Dr. Hamilton found, in his expert opinion, that Respondent’s dispensing fell below the Florida standard of care and that Respondent failed to meet its corresponding responsibility. RD, at 25–26; Tr. 214–15, 227–29, 242–43, 251–52, 255–57, 261–64, 265–276.

As for Respondent’s argument, Mr. Parrado opined—based almost exclusively on the representations of Respondent’s Pharmacist-in-Charge (PIC) about Respondent’s process for

¹³ There is some confusion in the record about the term “red flag.” Mr. Parrado seems to believe that when a prescription has characteristics of one or more red flags, but those red flags are resolved, then there is no red flag. See Tr. 571 (“just because there is [a] characteristic of a red flag [does not] mean that there is one”). This definition is debilitatingly circular, and it would seem that Mr. Parrado believes that there is a red flag only when a pharmacist determines that a prescription cannot be filled. When the Government, Dr. Hamilton, the ALJ, and the Agency use the phrase “red flag,” they are referring to the “things to look for” identified in Fla. Admin. Code section 64B16–27.810 (what Mr. Parrado would call a “potential red flag,” Tr. 571). Under this definition, prescriptions with red flags that were properly resolved can be filled, and prescriptions with unresolvable red flags cannot be filled.

⁹ This regulation requires that pharmacists “ensure that a reasonable effort is made to obtain” this information. *Id.* section 64B16–27.800(2).

¹⁰ Although the term “red flag” itself is not used in the Florida regulation, Dr. Hamilton testified that pharmacists know the term to mean “caution” and the term is regularly used in the education and practice of pharmacists in Florida. RD, at 14 n.21;

validating prescriptions—that writing “verified” on the prescriptions and/or patient profiles at issue was sufficient to indicate that the prescriptions were validated according to Florida laws, regulations, and standards, and that Respondent met its corresponding responsibility. RD, at 41–42; Tr. 547, 608–09.¹⁴

The Agency credits Dr. Hamilton’s testimony and finds that the Florida standard of care requires that any red flags present in a prescription must be resolved before dispensing and such resolution must be documented. See *supra* n.11. The Agency also finds that writing only “verified” on a prescription or patient profile is not sufficient to identify and resolve any red flags that may be present.

The ALJ found, and the Agency agrees, that the standard of care in Florida requires that any red flags present for a prescription or patient must be resolved before dispensing and that resolution must be documented. RD, at 81 (citing Tr. 192–93, 228–29). The ALJ found, and the Agency agrees, that Respondent failed to do this, rendering Respondent’s dispensing practices outside the usual course of professional practice and in violation of the Florida standard of care. *Id.*¹⁵

Prescription Drug Cocktails

According to Dr. Hamilton, a combined prescription of drugs in different classes or drugs that have synergistic effects is a drug-drug interaction red flag that must be resolved before dispensing the prescription. RD, at 16; Tr. 203, 238. Regarding combinations of opioids and benzodiazepines, Dr. Hamilton testified

that the Food and Drug Administration (FDA) has issued a Black Box Warning—FDA’s highest warning—advising prescribers and pharmacists to avoid the combination because both drugs classes affect the central nervous system, cause respiratory depression, increase the risk of overdose, and when taken together, have an “exponentially higher effect on the body.” RD, at 16, 59; Tr. 203–05, 238, 294. Dr. Hamilton testified that an additional red flag combination is the combination of drugs that have opposite effects on the brain, such as a stimulant (an “upper”) combined with a depressant (a “downer”). RD, at 16; Tr. 238, 240.

Regarding combinations of opioids and benzodiazepines, Dr. Hamilton found that Patient A.R. was simultaneously filling prescriptions for immediate-release opioids (oxycodone-acetaminophen 10–325 and tramadol) and a benzodiazepine (alprazolam). RD, at 3–4 (Stip. 6), 17, 61; Tr. 205; GX 2a, at 1–2; GX 2d. Dr. Hamilton also found that Patient J.C. was filling prescriptions for a benzodiazepine (temazepam) at Respondent while PDMP data showed that Patient J.C. was filling prescriptions for an opioid (oxycodone) at a different pharmacy; similarly, Patient M.W. was filling prescriptions for an opioid (oxycodone) at Respondent while PDMP data show that Patient M.W. was filling prescriptions for a benzodiazepine (alprazolam) at a different pharmacy. RD, at 4–5 (Stip. 8), 7 (Stip. 12), 17, 61–62; Tr. 235–38, 268–69; GX 4a, at 2–3; GX 8a, at 1–2. Dr. Hamilton opined that Respondent should have recognized that the prescriptions for these three patients presented red flags and these red flags needed to be properly resolved before dispensing. RD, at 17, 61–62; Tr. 203, 208, 237–38, 268–69.

Regarding other dangerous combinations, Dr. Hamilton found that Patient J.C. was simultaneously filling prescriptions for a stimulant (methylphenidate) and a depressant benzodiazepine (temazepam). RD, at 4–5 (Stip. 8); Tr. 240; GX 4a; GX 4d. Again, Dr. Hamilton opined that these prescriptions presented red flags and Respondent needed to properly resolve these red flags before dispensing. RD, at 18; Tr. 240.

As for Respondent’s argument, Mr. Parrado testified that after he reviewed prescriber and patient affidavits, he was of the opinion that the drug combinations presented in this case did not raise a red flag because the red flag was resolved “originally and over time in [the PIC’s] continuing conversations with the patients and the doctors.” RD, at 41; Tr. 574–75. As discussed *supra*, even assuming *arguendo* that

Respondent recognized the drug combination red flags and attempted to resolve them, writing only “verified” on a prescription or patient profile is not sufficient to actually resolve a red flag. Accordingly, the Agency credits the testimony of Dr. Hamilton that the drug combination red flags present in the prescriptions at issue were not properly resolved prior to Respondent’s dispensing.

The ALJ found, and the Agency agrees, that the standard of care in Florida requires that prior to dispensing, a pharmacist document resolution of the drug cocktail or drug-drug interaction red flags that were present here due to simultaneous dispensing of opioids with benzodiazepines and benzodiazepines with stimulants. RD, at 64 (citing Tr. 185–86, 192, 203, 238, 273, 275–76). The ALJ found, and the Agency agrees, that Respondent failed to do this, rendering Respondent’s dispensing practices outside the usual course of professional practice and in violation of the Florida standard of care. *Id.*

Immediate-Release and High Dosage Opioids

According to Dr. Hamilton, prescriptions of opiates alone can create red flags that have to be resolved before dispensing when: two separate immediate-release opioids are prescribed (“therapeutic duplication”); when opioids are prescribed in their highest strength version; or when immediate-release opioids intended to treat acute pain (as opposed to those intended to treat chronic pain) are prescribed for extended periods of time (“incorrect drug dosage or duration of drug treatment”). RD, at 18, 66; Tr. 198–200, 206, 216, 243; Fla. Admin. Code section 64B16–27.810(b), (e). Regarding high dosages of opioids, Dr. Hamilton testified that a dosage of 90 MMEs¹⁶ per day or greater warrants caution when determining whether to fill the prescription. RD, at 18–19; Tr. 208–210.¹⁷ Regarding immediate-release opioids prescribed for extended durations, Dr. Hamilton opined that filling immediate-release opioid prescriptions month-over-month for an extended time¹⁸ is concerning and

¹⁴ Previously, in *Hills Pharmacy*, Mr. Parrado testified that writing “verified” (paired with a name) on a prescription does not tell you anything, that “it was nothing,” and “that it was unclear what the pharmacist verified.” RD, at 45–46 (citing *Hills Pharmacy, LLC*, 81 FR 49816, 49825 (2016)); Tr. 547; GX 12.

¹⁵ In its Exceptions, Respondent argues that the prescriptions at issue were legitimate prescriptions written for a legitimate medical purpose. Respondent’s Exceptions to Recommended Decision (Exceptions), at 1–13. The Agency reiterates that even assuming *arguendo* that the prescriptions at issue were fully legitimate, it was nonetheless Respondent’s corresponding responsibility under the Florida standard of care, as discussed above and throughout this Decision, to recognize the red flags present in the prescriptions, resolve the red flags, and document such resolution appropriately, which Respondent undeniably failed to do. Respondent also argues in its Exceptions that the Government failed to prove that Respondent did not take proper steps to validate the prescriptions at issue. Exceptions, at 13–20, 25–28. Again, and as discussed throughout this Decision, even assuming *arguendo* that Respondent validated the prescriptions at issue, Respondent was required to document such steps and writing only “verified” was insufficient.

¹⁶ MME is a measurement of opioid strength based on milligram units of morphine per day and MMEs for all opioids prescribed concurrently are added together to determine the total MME per day. RD, at 18 n.26; Tr. 209–212.

¹⁷ Dr. Hamilton testified that the red flag of a high dosage of opioids can be justified if a patient is not opioid naïve, has been using opioids for an extended time, or has a “certain disease state” such as cancer. RD, at 19, 66; Tr. 210, 341.

¹⁸ Dr. Hamilton did not testify as to a specific time period that would cause concern, but made

constitutes a red flag that needs to be resolved before dispensing. RD, at 20–21, 69; Tr. 206, 244, 253.

In reviewing Respondent's dispensing, Dr. Hamilton found that Patients A.R. and J.K. were both filling prescriptions for a combination of two immediate-release opioids (oxycodone-acetaminophen 10–325 with tramadol and oxycodone-acetaminophen 10–325 with oxycodone, respectively). RD, at 3–4 (Stip. 6), 6–7 (Stip. 10), 19–20, 68; Tr. 199–200, 243–45; GX 2a, 2d. Dr. Hamilton opined that these instances of therapeutic duplication constituted red flags that had to be resolved before dispensing. RD, at 19–20, 68; Tr. 200, 208, 243, 245. Mr. Parrado testified that for at least one of the patients prescribed two simultaneous immediate-release opioids, Respondent originally had a therapeutic duplication concern and “spoke with a doctor” who resolved the concern, so there was “no longer a concern” and there was “no reason [for the Respondent] to continue doing anything else.” RD, at 41; Tr. 571. However, when testifying on behalf of the Government in *Superior Pharmacy I & II*, Mr. Parrado stated that a pharmacy “is never to dispense two immediate use opioids at once, at the same time for the same patient.” RD, at 43 (citing *Superior Pharmacy I & II*, 81 FR 31327); Tr. 531.

As for immediate-release opioids prescribed for extended durations, Dr. Hamilton found the following: Patient A.R. was filling prescriptions for immediate-release opioids (oxycodone-acetaminophen and tramadol) over a span of approximately two years; Patient J.K. was filling prescriptions for immediate-release opioids (oxycodone and oxycodone-acetaminophen 10–325) over a span of approximately one-and-a-half-years; Patient C.S. was filling prescriptions for an immediate-release opioid (hydromorphone, at the highest strength,¹⁹ while an extended-release version is available) over a span of approximately one-and-a-half years; and Patients J.L. and M.W. were both filling prescriptions for a high-strength, immediate-release opioid (oxycodone 30 mg) month-over-month for approximately one-and-a-half years and approximately one year, respectively. RD, at 3–4 (Stips. 6–7), 5–7 (Stips. 9–10, 12), 20–21; Tr. 205–06, 218, 243–44, 253, 265; GX 2a; GX 2d; GX 3a; GX 3c; GX 5a; GX 5d; GX 6a; GX 6c; GX 8a; GX 8d. Dr. Hamilton opined that these

prescriptions presented red flags and Respondent needed to properly resolve these red flags before dispensing. RD, at 20–21, 69; Tr. 206, 218, 244, 253, 265.

Concerning high dosage opioid prescriptions, Dr. Hamilton found the following: Patient A.R. was filling prescriptions for oxycodone-acetaminophen 10–325 and tramadol that together totaled 120 MMEs per day; Patient C.S. was filling prescriptions for hydromorphone at the highest strength (8 mg) totaling as much as 260 MMEs per day; Patient J.L. was filling prescriptions for oxycodone at the highest strength (30 mg) totaling approximately 135 MMEs per day; Patient M.G. was filling prescriptions for oxycodone at the highest strength (30 mg) totaling between 135 and 270 MMEs per day; and Patient M.W. was filling prescriptions for oxycodone at dosages of either 15 mg or 30 mg totaling between 90 and 265 MMEs per day. RD, at 3–4 (Stips. 6–7), 5–6 (Stip. 9), 7 (Stips. 11–12), 21–22; Tr. 210–12, 218, 253–55, 258, 260, 265, 267; GX 2a; GX 2d; GX 3a; GX 3c; GX 6a; GX 6c; GX 7a; GX 7d; GX 8a; GX 8d. Once more, Dr. Hamilton opined that these prescriptions presented red flags that Respondent needed to properly resolve before dispensing. RD, at 21–22, 70–71; Tr. 210–12, 218, 253–55, 258, 267.

As for Respondent's argument, Mr. Parrado testified generally that based on his review of the records and conversations with Respondent's PIC, there were no incorrect drug dose or duration of treatment red flags because the patients had long-term pain and had developed opioid tolerance as established through the PIC's purported conversations with the patients and prescribers. RD, at 41; Tr. 575–76. As discussed *supra*, even assuming *arguendo* that Respondent recognized these red flags and attempted to resolve them, writing only “verified” on a prescription or patient profile is not sufficient to actually resolve a red flag. Accordingly, the Agency credits the testimony of Dr. Hamilton that the therapeutic duplication and incorrect drug dosage or duration of drug treatment red flags were not properly resolved prior to Respondent's dispensing.

The ALJ found, and the Agency agrees, that the standard of care in Florida requires that prior to dispensing, a pharmacist document resolution of the therapeutic duplication red flags (prescribing of two immediate-release opioids) and incorrect drug dosage or duration of treatment red flags (immediate-release opioids prescribed for extended durations and opioids prescribed in their highest strength) that

were present here. RD, at 73 (citing Tr. 185–86, 192, 273, 275–76). The ALJ found, and the Agency agrees, that Respondent failed to do this, rendering Respondent's dispensing practices outside the usual course of professional practice and in violation of the Florida standard of care. *Id.*

Alternating Between Cash and Insurance²⁰

According to Dr. Hamilton, a patient paying for some prescriptions with insurance while paying for others with cash is a red flag, but only for the prescriptions paid for in cash. RD, at 23; Tr. 231. Concerning this issue, Dr. Hamilton found that Patient J.C. was paying for some medications with insurance while paying for other, controlled medications with cash, which was a red flag that needed to be resolved before dispensing. RD, at 24; Tr. 240–41; GX 4d. Further, Dr. Hamilton found that Patient M.W. was using cash to pay for oxycodone at Respondent while using insurance to pay for alprazolam at a different pharmacy. RD, at 24–25; Tr. 270; GX 8a. Again, Dr. Hamilton opined that this was a red flag that needed to be resolved before dispensing. RD, at 25; Tr. 270–71. Regarding Patient J.C. paying for his methylphenidate prescription with cash, the PIC testified that he spoke with Dr. R., Patient J.C.'s physician, about Patient J.C.'s prescription and Dr. R. told the PIC that Patient J.C. had limited insurance. RD, at 29 n.37; Tr. 461–62.

Again, as discussed *supra*, even assuming *arguendo* that Respondent recognized these red flags and attempted to resolve them, writing only “verified” on a prescription or patient profile is not sufficient to actually resolve a red flag. Accordingly, the Agency credits the testimony of Dr. Hamilton that the red flag of alternating between cash and insurance was not properly resolved prior to Respondent's dispensing.

The ALJ found, and the Agency agrees, that the standard of care in Florida requires that prior to dispensing, a pharmacist document resolution of the red flag of alternating between cash and insurance that was present here. RD, at 77 (citing Tr. 185–86, 192, 273, 275–76). The ALJ found, and the Agency agrees, that Respondent failed to do this, rendering Respondent's dispensing practices outside the usual course of

clear that taking immediate-release opioids for “30, 60 days maximum” would be acceptable and that over two years would be “very concerning.” RD, at 20; Tr. 205–206.

¹⁹ Dr. Hamilton opined that “having the highest possible strength of an immediate-release opiate is definitely a red flag.” RD, at 20; Tr. 218.

²⁰ This Decision and Order does not address allegations concerning the high cash payment/high pricing red flag due to the number and egregiousness of the rest of the allegations.

professional practice and in violation of the Florida standard of care. *Id.*²¹

II. Discussion

A. The Five Public Interest Factors

Under the CSA, “[a] registration . . . to . . . dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render [its] registration under section 823 of this title inconsistent with the public interest as determined under such section.” 21 U.S.C. 824(a). In making the public interest determination, the CSA requires consideration of the following factors:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant’s] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant’s] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

21 U.S.C. 823(g)(1).

The Agency considers these public interest factors in the disjunctive. *Robert A. Leslie, M.D.*, 68 FR 15227, 15230 (2003). Each factor is weighed on a case-by-case basis. *Morall v. Drug Enf’t Admin.*, 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *David H. Gillis, M.D.*, 58 FR 37507, 37508 (1993).

The Government has the burden of proof in this proceeding. 21 CFR 1301.44. While the Agency has considered all of the public interest factors in 21 U.S.C. 823(g)(1), the Government’s evidence in support of its *prima facie* case for revocation of Respondent’s registration is confined to Factors B and D. RD, at 52–53; *see also id.* at 52 n.58 (finding that Factors A, C, and E do not weigh for or against revocation).

Having reviewed the record and the RD, the Agency agrees with the ALJ, adopts the ALJ’s analysis, and finds that the Government’s evidence satisfies its *prima facie* burden of showing that

Respondent’s continued registration would be “inconsistent with the public interest.” 21 U.S.C. 824(a)(4); RD, at 51–82.

B. Factors B and D

Evidence is considered under Public Interest Factors B and D when it reflects compliance (or non-compliance) with laws related to controlled substances and experience dispensing controlled substances. *See Sualeh Ashraf, M.D.*, 88 FR 1095, 1097 (2023); *Kareem Hubbard, M.D.*, 87 FR 21156, 21162 (2022). In the current matter, the Government has alleged that Respondent violated numerous federal and state laws regulating controlled substances. OSC/ISO, at 2–7.²² Specifically, federal law requires that “[a] prescription for a controlled substance may only be filled by a pharmacist, acting in the usual course of his professional practice,” and that “[a] prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” 21 CFR 1306.04(a), 1306.06; *see also* 21 U.S.C. 829. Federal law also emphasizes that although “[t]he responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner . . . a corresponding responsibility rests with the pharmacist who fills the prescription.” 21 CFR 1306.04(a).²³

As for state law, Florida Administrative Code section 64B16–27.810 requires that, prior to dispensing, a pharmacist “review the patient record and each new and refill prescription . . . to promote therapeutic appropriateness by identifying: (a) Over-utilization or under-utilization; (b) Therapeutic duplication; (c) Drug-disease contraindications; (d) Drug-drug interactions; (e) Incorrect drug dosage or duration of drug treatment; (f) Drug-allergy interactions; [and] (g) Clinical abuse/misuse.” Fla. Admin. Code section 64B16–27.810. The regulation further states that “[u]pon recognizing any of the above, the pharmacist shall take appropriate steps to avoid or resolve the potential problems which shall, if necessary, include consultation with the prescriber.” *Id.* section 64B16–27.810(2).

In addition, Florida Administrative Code section 64B16–27.800 states that pharmacies “shall” maintain a “patient record system,” that “provide[s] for the immediate retrieval of information necessary for the dispensing pharmacist to identify previously dispensed drugs,” and “shall record any known allergies, drug reactions, idiosyncrasies, and chronic conditions or disease states of the patient and the identity of any other drugs, including over-the-counter drugs, or devices currently being used by the patient which may relate to prospective drug review.” Fla. Admin. Code section 64B16–27.800(1)–(2).²⁴ It also states that “[t]he pharmacist shall record any related information indicated by a licensed health care practitioner.” *Id.*

Lastly, Florida Administrative Code section 64B16–27.831 states that “in filling valid prescriptions for controlled substances,” pharmacists should “exercise[e] sound professional judgment,” and “dispense[e] controlled substances for a legitimate medical purpose in the usual course of professional practice” considering “each patient’s unique situation.” Fla. Admin. Code section 64B16–27.831.

In the current matter, the Agency agrees with the ALJ’s analysis that Respondent’s dispensing fell below the Florida standard of care—and thus was outside the usual course of professional practice—because, as detailed above, Respondent dispensed numerous controlled substance prescriptions to seven patients without properly addressing and resolving clear red flags of abuse and/or diversion including drug cocktails, immediate-release and high dosage opioids, and patients alternating between paying for prescriptions with cash and insurance. *See* RD, at 51–82. As Respondent’s conduct displays clear violations of the federal and state regulations described above, the Agency agrees with the ALJ and hereby finds that Respondent repeatedly violated federal and state law relating to controlled substances. RD, at 81–82. Accordingly, the Agency agrees with the ALJ and finds that Factors B and D weigh in favor of revocation of Respondent’s registration and thus finds Respondent’s continued registration to be inconsistent with the public interest in balancing the factors of 21 U.S.C. 823(g)(1). *Id.*

III. Sanction

Where, as here, the Government has established sufficient grounds to revoke Respondent’s registration, the burden

²¹ Respondent argues in its Exceptions that none of the prescriptions at issue were actually abused or diverted. Exceptions, at 20–23. Nonetheless, Agency precedent is clear that proof of actual, subsequent harm is not required when a registrant has acted inconsistently with the public interest. *Melanie Baker, N.P.*, 86 FR 23998, 24009 (2021); *Larry C. Daniels, M.D.*, 86 FR 61630, 61660–61 (2021); *Jeanne E. Germeil, M.D.*, 85 FR 73786, 73799 n.32 (2020).

²² The Agency need not adjudicate the criminal violations alleged in the instant OSC/ISO. *Ruan v. United States*, 142 S. Ct. 2370 (2022) (decided in the context of criminal proceedings).

²³ Further, federal law “prohibit[s] a pharmacist from filling a prescription for a controlled substance when he either knows or has reason to know that the prescription was not written for a legitimate medical purpose.” *Id.*

²⁴ This regulation requires that pharmacists “ensure that a reasonable effort is made to obtain” this information. *Id.* section 64B16–27.800(2).

shifts to the registrant to show why it can be entrusted with the responsibility carried by a registration. *Garret Howard Smith, M.D.*, 83 FR 18882, 18910 (2018). When a registrant has committed acts inconsistent with the public interest, it must both accept responsibility and demonstrate that it has undertaken corrective measures. *Holiday CVS, L.L.C., dba CVS Pharmacy Nos 219 and 5195*, 77 FR 62316, 62339 (2012) (internal quotations omitted). Trust is necessarily a fact-dependent determination based on individual circumstances; therefore, the Agency looks at factors such as the acceptance of responsibility, the credibility of that acceptance as it relates to the probability of repeat violations or behavior, the nature of the misconduct that forms the basis for sanction, and the Agency's interest in deterring similar acts. *See, e.g., Robert Wayne Locklear, M.D.*, 86 FR 33738, 33746 (2021).

Here, and as noted by the ALJ, the PIC, as Respondent's pharmacy manager, did not admit any fault or accept any responsibility for his conduct in filling the prescriptions at issue. RD, at 83.²⁵ As such, the ALJ concluded, and the Agency agrees, that Respondent has not demonstrated unequivocal acceptance of responsibility for its actions. *Id.* at 84 (citing *Jones Total Health Care Pharmacy, L.L.C. & SND Health Care, L.L.C.*, 81 FR 79188, 79201–202 (2016)).²⁶

In addition to acceptance of responsibility, the Agency considers both specific and general deterrence when determining an appropriate sanction. *Daniel A. Glick, D.D.S.*, 80 FR 74810. In this case, the Agency agrees with the ALJ that given that the PIC filled many of the prescriptions at issue, yet failed to acknowledge that any red flags existed or required resolution, “the interests of specific deterrence, even standing alone, motivate powerfully in favor of revocation.” RD, at 85; Tr. 361, 363–76. Further, the Agency agrees with the ALJ that the interests of general deterrence also support revocation, as a lack of sanction in the current matter would send a message to the registrant community that the failure to properly

address and document resolution of red flags can be excused. RD, at 85–86.

Moreover, the Agency agrees with the ALJ that Respondent's actions were egregious. *Id.* at 84. As stated by the ALJ, “Respondent dispensed many controlled substances over a two-year period without any regard for its obligations to identify, resolve, or document any red flags of potential abuse or diversion” and with awareness of both its obligations and the existence of numerous red flags in the prescriptions that it was filling and dispensing. *Id.* at 84–85.

In sum, Respondent has not offered any credible evidence on the record that rebuts the Government's case for revocation of its registration and Respondent has not demonstrated that it can be entrusted with the responsibility of registration. *Id.* at 86. Accordingly, the Agency will order that Respondent's registration be revoked.²⁷

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FC1162382 issued to Coconut Grove Pharmacy. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Coconut Grove Pharmacy to renew or modify this registration, as well as any other pending application of Coconut Grove Pharmacy for additional registration in Florida. This Order is effective July 15, 2024.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 6, 2024, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of

DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2024–12972 Filed 6–12–24; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

[A.G. Order No. 5945–2024]

Attorney General Designation of Switzerland as a “Qualifying State”

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with an Executive order, the Attorney General has designated Switzerland as a “qualifying state.”

DATES: June 13, 2024. The designation is to become effective on the date of entry into force of an amendment to Annex 1 to the Swiss Data Protection Ordinance listing the United States for data transferred in reliance on the Swiss–U.S. Data Privacy Framework.

FOR FURTHER INFORMATION CONTACT: Susan Hennessey, Chief Counsel Performing the Duties of the Deputy Assistant Attorney General, National Security Division, United States Department of Justice, Washington, DC 20530; telephone: (202) 514–1057. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Executive Order 14086 of October 7, 2022 (Enhancing Safeguards for United States Signals Intelligence Activities), establishes a two-level redress mechanism for the review of qualifying complaints by individuals filed through an appropriate public authority in a “qualifying state” and alleging certain violations of U.S. law concerning signals intelligence activities. A country or regional economic integration organization may be designated as a qualifying state by the Attorney General if he determines, in consultation with the Secretary of State, the Secretary of Commerce, and the Director of National Intelligence, that it meets the requirements set forth in section 3(f) of Executive Order 14086. The Attorney General has made those determinations on the basis of the information contained in the “Memorandum in Support of Designation of Switzerland as a Qualifying State Under Executive Order 14086” prepared by the National Security Division of the Department of

²⁵ Nor did Respondent's owner, A.V., acknowledge any fault or accept any responsibility for Respondent's improper dispensing practices. *Id.* at 83–84.

²⁶ When a registrant fails to make the threshold showing of acceptance of responsibility, the Agency need not address the registrant's remedial measures. *Ajay S. Ahuja, M.D.*, 84 FR 5479, 5498 n.33 (2019) (citing *Jones Total Health Care Pharmacy*, 81 FR 79202–303); *Daniel A. Glick, D.D.S.*, 80 FR 74800, 74801, 74,810 (2015). Even so, in the current matter, neither the PIC nor A.V. outlined any remedial measures taken by Respondent. RD, at 83–84.

²⁷ Regarding Respondent's additional assertions in its Exceptions that the pharmacy being served with an OSC/ISO did not allow it an opportunity to submit a corrective action plan (Exceptions, at 30), the Agency notes that Respondent had ample opportunity in presenting its case-in-chief to fully accept responsibility for its improper practices and to offer remedial measures, but Respondent failed to do so, *see supra*. Further, regarding Respondent's noting that the PIC has never previously faced disciplinary measures for his dispensing (Exceptions, at 29), this point was addressed by the ALJ in considering Public Interest Factors A, C, and E (*see supra* II.A.) and has been considered by the Agency.

Justice, <https://www.justice.gov/opcl/redress-data-protection-review-court>.

Designation of Switzerland Pursuant to Section 3(f) of Executive Order 14086

Consistent with section 3(f) of Executive Order 14086, and on the basis of the information contained in the memorandum referenced above, the Attorney General has determined, in consultation with the Secretary of State, the Secretary of Commerce, and the Director of National Intelligence, that:

(1) The laws of Switzerland require appropriate safeguards in the conduct of signals intelligence activities for United States persons' personal information that is transferred from the United States to the territory of Switzerland;

(2) Switzerland is anticipated, pursuant to the adoption of an amendment to Annex 1 to the Swiss Data Protection Ordinance listing the United States for data transferred in reliance on the Swiss-U.S. Data Privacy Framework, to permit the transfer of personal information for commercial purposes between the territory of Switzerland and the territory of the United States; and

(3) Designation of Switzerland would advance the national interests of the United States.

The Attorney General designated Switzerland as a qualifying state for purposes of eligibility for the redress mechanism established in section 3 of Executive Order 14086, with the designation to become effective upon the date of entry into force of an amendment to Annex 1 to the Swiss Data Protection Ordinance listing the United States for data transferred for commercial purposes in reliance on the Swiss-U.S. Data Privacy Framework.

Dated: June 7, 2024.

Merrick B. Garland,
Attorney General.

[FR Doc. 2024-12997 Filed 6-12-24; 8:45 am]

BILLING CODE 4410-PF-P

DEPARTMENT OF JUSTICE

Notice of Availability; Service Contract Inventory

AGENCY: Justice Management Division, Department of Justice.

ACTION: Notice of availability.

SUMMARY: The Justice Management Division (JMD), Department of Justice (DOJ) is publishing this notice to advise the public of the availability of its FY 2022 Service Contracts Inventory and Inventory Supplement.

ADDRESSES: <https://www.justice.gov/jmd/service-contract-inventory>.

FOR FURTHER INFORMATION CONTACT: Wendy G. Devoe, Office of Acquisition Management, Justice Management Division, U.S. Department of Justice, Washington, DC 20530; Phone: 202-285-7425; Email: Wendy.Devoe@usdoj.gov.

SUPPLEMENTARY INFORMATION: The inventory includes service contract actions over \$25,000 that were awarded in Fiscal Year (FY) 2022. Additionally, the inventory supplement includes information collected from contractors on the amount invoiced and direct labor hours expended for covered service contracts. The Department of Justice analyzes this data for the purpose of determining whether its contract labor is being used in an effective and appropriate manner and if the mix of federal employees and contractors in the agency is effectively balanced. The inventory and supplement do not include contractor proprietary or sensitive information.

Authority: Section 743 of division C of the FY 2010 Consolidated Appropriations Act, Public Law 111-117.

Dated: June 10, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024-13005 Filed 6-12-24; 8:45 am]

BILLING CODE 4410-02-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 024-037]

NASA Advisory Council; Aeronautics Committee; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration (NASA) announces a meeting of the Aeronautics Committee of the NASA Advisory Council (NAC). This meeting will be held for the purpose of soliciting, from the aeronautics community and other persons, research and technical information relevant to program planning.

DATES: Wednesday, June 26, 2024, 9 a.m. to 3:30 p.m., central time.

ADDRESSES: Virtual meeting by dial-in teleconference and TEAMS Meeting only.

FOR FURTHER INFORMATION CONTACT: Ms. Irma Rodriguez, Designated Federal

Officer, Aeronautics Research Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-0984, or irma.c.rodriguez@nasa.gov.

SUPPLEMENTARY INFORMATION: This meeting will be available to the public online. Dial-in audio teleconference and webcast details to watch the meeting remotely will be available on the NASA Advisory Council Aeronautics Committee website at <https://www.nasa.gov/nasa-advisory-council-aeronautics-committee/> or this link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWU0ZDMxYjYtM2RmZC00ZjgwLTgwMzMtZTM1NDZhMDljZjA0%40thread.v2/0?context=%7b%22id%22%3a%227005d458-45be-48ae-8140-d43da96dd17b%22%2c%22oid%22%3a%22199b2213-c413-40b3-b2e7-de758814c6ad%22%7d (Meeting ID: 251 881 783 386, Passcode: gYD5Po—case sensitive), Phone conference (US Toll) 256-715-9946,,585475256# (Phone conference ID: 585 475 256#). Enter the meeting as a guest and type your name and affiliation. NOTE: If dialing in, please “mute” your telephone.

The agenda for the meeting includes the following topics:

- NASA-Federal Aviation Administration (FAA) Coordination on Future of Advanced Air Mobility (AAM)
 - Unmanned Aircraft Systems (UAS) Traffic Management (UTM) Beyond Visual Line of Sight (BVLOS)
 - Sustainable Flight National Partnership Operations Demonstrations in North Texas
- It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2024-13006 Filed 6-12-24; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 024-038]

NASA Planetary Science Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and

Space Administration (NASA) announces a meeting of the Planetary Science Advisory Committee. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, July 9, 2024, 10 a.m. to 6 p.m.; Wednesday, July 10, 2024, 10 a.m. to 6 p.m.; Thursday, July 11, 2024, 10 a.m. to 1:30 p.m. All times are eastern time.

ADDRESSES: Virtual meeting by dial-in teleconference and WebEx only.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355 or karshelia.kinard@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting is entirely virtual and will be open to the public. The meeting will be available telephonically and via WebEx. You must use a touch-tone phone to participate in this meeting. Any interested persons may attend.

For Tuesday, July 9, 2024, the WebEx information for attendees is: <https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=m4480f6d95034045137402bb099124391>. The Webinar number is: 2819 070 5001 and the Webinar password is: PAC day1 (72203291 from phones and video systems). To join by telephone call, use US Toll: +1–415–527–5035 (Access Code: 2819 070 5001).

For Wednesday, July 10, 2024, the WebEx information for attendees is: <https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=m6cdd6743d9032e5f6ca6e45fd7ed12d7>. The Webinar number is: 2831 764 9948 and the Webinar password is: PAC day2 (72203292 from phones and video systems). To join by telephone call, use US Toll: +1–415–527–5035 (Access Code: 2831 764 9948).

For Thursday, July 11, 2024, the WebEx information for attendees is: <https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=m0eb843fd9515bb82c185f4b2505d6fb6>. The Webinar number is: 2829 223 2828 and the Webinar password is: PAC day3 (72203293 from phones and video systems). To join by telephone call, use US Toll: +1–415–527–5035 (Access Code: 2829 223 2828).

Accessibility: Captioning will be provided for this meeting. We are committed to providing equal access to this meeting for all participants. If you need alternative formats or other reasonable accommodations, please contact Ms. KarShelia Kinard, Science

Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355 or karshelia.kinard@nasa.gov.

The agenda for the meeting includes the following topics:

- Planetary Science Division Update
- Moon to Mars Program Update
- Mars Exploration Program (MEP) and Mars Sample Return (MSR) Update
- Lunar Updates
- Astrobiology Update

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2024–13007 Filed 6–12–24; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATE: The Members of the National Council on Disability (NCD) will hold a quarterly business meeting on Thursday, June 27, 2024, 1:00 p.m.–5:00 p.m., Eastern Daylight Time (EDT).

PLACE: This meeting will occur via Zoom videoconference. Registration is required. Interested parties are encouraged to join the meeting in an attendee status by Zoom Desktop Client, Mobile App, or Telephone to dial-in. Updated information is available on NCD's event page at <https://www.ncd.gov/meeting/2024-06-27-june-27-2024-council-meeting/>. To register for the Zoom webinar, please use the following URL: https://events.zoomgov.com/ev/AjDobcDV_mghX7L5f6sWlxUKD_MJzSAnGh7A-lTuPauDUOd2E5XX~AvJyfkIR6R1x3lgp4sOiST1A5xJPGT-vG8sAh1wmhft2TgV6_-VtysUgUQ.

In the event of audio disruption or failure, attendees can follow the meeting by accessing the Communication Access Realtime Translation (CART) link provided. CART is text-only translation that occurs real time and is not an exact transcript.

MATTERS TO BE CONSIDERED: Following welcome remarks and introductions, the Executive Committee will provide their report; followed by the Chair's report; policy updates; a break; followed by a U.S. Department of Justice Access to Justice presentation, followed by Council member Q&A; a panel on NCD's Fetal Surgery to Germline Editing report, followed by Council member

Q&A; a break; public comment on most notable disability policy achievements since Summer 2023; and Council member community report outs; concluding with adjournment.

Agenda: The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Eastern Daylight Time):

Thursday, June 27, 2024

- 1:00–1:10 p.m.—Welcome, Call to Order
- 1:10–1:25 p.m.—Executive Committee Reports
- 1:25–1:35 p.m.—Chair's Report
- 1:35–2:05 p.m.—Policy Updates
- 2:06–2:15 p.m.—Break
- 2:15–2:59 p.m.—DOJ Access to Justice program presentation, Council Member Q&A
- 3:00–3:50 p.m.—Fetal Surgery/Germline Editing report panel
- 3:51–4:00 p.m.—Break
- 4:00–4:30 p.m.—Public Comment on most notable disability policy achievements
- 4:30–5:00 p.m.—Council Member Community Report Outs
- 5:00 p.m.—Adjourn

Public Comment: Your participation during the public comment period provides an opportunity for us to hear from you—individuals, businesses, providers, educators, parents and advocates. Your comments are important in bringing to the Council's attention and issues and priorities of the disability community. For the June 27 Council meeting, NCD will have a public comment session to receive perspectives on the most notable disability policy achievements from Summer 2023 to present. NCD asks for the top three achievements from each presenter. Additional information on specifics of the topic and guidelines are available on NCD's public comment page at <https://www.ncd.gov/public-comment/>.

Because of the virtual format, the Council will receive public comment by email or by video or audio over Zoom. To provide public comment during an NCD Council Meeting, NCD now requires advanced registration by either signing up to present while registering for the meeting or sending an email to PublicComment@ncd.gov with the subject line “Public Comment” and your name, organization, state, and topic of comment included in the body of your email. Deadline for registration is June 26, 8:00 p.m. EDT.

While public comment can be submitted on any topic over email, comments during the meeting should be specific to most notable disability policy

achievements, as the input is needed for an upcoming report.

If any time remains following the conclusion of the comments of those registered, NCD may call upon those who desire to make comments but did not register.

CONTACT PERSON FOR MORE INFORMATION: Nicholas Sabula, Public Affairs Specialist, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202-272-2004 (V), or nsabula@ncd.gov.

Accommodations: An ASL interpreter will be on-camera during the entire meeting, and CART has been arranged for this meeting and will be embedded into the Zoom platform as well as available via streamtext link. The web link to access CART (in English) is: <https://www.streamtext.net/player?event=NCD>.

If you require additional accommodations, please indicate on the registration form or notify Stacey Brown by sending an email to sbrown@ncd.gov as soon as possible, no later than 24 hours before the meeting.

Due to last-minute confirmations or cancellations, NCD may substitute items without advance public notice.

Dated: June 11, 2024.

Anne C. Sommers McIntosh,

Executive Director.

[FR Doc. 2024-13191 Filed 6-11-24; 4:15 pm]

BILLING CODE 8421-02-P

NUCLEAR REGULATORY COMMISSION

[NRC-2024-0031]

Information Collection: Requests to Agreement States and Non-Agreement States for Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "Requests to Agreement States and Non-Agreement States for Information."

DATES: Submit comments by August 12, 2024. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods;

however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- **Federal rulemaking website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0031. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **Mail comments to:** David Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2024-0031 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0031.
- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The supporting statement is available in ADAMS under Accession No. ML24081A130.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern

time (ET), Monday through Friday, except Federal holidays.

- **NRC's Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2024-0031, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. **The title of the information collection:** Requests to Agreement States and Non-Agreement States for Information.
2. **OMB approval number:** 3150-0029.
3. **Type of submission:** Extension.
4. **The form number, if applicable:** Not applicable.
5. **How often the collection is required or requested:** One-time, on occasion.
6. **Who will be required or asked to respond:** 50 states, the District of Columbia, and Puerto Rico.
7. **The estimated number of annual responses:** 684.
8. **The estimated number of annual respondents:** 52.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 5,472.

10. *Abstract:* The NRC is requesting OMB approval of a plan for a generic collection of information. The need and practicality of the collection can be evaluated, but the details of the specific individual collections will not be known until a later time. The Agreement States and non-Agreement States will be asked on a one-time or as needed basis to respond to a specific incident, to gather information on licensing and inspection practices or other technical information, or to provide comments on proposed policy and program updates. The results of such information requests, which are authorized under section 274(b) of the Atomic Energy Act, will be utilized in part by the NRC in preparing responses to Congressional inquiries. In addition, the information can assist the Commission in its considerations and decisions involving Atomic Energy Act materials programs in an effort to make the national nuclear materials program more uniform and consistent.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: June 7, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024-12937 Filed 6-12-24; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2023-0161]

Information Collection: Domestic Licensing of Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "Domestic Licensing of Production and Utilization Facilities."

DATES: Submit comments by August 12, 2024. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0161. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2023-0161 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0161.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the

ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0161, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting

public comment on its intention to request the OMB’s approval for the information collection summarized below.

1. *The title of the information collection:* Domestic Licensing of Production and Utilization Facilities.

2. *OMB approval number:* 3150–0011.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* As necessary in order for the NRC to meet its responsibilities to conduct a detailed review of applications for licenses and amendments thereto to construct and operate nuclear power plants, preliminary or final design approvals, design certifications, research and test facilities, reprocessing plants and other utilization and production facilities, licensed pursuant to the Atomic Energy Act of 1954, as amended (the Act) and to monitor their activities. Reports are submitted daily, monthly, quarterly, annually, semi-annually, and on occasion.

6. *Who will be required or asked to respond:* Licensees, and applicants for,

or holders, of an operating license or construction permit; applicants for a standard design certification under 10 CFR part 52; applicants for, or holders of, a standard design approval license, a combined license or a research and test facility license.

7. *The estimated number of annual responses:* 42,861 (42,692 reporting responses + 169 recordkeepers).

8. *The estimated number of annual respondents:* 195.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 3.7M hours (1.6M hours reporting + 2.1M hours recordkeeping).

10. *Abstract:* Part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), “Domestic Licensing of Production and Utilization Facilities,” specifies technical information and data to be provided to the NRC or maintained by applicants and licensees so that the NRC may take determinations necessary to protect the health and safety of the public, in accordance with the Atomic Energy Act of 1954, as amended. The reporting and recordkeeping

requirements contained in 10 CFR part 50 are mandatory for the affected licensees and applicants.

III. Specific Requests for Comments

- The NRC is seeking comments that address the following questions:
1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
Supporting Statement, Section 1 (Overview)—“Domestic Licensing of Production and Utilization Facilities”	ML24008A101
Supporting Statement Section 2—“Applications for Licenses, Certifications, and Regulatory Approvals”	ML24008A102
Supporting Statement Section 3—“Decommissioning”	ML24008A103
Supporting Statement Section 4—“Inspections, Records, Reports, Notifications”	ML24008A104
Supporting Statement Section 5—“Issuance, Limitations, and Conditions of Licenses and Construction Permits”	ML24008A105
Supporting Statement Section 6—“License Requirements”	ML24008A107
Supporting Statement Section 7—“Standards for Licenses, Certifications, and Regulatory Approvals”	ML24008A108
Burden spreadsheet	ML24008A109

Dated: June 10, 2024.
For the Nuclear Regulatory Commission.
David Cullison,
NRC Clearance Officer, Office of the Chief Information Officer.
[FR Doc. 2024–12965 Filed 6–12–24; 8:45 am]
BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2023–183; MC2024–354 and CP2024–362; MC2024–355 and CP2024–363; MC2024–356 and CP2024–354; MC2024–357 and CP2024–365]

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 17, 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>)

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)*: CP2023–183; *Filing Title*: USPS Notice of Amendment to Priority Mail, First-Class Package Service & Parcel Select Contract 32, Filed Under Seal; *Filing Acceptance Date*: June 7, 2024; *Filing Authority*: 39 CFR 3035.105; *Public Representative*: Christopher C. Mohr; *Comments Due*: June 17, 2024.

2. *Docket No(s)*: MC2024–354 and CP2024–362; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 105 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 7, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: June 17, 2024.

3. *Docket No(s)*: MC2024–355 and CP2024–363; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 274 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 7, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: June 17, 2024.

4. *Docket No(s)*: MC2024–356 and CP2024–364; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 106 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*:

June 7, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: June 17, 2024.

5. *Docket No(s)*: MC2024–357 and CP2024–365; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 275 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: June 7, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Almaroof Agoro; *Comments Due*: June 17, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2024–13008 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 270 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–339, CP2024–347.

Sean Robinson,

Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12929 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 6, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 102 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–349, CP2024–357.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12923 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 7, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 105 to Competitive Product List*. Documents

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

are available at www.prc.gov, Docket Nos. MC2024–354, CP2024–362.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12926 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 86 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–330, CP2024–338.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12894 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 84 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–328, CP2024–336.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12912 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 269 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–323, CP2024–331.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12928 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 7, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 274 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–355, CP2024–363.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12933 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 94 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–338, CP2024–346.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12902 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 7, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 106 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–356, CP2024–364.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12927 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 96 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–341, CP2024–349.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12904 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 83 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–327, CP2024–335.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12911 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 81 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–324, CP2024–332.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12909 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 85 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–329, CP2024–337.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12913 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P**POSTAL SERVICE****Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 271 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–342, CP2024–350.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12930 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 99 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–345, CP2024–353.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12920 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 3, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 95 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–340, CP2024–348.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12903 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 31, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 91 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–335, CP2024–343.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12899 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 31, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 89 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–333, CP2024–341.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12897 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 31, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 93 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–337, CP2024–345.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12901 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 6, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 272 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–352, CP2024–360.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12931 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 80 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–322, CP2024–330.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12908 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 97 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–343, CP2024–351.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12905 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 6, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 104 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–351, CP2024–359.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12925 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.
ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 4, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 98 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–344, CP2024–352.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–12906 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 100 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–347, CP2024–355.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–12921 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 29, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 82 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–325, CP2024–333.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–12910 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 87 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–331, CP2024–339.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–12895 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 7, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 275 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–357, CP2024–365.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–12934 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 6, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 103 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–350, CP2024–358.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–12924 Filed 6–12–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 28, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 79 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–321, CP2024–329.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12907 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 5, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 101 to Competitive Product List*. Documents

are available at www.prc.gov, Docket Nos. MC2024–348, CP2024–356.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12922 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 31, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 88 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–332, CP2024–340.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12896 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 31, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 90 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–334, CP2024–342.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12898 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* June 13, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on June 6, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 273 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024–353, CP2024–361.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2024–12932 Filed 6–12–24; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE**Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement****AGENCY:** Postal Service™.**ACTION:** Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.
DATES: Date of required notice: June 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202-268-8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 31, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 92 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2024-336, CP2024-344.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024-12900 Filed 6-12-24; 8:45 am]

BILLING CODE 7710-12-P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Notice of Availability and Request for Comments; National Nanotechnology Initiative Environmental, Health, and Safety Research Strategy: 2024 Update

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Notice of availability and request for comments.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), is requesting comments on the National Nanotechnology Initiative (NNI) Environmental, Health, and Safety (EHS) Research Strategy: 2024 Update (hereinafter "2024 Update"). Federal agencies participating in NSET's Nanotechnology Environmental and Health Implications (NEHI) Working Group developed the draft 2024 Update and seek comments by the EHS research community and the public, as a final stage of public input that will inform the final strategy.

DATES: Interested persons and organizations are invited to submit comments on or before July 22, 2024.

ADDRESSES: Interested individuals and organizations should submit comments electronically via to <https://www.regulations.gov/>. Due to time constraints, mailed paper submissions will not be accepted, and electronic submissions received after the deadline may not be incorporated or taken into consideration.

Instructions: Federal eRulemaking Portal: Go to <https://www.regulations.gov/> to submit your comments electronically. Information on how to use [Regulations.gov](https://www.regulations.gov/), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ" (<https://www.regulations.gov/faq>).

Privacy Note: OSTP's policy is to make all appropriate comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at <https://www.regulations.gov/>. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available. OSTP requests that no proprietary information, copyrighted information, or personally identifiable information be submitted in response to this notice of availability and request for comments.

Information obtained from this Request for Comments may be used by the Government on a non-attribution basis for planning and strategy development. OSTP will not respond to individual submissions. A response to this Request for Comments will not be viewed as a binding commitment to develop or pursue the project or ideas discussed. This Request for Comments is not accepting applications for financial assistance or financial incentives.

Responses containing references, studies, research, and other empirical data that are not widely published should include copies of or electronic links to the referenced materials. Responses from minors, or responses containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

Comments submitted in response to this notice are subject to the Freedom of Information Act (FOIA). Responses to this Request for Comments may be posted without change online. Please note that the United States Government will not pay for response preparation, or for the use of any information contained in a response.

FOR FURTHER INFORMATION CONTACT: For additional information, please direct questions to Rhema Bjorkland at info@nnco.nano.gov or 202-517-1050.

SUPPLEMENTARY INFORMATION:

I. Background

Nanotechnology enables us to understand and manipulate atoms and molecules—we can harness changes at the nanoscale to make new and improved materials and devices.

Nanotechnology has led to advances in medical treatments, clean energy technologies, and semiconductor chips that serve as the foundation of our modern lives.

The years of research under the vision of the 2011 NNI Environmental, Health, and Safety Research Strategy¹ has significantly advanced the scientific understanding of EHS issues related to engineered nanomaterials. However, critical gaps in knowledge remain. There are unmet and new needs in nanotechnology-related EHS (nanoEHS) issues that require collaborative action, which will ultimately help solve pressing global challenges, while protecting human and environmental health.

NEHI's efforts to prepare an updated EHS research strategy included a review of the 2011 research strategy. The authors also analyzed NNI supplements to the President's Budget (2019–2023)² and other relevant articles and reports, released a Request for Information,³ and hosted a public meeting.⁴ NEHI is now offering this draft for comment by the EHS research community and the public, as a final stage of public input that will inform the final strategy.

The 2024 update of the NNI EHS research strategy represents the U.S. Government's commitment to steer future research advancements in nanotechnology, aligning with the needs of the economy and society. The document is organized into two major sections: Part A, which outlines progress toward the 2011 EHS research strategy goals, and Part B, which addresses the scope of the research strategy going forward, expands on the unmet needs from Part A, and adds specific actions to support the new needs and challenges identified in the update.

Requests for Comment

While OSTP invites all comments responsive to this request for comments, of key interest is identifying any additional information and data sources that NEHI should consider when updating the strategy. This notice serves as the follow-on to the Request for Information referenced in a **Federal Register** Notice titled "Request for Information: National Nanotechnology Initiative Environmental, Health, and

¹ See https://www.nano.gov/sites/default/files/pub_resource/nni_2011_ehs_research_strategy.pdf.

² See <https://www.nano.gov/NNIBudgetSupplementsandStrategicPlans>.

³ See <https://www.federalregister.gov/documents/2023/05/23/2023-10958/request-for-information-national-nanotechnology-initiative-environmental-health-and-safety-research>.

⁴ See <https://www.nano.gov/ehsstrategymeeting>.

Safety Research Strategy.”⁵ Please be specific in comments provided and/or recommendations for changes to the digital resources. Response to this Request for Comments is voluntary.

Dated: June 10, 2024.

Stacy Murphy,

Deputy Chief Operating Officer/Security Officer.

[FR Doc. 2024–13031 Filed 6–12–24; 8:45 am]

BILLING CODE 3270–F1–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100296; File No. SR–FINRA–2024–009]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend FINRA Rule 7620A (FINRA/Nasdaq Trade Reporting Facility Reporting Fees)

June 7, 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 31, 2024, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“SEC” or “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

FINRA is proposing to amend FINRA Rule 7620A (FINRA/Nasdaq Trade Reporting Facility Reporting Fees) to modify the trade reporting fees and caps applicable to non-retail participants that use the FINRA/Nasdaq Trade Reporting Facility Carteret and the FINRA/Nasdaq Trade Reporting Facility Chicago.

The text of the proposed rule change is available on FINRA’s website at <http://www.finra.org>, at the principal office of FINRA and at the Commission’s Public Reference Room.

⁵ See <https://www.federalregister.gov/documents/2023/05/23/2023-10958/request-for-information-national-nanotechnology-initiative-environmental-health-and-safety-research>.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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 FINRA/Nasdaq Trade Reporting Facility Carteret (the “FINRA/Nasdaq TRF Carteret”) and the FINRA/Nasdaq Trade Reporting Facility Chicago (the “FINRA/Nasdaq TRF Chicago”) (collectively, the “FINRA/Nasdaq TRF”) are facilities of FINRA that are operated by Nasdaq, Inc. (“Nasdaq”). In connection with the establishment of the FINRA/Nasdaq TRF, FINRA and Nasdaq entered into a limited liability company agreement (the “LLC Agreement”). Under the LLC Agreement, FINRA, the “SRO Member,” has sole regulatory responsibility for the FINRA/Nasdaq TRF. Nasdaq, the “Business Member,” is primarily responsible for the management of the FINRA/Nasdaq TRF’s business affairs, including establishing pricing for use of the FINRA/Nasdaq TRF, to the extent those affairs are not inconsistent with the regulatory and oversight functions of FINRA. Additionally, the Business Member is obligated to pay the cost of regulation and is entitled to the profits and losses, if any, derived from the operation of the FINRA/Nasdaq TRF. The proposed rule change makes several adjustments to the schedule of fees and caps that applies to participants in the FINRA/Nasdaq TRF.

Background

The FINRA/Nasdaq TRF comprises two of four FINRA facilities³ that FINRA members can use to report over-the-counter (“OTC”) trades in NMS stocks. While members are required to report all OTC trades in NMS stocks to FINRA, they may choose which FINRA

³ The four FINRA facilities are the FINRA/Nasdaq TRF Carteret, the FINRA/Nasdaq TRF Chicago, the FINRA/NYSE Trade Reporting Facility (the “FINRA/NYSE TRF”), and the Alternative Display Facility (“ADF”).

facility (or facilities) to use to satisfy their trade reporting obligations.

Pursuant to the FINRA Rule 7600A Series, participants in the FINRA/Nasdaq TRF are charged fees and may qualify for fee caps (Rule 7620A) and also may qualify for revenue sharing payments for trade reporting to the FINRA/Nasdaq TRF (Rule 7610A). These rules are administered by Nasdaq, in its capacity as the Business Member and operator of the FINRA/Nasdaq TRF, on behalf of FINRA,⁴ and Nasdaq collects all fees on behalf of the FINRA/Nasdaq TRF.

Pursuant to FINRA Rule 7620A, participants that are not Retail Participants⁵ in the FINRA/Nasdaq TRF are subject to four categories of fees, each of which is applicable to transactions on the three tapes:⁶ (1) Media/Executing Party; (2) Non-Media/Executing Party; (3) Media/Contra Party; and (4) Non-Media/Contra Party.⁷ For each Media and Non-Media trade report submitted to the FINRA/Nasdaq TRF, both the member firm identified in the report as the Executing Party and the member firm identified as the Contra Party are assessed a fee.⁸ Rule 7620A provides that for any category of fees, a non-Retail Participant will qualify for a cap on the fees they would otherwise pay to report non-comparison/accept (non-match/compare) trades to a particular tape during a given month, provided that during the month, the participant separately has an average daily number of Media/Executing Party trade reports of at least 5,000 in that same tape.

Proposed Amendments to Fee Schedule

Nasdaq, as the Business Member, has determined to make several adjustments to the schedule of fees and caps that

⁴ FINRA’s oversight of this function performed by the Business Member is conducted through a recurring assessment and review of TRF operations by an outside independent audit firm.

⁵ The term “Retail Participant” is defined in Rule 7620A.01. Retail Participants are exempt from fees for trade reporting to the FINRA/Nasdaq TRF. Unless otherwise stated, references to a “participant” herein mean a non-Retail Participant.

⁶ Market data is transmitted to three tapes based on the listing venue of the security: New York Stock Exchange (“Tape A”); BYX, BZX, EDGA, EDGX, IEX, LTSE, MEMX, MIAX, Nasdaq BX, Nasdaq PSX, NYSE American, NYSE Chicago, NYSE National, and NYSE Arca (“Tape B”); and Nasdaq (“Tape C”).

⁷ Media eligible trade reports are those that are submitted to the FINRA/Nasdaq TRF for public dissemination by the Securities Information Processors. By contrast, non-media trade reports are not submitted to the FINRA/Nasdaq TRF for public dissemination but are submitted for regulatory and/or clearance and settlement purposes.

⁸ Pursuant to Rule 7620A.01, the “Executing Party” is defined as the member with the trade reporting obligation under FINRA rules and the “Contra” is defined as the member on the contra side of a trade report.

applies to participants in the FINRA/Nasdaq TRF. As discussed below, the overall aims of the proposed adjustments are to: (1) align the activity-based fees and cap levels with the rising costs of operating, maintaining, and improving the FINRA/Nasdaq TRF; and (2) re-calibrate the fee structure so that it provides for a more equitable allocation of fees among Executing Parties and Contra Parties, while providing for a reasonable return to Nasdaq on its expenditures in support of and investments in the FINRA/Nasdaq TRF as the Business Member. FINRA is proposing to amend Rule 7620A accordingly.

Specifically, the proposed rule change would: (1) raise the threshold daily average number of Media/Executing Party trades that are necessary for a participant to qualify for a fee cap program during a month; (2) provide for new tiered discounted Media/Contra Party and Non-Media/Contra Party fees; and (3) make non-substantive clarifying changes to Rule 7620A. Each of these proposals is described in detail below.

Cap Qualifying Activity

The proposed rule change would raise the level of the daily average number of Media/Executing trades that a participant must report to the FINRA/Nasdaq TRF in a given month to qualify for caps on its trade reporting fees ("Cap Qualifying Activity"). Presently, the level of Cap Qualifying Activity is 5,000 Media/Executing trade reports in each of Tapes A, B, and C. Nasdaq, as the Business Member, has determined to raise these threshold numbers to 10,000 in each Tape.

The levels of Cap Qualifying Activity have not increased since 2018,⁹ at a time when reporting volume on the FINRA/Nasdaq TRF was significantly lower than it is now. Over the past five years, the FINRA/Nasdaq TRF trade reporting volume has grown twofold, while the FINRA/Nasdaq TRF monthly charge and caps for reporting trades have remained the same for the four categories over the same time period.¹⁰ Participants eligible for fee caps have paid the same capped charges over the past five years while trade reporting volumes have increased 201 percent

over a five-year span. Meanwhile, the cost of operating the FINRA/Nasdaq TRF has increased by approximately 23 percent from 2019 to 2023. These costs have increased for various reasons, including but not limited to inflation, investments that Nasdaq has made in upgrading and improving the facility, and increased operational and maintenance costs that have flowed from rising levels of trade reporting activity. Nasdaq, as the Business Member, believes that raising the levels of Cap Qualifying Activity will help to recalibrate the thresholds in light of increased volumes and costs.

Media and Non-Media/Contra Party Fees

The proposed rule change would also amend the schedule of fees for Media/Contra Party and Non-Media/Contra Party trade reports. Nasdaq, as the Business Member, has determined to establish tiered pricing on Media/Contra Party and Non-Media/Contra Party trade reports for participants that do not qualify for the cap described above. Similar to the existing fee caps based on Executing Party trade report volume, the tiered pricing will apply based on a member firm's total monthly Media/Contra Party trade report volume. To be eligible for the tiered pricing, the participant's Media/Contra Party volume must equal or exceed 35 percent of the participant's total volume of trades reported to the FINRA/Nasdaq TRF in a given month. A participant that meets this threshold will qualify for discounted pricing at the following tiers:

Minimum number of media/contra trade reports during the month (million)	Fee per trade report
2	\$0.012
7	0.0095
12	0.0075

If a participant has sufficient Media/Contra Party trade reports to meet the above thresholds, then the discounted pricing will also apply to the participant's Non-Media/Contra Party trade reports. Unlike the existing fee caps, the volume and trade report thresholds are not calculated on a per tape basis for purposes of the Contra Party tiered discounts.

The proposed tiered pricing is intended to provide for a more reasonable allocation of fees among Executing Parties and Contra Parties. The three tier levels were developed so that participants can qualify for lower fees as their Media/Contra Party trade reporting volumes increase.

As discussed above, the number of trades reported to the FINRA/Nasdaq TRF has grown significantly in recent years. Currently, participants that are primarily identified as the Contra Party on trade reports and do not have sufficient Executing Party trades that would qualify for the fee cap are not eligible for any pricing discount. The proposed rule change would therefore provide tiered discounted fees to participants identified in trade reports as the Media/Contra Party and Non-Media/Contra Party to allow more participants to qualify for discounted rates and to provide for more reasonable allocation of fees among the parties to a trade.

In addition to setting forth the proposed discounted pricing, the proposed rule change would add language to Section II.A of Rule 7620A to provide an explanation and example of qualifying trade reporting activity for the Contra Party tiered discount.

It is important to note that a participant will not receive both the fee cap based on qualifying Media/Executing Party trade reporting activity and the proposed Contra Party fee discount in the same month. Nasdaq, as the Business Member, will conduct monthly reviews of a non-Retail Participant's trade reporting volume to determine what pricing applies to the participant's activity for a given month.¹¹ If a firm does not qualify for the fee cap based on Media/Executing Party trade reporting activity, the firm will then be evaluated for Contra Party tiered pricing based on its Media/Contra Party trade reporting activity.¹² Non-Retail Participants will automatically receive the applicable capped or discounted pricing if they qualify based on their trade reporting activity; they do not need to submit supporting documentation or take any additional steps to qualify.¹³

General Clarifications

FINRA is also proposing non-substantive changes to the FINRA/Nasdaq TRF fee schedule to provide more clarity. First, Retail Participants are not subject to any trade reporting fees under Rule 7620A. Therefore, FINRA is proposing to eliminate language that suggests that, in some

⁹ See Securities Exchange Act Release No. 83866 (August 16, 2018), 83 FR 42545 (August 22, 2018) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2018-029).

¹⁰ Over the past five years, annual trade reporting volume on the FINRA/Nasdaq TRF has grown from 283.9 billion trades to 855.7 billion trades, an increase of 201 percent. Annual fees have increased by 44 percent over the same period. Annual fees for this purpose mean the aggregate of all reporting fees collected by the FINRA/Nasdaq TRF in a given calendar year.

¹¹ Retail Participants are not subject to any trade reporting fees and therefore would not be considered for any cap or fee discounts.

¹² If a firm qualifies for an ATS Market Maker fee cap, then the firm will not qualify for Contra Party pricing.

¹³ By contrast, Retail Participants are required to complete and submit an application and written attestation to Nasdaq to be designated as such and to receive pricing under the Retail Participant fee schedule.

instances, Retail Participants are required to pay trade report charges. Second, FINRA is proposing minor changes to the language in Section II.A of Rule 7620A to provide more clarity on the qualifying activity required to achieve the cap. These proposed changes are not intended to make any substantive changes to the operation of the rule.

FINRA notes that the proposed rule changes do not modify the other fees assessed under Rule 7620A, including the ATS Market Maker fee caps, the fee assessed a member for submitting a clearing report to the FINRA/Nasdaq TRF to transfer a transaction fee pursuant to Rule 7230A(h), and the "Comparison" fee.

FINRA has filed the proposed rule change for immediate effectiveness. The operative date will be June 1, 2024.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of section 15A(b) of the Act,¹⁴ in general, and section 15A(b)(5) of the Act,¹⁵ in particular, which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls. FINRA also believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,¹⁶ which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA also believes that the proposed rule change is consistent with the provisions of section 15A(b)(9) of the Act,¹⁷ which requires that FINRA rules not impose any burden on competition that is not necessary or appropriate.

FINRA believes that the proposed fee schedule is reasonable and provides an equitable allocation of fees in that it will apply uniformly to all similarly situated FINRA members that use the FINRA/Nasdaq TRF. Moreover, participation in the FINRA/Nasdaq TRF is voluntary, and access to the FINRA/Nasdaq TRF is offered on fair and non-discriminatory terms.

The proposed rule change would: (1) raise from 5,000 to 10,000 the Cap Qualifying Activity that a participant

needs to achieve to qualify for capped reporting fees under Rule 7620A; and (2) provide a three-tiered fee discount for Media/Contra Party and Non-Media/Contra Party monthly charges for participants that may not otherwise achieve Cap Qualifying Activity.

As discussed above, the FINRA/Nasdaq TRF has experienced a significant increase in trade reporting activity over the past five years, while the monthly charges and caps have remained unchanged over the same time period. Nasdaq, as the Business Member, does not believe that the current Cap Qualifying Activity of 5,000 daily average trades per month continues to be an appropriate threshold in light of such increase. The caps and cap formulas have not kept pace with the rapid growth of trade reporting volume on the FINRA/Nasdaq TRF since they were amended in 2018 or with the corresponding increase in costs associated with operating, maintaining, and upgrading the FINRA/Nasdaq TRF. Nasdaq, as the Business Member, believes that doubling the minimum average daily volume of Media/Executing Party trade reports from 5,000 to 10,000 will better reflect the current levels of trade reporting activity on the FINRA/Nasdaq TRF. The proposed rule change will also help Nasdaq continue to accommodate the costs associated with rising trade reporting volumes while making substantial enhancements to the technology, functionality, and performance of the FINRA/Nasdaq TRF. Participants are required to submit Media trade reports to FINRA, while not all Non-Media trades are required to be reported under FINRA rules. In determining pricing for the FINRA/Nasdaq TRF, the Business Member has focused on attracting Media trade reports to the FINRA/Nasdaq TRF relative to other trade reporting facilities.¹⁸ As such, the existing approach of using Media/Executing Party trade reports as the criteria for a participant to qualify for the fee cap provides for an equitable allocation of fees and is not unfairly discriminatory.

Additionally, as discussed above, the proposed tiered discounts will help ensure a more equitable distribution of fees and allocate costs associated with the operation and maintenance of the FINRA/Nasdaq TRF more equitably among Executing Parties and Contra Parties. Over time, as the number of trades reported to the FINRA/Nasdaq

TRF has grown significantly, the fee burden associated with the FINRA/Nasdaq TRF has shifted disproportionately to Contra Parties because participants that are primarily identified as the Contra Party and that do not have sufficient Executing Party trades to qualify for the fee cap are not currently eligible for any pricing discount. According to Nasdaq, as the Business Member, without a cap on Contra Party monthly trade report charges, the increase in Contra Party activity fees as a result of the growth in trade reporting activity over the past five years has been disproportionately higher than that of Executing Party fees. Therefore, the Business Member has advised that the proposed three-tiered fee discount for Contra Parties will help ensure that Contra Parties' fees are better calibrated relative to Executing Parties. Similar to the existing approach taken with respect to using Media/Executing Party trade reports to qualify for a fee cap, Nasdaq, as the Business Member, has determined to base the proposed fee discount for Contra Parties on Media/Contra trade reports in an effort to attract more Media reporting to the FINRA/Nasdaq TRF relative to other trade reporting facilities.¹⁹ Therefore, as with the existing approach with respect to Cap Qualifying Activity, using Media/Contra Party trade reports as the basis for qualifying for the Contra Party fee discount provides for an equitable allocation of fees and is not unfairly discriminatory.

Nasdaq also advises that it expects to earn a profit from the proposed rule change, but it believes that such profit represents a reasonable return on its expenditures in support of and investments in the FINRA/Nasdaq TRF, and that the extent of such profit will be subject to and constrained by competitive pressures. As the Commission has recognized, "[i]f competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior,"²⁰ and "the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly

¹⁹ Nasdaq has advised that today, some Contra Parties may play a greater role in determining where their Executing Parties report trades than in the past.

²⁰ See Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) (Order Setting Aside Action by Delegated Authority and Approving File No. SR-NYSEArca-2006-21).

¹⁴ 15 U.S.C. 78o-3(b).

¹⁵ 15 U.S.C. 78o-3(b)(5).

¹⁶ 15 U.S.C. 78o-3(b)(6).

¹⁷ 15 U.S.C. 78o-3(b)(9).

¹⁸ The Cap Qualifying Activity requirement has historically focused on participants that are identified in the trade report as the Executing Party because historically the Executing Party has primarily made the decision on which TRF to which it report its trades.

discriminatory.”²¹ In this instance, the increase in fees resulting from the proposal to increase the Media/Executing Party trade reporting activity required to qualify for a fee cap will be subject to significant competition from the FINRA/NYSE TRF, which in the past has increased its market share relative to the FINRA/Nasdaq TRF as a result of pricing and other competitive adjustments. As the Commission has held in the past, the presence of competition provides a substantial basis for a finding that the proposed rule change will be an equitable allocation of reasonable dues, fees and other charges.²²

Finally, FINRA believes that it is reasonable to make non-technical, clarifying changes to Rule 7620A. The proposed non-substantive changes to remove the reference to fees charged to Retail Participants and to clarify the Cap Qualifying Activity requirements for the fee caps are appropriate to make the rule more easily understandable. FINRA, Nasdaq, and all FINRA/Nasdaq TRF participants have an interest in FINRA maintaining rules for its trade reporting facilities that are clear.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Regulatory Need

Nasdaq, as the Business Member and operator of the FINRA/Nasdaq TRF, collects all fees on behalf of the FINRA/Nasdaq TRF. As discussed above, Nasdaq has observed an increase in off-exchange volumes and the associated cost of operating and improving the FINRA/Nasdaq TRF. Nasdaq also observed that today, participants predominantly identified as the Contra Party pay a disproportionate amount of the fees. Therefore, Nasdaq determined to make several adjustments to the schedule of fees and caps to better allocate the fees among the participants and align them with the costs of operating the FINRA/Nasdaq TRF.

Economic Baseline

As discussed above, pursuant to FINRA Rule 7620A, participants in the FINRA/Nasdaq TRF are currently subject to four categories of fees, each of which is applicable to transactions on the three tapes: (1) Media/Executing Party; (2) Non-Media/Executing Party;

(3) Media/Contra Party; (4) and Non-Media/Contra Party. The rule also provides fee caps for participants for a particular tape during a given month, separately for Media/Executing Party, Non-Media/Executing Party, Media/Contra Party and Non-Media/Contra Party trades. The level of the daily average number of Media/Executing Party trades determines a participant's eligibility to qualify for fee caps on the Media/Executing Party, Non-Media/Executing Party, Media/Contra Party, and Non-Media/Contra Party trade reports. Consider, for example, a non-Retail Participant averaging 10,924 Media/Executing Party trades, 21,279 Non-Media/Executing Party trades, 1,949 Media/Contra Party trades, and 16,741 Non-Media/Contra Party trades per day in a given month and tape. This participant meets the 5,000 daily trade volume of Media/Executing Party trades that qualifies it for the fee caps. The monthly charge on its Media/Executing Party trades would be capped at \$1,430 (5,000 reports $\times$ \$0.013 $\times$ 22), assuming 22 trading days in the month. In this example, the charges for Non-Media/Executing Party and Non-Media/Contra Party trade reports both would be capped at \$1,430 because the volumes in both categories are higher than 5,000, while the charge for Media/Contra Party trade reports would be \$557.41 (1,949 reports $\times$ \$0.013 $\times$ 22) because the volume has not reached the cap size of 5,000. If the number of Media/Executing Party trades were below 5,000 in this example, then the charges on all categories would be calculated at a regular rate without a cap.

FINRA analyzed data provided by Nasdaq that shows fees incurred by 584 participants in at least one month of 2023. On average, 505 participants paid a fee each month to the FINRA/Nasdaq TRF either as an Executing Party or Contra Party in at least one of Tape A, B, and C securities.²³ Among these 505 participants, on average, 33 (seven percent) were eligible and received capped fees each month. Of the 472 participants (93 percent) that were ineligible for a cap, on average, 347 (74 percent) had a larger volume of Contra Party/Media activity than Executing Party/Media activity across all tapes.

Economic Impact

The proposed rule change entails several changes to the fee and cap structure. The potential impact of each proposed change is discussed below.

Nasdaq has determined to raise the threshold for the Cap Qualifying Activity—*i.e.*, the daily average number of Media/Executing Party trades that a participant must report to the FINRA/Nasdaq TRF in a given month to qualify for caps on its trade reporting fees, from 5,000 reports in each of Tapes A, B, and C, to 10,000 reports. Under the proposed new fee structure, some participants currently qualifying for fee caps would no longer qualify for the fee cap and would therefore see an increase in fees. Participants that continue to qualify for the proposed fee cap would also expect higher charges because the required volumes for fee caps in all categories would increase from 5,000 to 10,000 trade reports under the proposed rule. Under the proposed fee structure, the cap effectively increases by 100%, approximately from \$1,430 ($\$0.013 \times 5,000 \times 22$) to \$2,860 ($\$0.013 \times 10,000 \times 22$), assuming 22 trading days in a month, for each category of trade reports (*i.e.*, Media/Executing Party, Non-Media/Executing Party, Media/Contra Party and Non-Media/Contra Party) in each tape.²⁴ Participants not qualifying for the fee caps would be considered for the proposed tiered discounts on Contra Party trade reports and therefore could expect lower charges on the Contra Party trade reports if they qualify.²⁵

For the purpose of estimating the impacts of the proposed rule change, FINRA used monthly trade reporting volumes and fees data provided by Nasdaq from January through December of 2023 to calculate the projected fees assuming the reporting behavior would be the same as the 2023 data. Under the proposed rule change, 31 participants could expect an increase in costs on both Executing Party and Contra Party trade reporting activity (increase of \$11,531, or 68 percent, on average monthly); seven participants could expect an increase in costs on Executing Party trade reporting activity (increase of \$5,279, or 73 percent, on average monthly) and no change in costs on Contra Party activity; 11 participants could expect a decrease in costs on Contra Party trade reporting activity (decrease of \$18,562, or 18 percent, on average monthly) because they would qualify for the proposed tiered

²⁴ As in the current Rule, under the proposed rule, a firm would qualify for fee caps in categories other than the Media/Executing Party only after it has qualified for the fee caps in the Media/Executing Party category in each Tape.

²⁵ As described above, tiered pricing on Media/Contra Party and Non-Media/Contra Party trade reports would only be available for participants that do not qualify for the Media/Executing Party fee cap.

²¹ See 73 FR 74770, 74781–82.

²² See *supra* note 21.

²³ The counts of participants are averaged across all twelve months of 2023 and rounded to the nearest whole numbers.

discounts; and 535 participants would expect no change in costs.

The proposed fee structure is likely to reduce the gap in trade reporting fees between participants predominantly reporting as an Executing Party and those predominantly reporting as a Contra Party. Across all participants, the effective cost per Executing Party trade report would increase by 52 percent, from 0.053 cents to 0.080 cents per report. The effective cost per Contra Party trade report would decline by one percent, from 0.415 cents to 0.412 cents per report. In 2023, a Contra Party, on average, paid approximately eight times as much (\$0.00415/\$0.00053) as an Executing Party for each trade report. If the proposed fee structure were in effect in 2023, the ratio would have been approximately five times (\$0.00412/\$0.00080).

Besides the fees that are measurable, the proposed fee structure could potentially deliver long term economic benefits for its participants that cannot easily be estimated. Specifically, the proposed fee structure would allow Nasdaq to more effectively cover the rising operating costs associated with increased volumes, as well as improve the functionality and service of the reporting facility, such as potentially better processing speed to enable quicker transmission and dissemination of trade reports.

FINRA cannot estimate whether the proposed fee structure would deliver a net benefit or cost to participants and investors in the long term, as some of the economic benefits discussed above are not quantifiable. Additionally, FINRA notes that the proposed fee and fee cap changes occur within the context of a competitive environment in which multiple trade reporting facilities vie for market share. If any existing or prospective participant in either FINRA/Nasdaq TRF determines that the new fees or fee cap thresholds are too high or are unfavorable relative to fees and fee cap programs applicable to the FINRA/NYSE TRF, such participants may choose to report to the FINRA/NYSE TRF or the ADF in lieu of the FINRA/Nasdaq TRF. Firms would continue reporting to FINRA/Nasdaq TRFs to the extent that they find the net cost of reporting to FINRA/Nasdaq TRF relative to reporting to other facilities preferable.

FINRA does not know how the proposed rule change would affect competing facilities, which in part determines market competition and prices for trade reporting in the long run. Should the long-run equilibrium cost of reporting off-exchange trades to any available facility, including the

FINRA/Nasdaq TRF, the FINRA/NYSE TRF or the ADF, rise in a competitive market, firms could potentially choose to pass the costs to investors.

Alternatives Considered

No other alternatives were considered for the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or 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) of the Act²⁶ and paragraph (f)(2) of Rule 19b-4 thereunder.²⁷ 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-FINRA-2024-009 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-FINRA-2024-009. 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 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. 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-FINRA-2024-009, and should be submitted on or before July 5, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-12890 Filed 6-12-24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-100297; File No. SR-NYSECHX-2024-22]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Article 7, Rule 11

June 7, 2024.

Pursuant to section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on June 4, 2024, the NYSE Chicago, Inc. ("NYSE Chicago" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have

²⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

²⁶ 15 U.S.C. 78s(b)(3)(A).

²⁷ 17 CFR 240.19b-4(f)(2).

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

The Exchange proposes to amend Article 7, Rule 11 (Fixing and Paying Fees and Charges) to permit direct debiting of undisputed or final fees or other sums due the Exchange by Participants and Participant Firms with one or more Trading Permits and each applicant for a Trading Permit. The proposed rule change is available on the Exchange's website at www.nyse.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 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 those 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 parts 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 amend Article 7, Rule 11 (Fixing and Paying Fees and Charges) to permit direct debiting of undisputed or final fees or other sums due the Exchange by Participants and Participant Firms with one or more Trading Permits and each applicant for a Trading Permit.

Article 7, Rule 11 currently provides that the Exchange may fix the fees and other charges payable by a Participant in such amount as the Exchange deems necessary. Article 7, Rule 11 further provides that fees and charges shall be payable in accordance with the Exchange's schedule of fees and charges.

The Exchange proposes to require that Participants and Participant Firms that hold a Trading Permit, and each applicant for a Trading Permit, provide one or more clearing account numbers that correspond to an account(s) at the

National Securities Clearing Corporation ("NSCC") for purposes of permitting the Exchange to collect through direct debit any undisputed or final fees and/or other sums due to the Exchange. The Exchange would, however, permit a Participant, Participant Firm or applicant for a Trading Permit to opt-out of the requirement to provide NSCC clearing account numbers and establish alternative payment arrangements. In addition, consistent with current Article 7, Rule 12, the proposed change would not apply to disciplinary fines or monetary sanctions governed by Rule 10.8320. The proposed rule would also not apply to regulatory fees related to the Central Registration Depository ("CRD system"), which are collected by the Financial Industry Regulatory Authority, Inc. ("FINRA").⁴ The proposed change is based on the rules of the Exchange's affiliate NYSE American LLC ("NYSE American") and other exchanges.⁵

Under the proposal, the Exchange would send a monthly invoice to each Participant and Participant Firm, generally on the 5th business day of each month as is currently the practice, for the debit amount due to the Exchange for the prior month. The Exchange would also send files to NSCC each month by the 11th business day of the month in order to initiate the debit of the amount due to the Exchange as provided for in the prior month's

⁴ The CRD system is the central licensing and registration system for the U.S. securities industry. The CRD system enables individuals and firms seeking registration with multiple states and self-regulatory organizations to do so by submitting a single form, fingerprint card and a combined payment of fees to FINRA. Through the CRD system, FINRA maintains the qualification, employment and disciplinary histories of registered associated persons of broker-dealers. Certain of the regulatory fees provided in the Fee Schedule are collected and retained by FINRA via the CRD system for the registration of employees of Participants and Participant Firms of the Exchange that are not FINRA members. These fees would be excluded from direct debiting.

⁵ See NYSE American Rule 41 (Collection of and Failure to Pay Exchange Fees). See also, e.g., MEMX LLC ("MEMX") Rule 15.3(a) (Collection of Exchange Fees and Other Claims and Billing Policy) requires each MEMX member and all applicants for registration as members are required to provide one or more clearing account numbers that correspond to an account(s) at the NSCC for purposes of permitting the Exchange to debit certain fees, fines, charges and/or other monetary sanctions or other monies due to the Exchange. As noted, the proposed rule would not apply to disciplinary fines or monetary sanctions, and the proposal does not propose to change this. The MEMX rule also requires members to submit billing disputes within a certain time period. The Exchange's current billing disputes policy is set forth under section "P" of the Fee Schedule, available at https://www.nyse.com/publicdocs/nyse/NYSE_Chicago_Fee_Schedule.pdf, and provides that all fee disputes must be submitted no later than sixty days after receipt of a billing invoice.

invoice. The Exchange anticipates that NSCC will process the debits on the day it receives the file or the following business day. Because Participants and Participant Firms would be provided with an invoice approximately 1 week before the debit date, Participants and Participant Firms will have adequate time to contact the Exchange with any questions concerning the invoice. If a Participant or Participant Firm disagrees with the invoice in whole or in part, the Exchange would not commence the debit for the disputed amount until the dispute is resolved. Specifically, the Exchange would not include the disputed amount (or the entire invoice if it is not feasible to identify the disputed amounts) in the NSCC debit amount where the Participant or Participant Firm provides written notification of the dispute to the Exchange by the later of the 15th of the month, or the following business day if the 15th is not a business day, and the amount in dispute is at least \$10,000 or greater.

Following receipt of the file from the Exchange, NSCC would proceed to debit the amounts indicated from the account of the Participant or Participant Firm that clears the applicable transactions ("Clearing Participant," *i.e.*, either a Participant or Participant Firm that is self-clearing or another Participant or Participant Firm that provides clearing services on behalf of the Participant or Participant Firm) and disburse such amounts to the Exchange. Where a Participant or Participant Firm clears through another a Participant or Participant Firm, the Exchange understands that the estimated transaction fees owed to the Exchange are typically debited by the Clearing Participant on a daily basis using daily transaction detail reports provided by the Exchange to the Clearing Participant in order to ensure adequate funds have been escrowed. The Exchange notes that it is proposing to permit a Participant or Participant Firm to designate one or more clearing account numbers that correspond to an account(s) at NSCC to permit Participants and Participant Firms that clear through multiple different clearing accounts to set up the billing process with the Exchange in a manner that is most efficient for internal reconciliation and billing purposes of the Participant or Participant Firm.

The Exchange believes that the proposed debiting process would provide an efficient method of collecting undisputed or final fees and/or sums due to the Exchange consistent

with the practice on other exchanges.⁶ Moreover, the Exchange believes that it is reasonable to permit a Participant, Participant Firm and applicants for Trading Permit to opt-out of the requirement to provide an NSCC account number to permit direct debiting and instead establish alternative payment arrangements. Finally, the Exchange believes that it is also reasonable to provide for a \$10,000 limitation on pre-debit billing disputes since it would be inefficient to delay a direct debit for a de minimis amount. A Participant or Participant Firm would still be able to dispute billing amounts that are less than \$10,000 pursuant to the billing policy set forth in the Fee Schedule.⁷

To effectuate this change, the Exchange would add the following text to Article 7, Rule 11(a) (italicized):

The Exchange shall fix the fees and other charges payable by a Participant in such amount as the Exchange deems necessary. Fees and charges shall be payable in accordance with the Exchange's Fee [s]Schedule[of fees and charges]. *Each Participant and Participant Firm that has one or more equity Trading Permits, and each applicant for a Trading Permit, shall be required to provide one or more clearing account numbers that correspond to an account(s) at the National Securities Clearing Corporation ("NSCC") for purposes of permitting the Exchange to collect through direct debit any undisputed or final fees and/or other sums due to the Exchange; provided, however, that a Participant, Participant Firm or applicant may request to opt-out of the requirement to provide an NSCC clearing account number and establish alternative payment arrangements. If a Participant or Participant Firm disputes an invoice, the Exchange will not include the disputed amount in the debit if the Participant or Participant Firm has disputed the amount in writing to the Exchange by the 15th of the month, or the following business day if the 15th is not a business day, and the amount in dispute is at least \$10,000 or greater. The Exchange will not debit fees related to the CRD system set forth in the Fee Schedule, which are collected and retained by FINRA.*

The remaining provisions of the current rule would remain unchanged.

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act,⁸ in general, and furthers the objectives of

section 6(b)(5),⁹ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. Specifically, the Exchange believes that the proposed direct debit process would provide Participants and Participant Firms with an efficient process to pay undisputed or final fees and/or sums due to the Exchange.

The Exchange believes that the proposal to debit NSCC accounts directly is reasonable because it would ease the administrative burden on Participants and Participant Firms of paying monthly invoices and avoiding overdue balances, and would provide efficient collection from all Participants and Participant Firms who owe monies to the Exchange. Moreover, the Exchange believes that the minimum time frame provided to Participants and Participant Firms to dispute invoices is reasonable and adequate to enable Participants and Participant Firms to identify potentially erroneous charges. In addition, the Exchange believes that the \$10,000 limitation on pre-debit billing disputes is reasonable because it would be inefficient to delay a direct debit for a de minimis amount. The same \$10,000 limitation is in place on exchanges that have adopted direct debit rules.¹⁰ Participants and Participant Firms will still be able to dispute billing amounts that are less than \$10,000 pursuant to the Exchange's Fee Schedule. Finally, the Exchange believes that it is reasonable to permit Participants, Participant Firms or applicants to request to opt-out of the requirement to provide NSCC account information and instead establish alternative payment arrangements with the Exchange.

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. The proposed rule change would apply uniformly to all Participants and Participant Firms that have one or more Trading Permits and to all applicants for Trading Permits, and will not

disproportionately burden or otherwise impact any single Participant or Participant Firm.

The Exchange does not believe that the proposal will create an intermarket burden on competition since the Exchange will only debit fees (other than de minimis fees below \$10,000) that are undisputed by the Participant or Participant Firm and Participants and Participant Firms will have a reasonable opportunity to dispute the fees both before and after the direct debit process. In addition, Participants and Participant Firms will have a reasonable opportunity to opt-out of the requirement to provide clearing account information and instead adopt alternative payment arrangements.

The Exchange also does not believe that the proposal will create an intramarket burden on competition, since the proposed direct debit process will be applied equally to all Participants and Participant Firms. Moreover, other exchanges utilize a similar process which the Exchange believes is generally familiar to Participants and Participant Firms. Consequently, the Exchange does not believe that the proposal raises any new or novel issues that have not been previously considered by the Commission in connection with direct debit and billing policies of other exchanges. Further, this proposal is expected to provide a cost savings to the Exchange in that it would alleviate administrative processes related to the collection of monies owed to the Exchange. In addition, the debiting process would mitigate against Participant and Participant Firm accounts becoming overdue.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to 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) of the Act¹¹ and Rule 19b-4(f)(6)¹² thereunder because the proposal does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such

⁶ See note 5, *supra*. In addition to MEMX, IEX, Nasdaq, Nasdaq BX, and Nasdaq Phlx all provide for collection of fees and fines through direct debits. See IEX Rule 15.120; Nasdaq Rule Equity 7, Section 70; Nasdaq BX Rule Equity 7, Section 111; and Nasdaq Phlx Rule Equity 7, Section 2.

⁷ See note 5, *supra*. The Exchange would also change "schedule of fees and charges" in Article 7, Rule 11(a) to "Fee Schedule."

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ See notes 6 & 7, *supra*.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(6).

shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission 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.¹³

A proposed rule change filed under Rule 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii)¹⁴ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay period. The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest. Specifically, the proposal would permit the direct debiting of Exchange invoices comparable to the process in place at other exchanges.¹⁵ Waiver of the operative delay would allow the Exchange to implement the direct debiting process for the billing cycle starting in July. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the proposed rule change to be operative upon filing with the Commission.¹⁶

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.¹⁷ 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-NYSECHX-2024-22 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-NYSECHX-2024-22. 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-NYSECHX-2024-22 and should be submitted on or before July 5, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024-12889 Filed 6-12-24; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before July 15, 2024.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Small Business Administration"; "Currently Under Review," then select the "Only Show ICR for Public Comment" checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at Curtis.Rich@sba.gov; (202) 205-7030, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION: This collection is essential to the Agency's mission because if SBA designates an area as a Governor-designated covered area, based on the information provided by the State Governor, additional small businesses may become eligible for certification as HUBZone small business concerns, which in turn will provide them with more contracting opportunities. These additional contracting opportunities create incentives for individuals to start small businesses and allow existing small businesses to grow. SBA has taken all

¹³ In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁴ 17 CFR 240.19b-4(f)(6)(iii).

¹⁵ See *supra* note 5.

¹⁶ For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁷ 15 U.S.C. 78s(b)(3)(C).

¹⁸ 17 CFR 200.30-3(a)(12).

practicable steps to consult with interested agencies and members of the public to minimize the burden of this information collection. SBA intends to make available on its website a list of the areas within each State that meet the statutory definition of “covered area” according to the most recent Bureau of the Census data. This will minimize the burden on State governments by eliminating the need to gather this data and do the necessary analysis to determine which areas may meet the definition of “covered area.”

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.
OMB Control Number: 3245–0403
Title: HUBZone Program Petition for Governor-Designated Covered Areas
Description of Respondents: Governor-designated covered areas,
SBA Form Number: N/A
Estimated Number of Respondents: 53
Estimated Annual Responses: 53
Estimated Annual Hour Burden: 265

Curtis Rich,
Agency Clearance Officer.

[FR Doc. 2024–13003 Filed 6–12–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20358 and #20359; TEXAS Disaster Number TX–20013]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4781–DR), dated 05/23/2024.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 04/26/2024 and continuing.

DATES: Issued on 06/07/2024.

Physical Loan Application Deadline Date: 07/22/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/24/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for Private Non-Profit organizations in the State of Texas, dated 05/23/2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Austin, Bosque, Brown, Caldwell, Calhoun, Clay, Coleman, Concho, Cooke, Coryell, Eastland, Falls, Freestone, Grimes, Hamilton, Hardin, Hockley, Houston, Jasper, Lamar, Lampasas, Lee, Leon, Limestone, Madison, Mills, Newton, San Saba, Tyler, Waller, Washington

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–12970 Filed 6–12–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20320 and #20321; TEXAS Disaster Number TX–20010]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 8.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4781–DR), dated 05/17/2024.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 04/26/2024 through 06/05/2024.

DATES: Issued on 06/08/2024.

Physical Loan Application Deadline Date: 07/16/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/18/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street

SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for the State of Texas, dated 05/17/2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Ellis, Navarro, Terrell

Contiguous Counties (Economic Injury Loans Only):

Texas: Brewster, Crockett, Hill, Johnson, Pecos, Val Verde

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–12971 Filed 6–12–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20320 and #20321; TEXAS Disaster Number TX–20010]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4781–DR), dated 05/17/2024.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 04/26/2024 and continuing.

DATES: Issued on 06/07/2024.

Physical Loan Application Deadline Date: 07/16/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/18/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for the State of Texas, dated 05/17/2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Coryell, Falls, Leon, Smith, Van Zandt

Contiguous Counties (Economic Injury Loans Only):

Texas: Bosque, Brazos, Gregg, Hamilton, Limestone, Rains, Robertson, Rusk, Upshur, Wood
Louisiana: Beauregard, Calcasieu

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–12966 Filed 6–12–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20320 and #20321; TEXAS Disaster Number TX–20010]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 7.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4781–DR), dated 05/17/2024.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 04/26/2024 through 06/05/2024.

DATES: Issued on 06/07/2024.

Physical Loan Application Deadline Date: 07/16/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/18/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for the State of Texas, dated 05/17/2024, is hereby amended to update the incident period for this disaster as beginning 04/26/2024 and continuing through 06/05/2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–12969 Filed 6–12–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20358 and #20359; TEXAS Disaster Number TX–20013]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4781–DR), dated 05/23/2024.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 04/26/2024 through 06/05/2024.

DATES: Issued on 06/07/2024.

Physical Loan Application Deadline Date: 07/22/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/24/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for Private Non-Profit organizations in the State of Texas, dated 05/23/2024 is hereby amended to update the incident period for this disaster as beginning 04/26/2024 and continuing through 06/05/2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–12973 Filed 6–12–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 20362 and # 20363; Arkansas Disaster Number AR–20007]

Presidential Declaration Amendment of a Major Disaster for the State of Arkansas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Arkansas (FEMA–4788–DR), dated 05/30/2024.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 05/24/2024 through 05/27/2024.

DATES: Issued on 06/05/2024.

Physical Loan Application Deadline Date: 07/29/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 03/03/2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for the State of Arkansas, dated 05/30/2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Baxter. *Contiguous Counties (Economic Injury Loans Only):*

Arkansas: Fulton, Izard, Stone

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–12964 Filed 6–12–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12427]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Harmony and Dissonance: Orphism in Paris, 1910–1930” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby

determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Harmony and Dissonance: Orphism in Paris, 1910–1930” at the Solomon R. Guggenheim Museum, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/DP, 2200 C Street NW, (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–13028 Filed 6–12–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2023–2221]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Notice of Proposed Outdoor Laser Operation(s)

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA

invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 22, 2023. The collection involves the gathering of information necessary for the FAA to ensure proposed outdoor laser operations will not interfere with air traffic operations. The information to be collected will be used to and/or is necessary because the FAA must evaluate proposed outdoor laser operations requiring a Food and Drug Administration (FDA) variance from Federal regulations for a laser light show, display, or device.

DATES: Written comments should be submitted by July 15, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Brian Konie by email at: brian.konie@faa.gov; phone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0662.

Title: Notice of Proposed Outdoor Laser Operation(s).

Form Numbers: FAA Form 7140–1.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 22, 2023 (88 FR 88700). No laser light show, projection system, or device may vary from compliance with 21 CFR 1040.11(c) in design or use without the approval of an application for variance in accordance with 21 CFR 1010.4 using FDA Form 3147. In order to obtain a variance from 21 CFR 1040.11(c) for a laser light show, display, or device (as described on FDA

Form 3147); advance written notification must be made as early as possible to appropriate federal, state, and local authorities providing show itinerary with dates and locations clearly and completely identified, and a basic description of the proposed effects including a statement of the maximum power output intended. Such notifications must be made, but not necessarily be limited, to the FAA for any projections into open airspace at any time (*e.g.*, set up, alignment, rehearsals, and performances). If the FAA objects to any laser effects, the objections will be resolved and any conditions requested by FAA will be adhered to. If these conditions cannot be met, the objectionable effects will be deleted from the show.

FAA Advisory Circular (AC) 70–1B with Change 1, Outdoor Laser Operations, provides information for those proponents planning to conduct outdoor laser operations that may affect aircraft operations in the United States (U.S.) National Airspace System (NAS).¹ Additionally, the AC explains the necessity to notify the FAA, how to notify the FAA of the planned laser operation, and any action the FAA will take to respond to such notifications. Further, the AC includes instructions for completing FAA Form 7140–1, Notice of Proposed Outdoor Laser Operation(s).

Respondents: Approximately 455 laser operations.

Frequency: One time per laser operation.

Estimated Average Burden per Response: Approximately four hours per form.

Estimated Total Annual Burden: Approximately 1,820 hours.

Issued in Washington, DC, on June 10, 2024.

Brian Eric Konie,

Manager, Airspace Rules & Regulations, AJV–P21, Air Traffic Organization.

[FR Doc. 2024–12976 Filed 6–12–24; 8:45 am]

BILLING CODE 4910–13–P

¹ AC 70–1B with Change 1 is available via the internet at https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1040741.

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2024–0091]

Agency Information Collection Activities; New Information Collection: Understanding Attitudes and Behaviors of Safety Belt Use Among Commercial Motor Vehicle Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This notice announces that FMCSA intends to use quantitative data collection techniques through a self-administered online survey to understand CMV drivers' perceptions and behaviors regarding safety belt usage and road safety.

DATES: Comments on this notice must be received on or before August 12, 2024.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2024–0091 using any of the following methods:

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

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

- *Fax:* 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for

Comments” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Brian Ronk, Marketing Specialist, Office of Outreach and Education, DOT, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; Brian.Ronk@dot.gov.

SUPPLEMENTARY INFORMATION:**Instructions**

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2024–0091), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2024-0091/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process.

DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

Background

Existing data on the usage of safety belts and perceptions related to road safety do not capture the diversity of different types of commercial motor vehicle (CMV) drivers in a post-coronavirus disease 2019 national emergency landscape. Understanding safety belt usage and perceptions of road safety among CMV drivers will assist FMCSA in gauging emerging trends among this cohort and will inform future messaging and communication efforts targeting CMV drivers.

Eligible participants are self-identified CMV drivers residing in the United States with internet access. The collection is an online voluntary survey, with a low burden for respondents and a low cost for the Federal Government. The collection is non-controversial and does not raise issues of concern to other Federal agencies. The results are not intended to be disseminated to the public, and the information gathered will not be used for the purpose of substantially informing influential policy decisions. The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the future. Personally identifiable information is not being collected. There are no gifts or payment incentives (e.g., money or reimbursement of expenses, a token of appreciation) being provided to participants.

Title: Online Survey on Safety Belt Usage of Commercial Motor Vehicle Drivers.

OMB Control Number: 2126–XXXX.

Type of Request: New ICR.

Respondents: CMV drivers residing in the United States.

Estimated Number of Respondents: 1,060.

Estimated Time per Response: 10 minutes.

Expiration Date: N/A.

Frequency of Response: Other—The survey will be conducted over a 3-to-4-week period.

ESTIMATED TOTAL ANNUAL BURDEN

Category of respondent	Number of respondents	Participation time (minutes)	Burden (hours)
Pre-testing survey instrument	10	10	1.66

ESTIMATED TOTAL ANNUAL BURDEN—Continued

Category of respondent	Number of respondents	Participation time (minutes)	Burden (hours)
Piloting the survey	50	10	8.33
Self-administered survey	1,000	10	166.66
Totals	1,060	10	176.65
Average Mean Hourly Wage—\$21.92			\$3,872.17

Definitions: N/A.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator Office of Research and Registration.

[FR Doc. 2024-13019 Filed 6-12-24; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2024-0097]

Agency Information Collection Activities; Renewal of an Approved Information Collection Request: Safe Driver Apprenticeship Pilot Program

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, FMCSA announces its plan to submit the information collection request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew an ICR titled, "Safe Driver Apprenticeship Pilot Program." This ICR was previously approved under emergency procedures on April 4, 2024, and expires on

September 30, 2024. The ICR is necessary for FMCSA to continue data collection under a pilot program which seeks to determine the safety impacts of allowing 18- to 20-year-old commercial driver's license (CDL) holders to operate commercial motor vehicles (CMVs) in interstate commerce. The ICR covers data collected on drivers and carriers participating in the pilot program.

DATES: Comments on this notice must be received on or before August 12, 2024.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA-2024-0097 using any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

- **Fax:** 1-202-493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Nicole Michel, Mathematical Statistician, Research Division, DOT, FMCSA, West Building, 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; 202-366-4354; Nicole.michel@dot.gov.

SUPPLEMENTARY INFORMATION:

Instructions

All submissions must include the Agency name and docket number. For detailed instructions on submitting

comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2024-0097), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2024-0097/document>, click on this notice, click "Comment," and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

Privacy Act

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

Background

Current regulations on driver qualifications (49 CFR part 391.11(b)(1))

state that a driver must be 21 years of age or older to operate a CMV in interstate commerce. Currently, drivers under the age of 21 may operate CMVs only in intrastate commerce subject to State laws and regulations.

Section 23022 of the Infrastructure Investment and Jobs Act (IIJA), requires the Secretary of Transportation to conduct a commercial driver Apprenticeship Pilot Program. An *apprentice* is defined as a person under the age of 21 who holds a CDL. Under this program, these apprentices will complete two probationary periods, during which they may operate in interstate commerce only under the supervision of an experienced driver in the passenger seat. An *experienced driver* is defined in section 23022 as a driver who is not younger than 26 years old, has held a CDL and been employed for at least the past 2 years, and has at least 5 years of interstate CMV experience and meets the other safety criteria defined in the IIJA.

The first probationary period must include at least 120-hours of on duty time, of which at least 80 hours are driving time in a CMV. To complete this probationary period, the employer must determine competency in:

1. Interstate, city traffic, rural two-lane, and evening driving;
2. Safety awareness;
3. Speed and space management;
4. Lane control;
5. Mirror scanning;
6. Right and left turns; and
7. Logging and complying with rules relating to hours of service.

The second probationary period must include at least 280 hours of on-duty time, including not less than 160 hours driving time in a CMV. To complete this probationary period, the employer must determine competency in:

1. Backing and maneuvering in close quarters;
2. Pre-trip inspections;
3. Fueling procedures;
4. Weighing loads, weight distribution, and sliding tandems;
5. Coupling and uncoupling procedures; and
6. Trip planning, truck routes, map reading, navigation, and permits.

After completion of the second probationary period the apprentice may begin operating CMVs in interstate commerce unaccompanied by an experienced driver.

In addition to data regarding successful completion of the probationary periods, the IIJA requires collection of data relating to any incident in which a participating apprentice is involved as well as other data relating to the safety of apprentices.

Additional information collected will include crash data (*e.g.*, incident reports, police reports, insurance reports), inspection data, citation data, safety event data (as recorded by all safety systems installed on vehicles, to include advanced driver assistance systems, automatic emergency braking systems, onboard monitoring systems, required forward-facing video systems, and optional in-cab video systems, if a carrier chooses to provide this data) as well as exposure data (*e.g.*, record of duty status logs, on-duty time, driving time, and time spent away from home terminal). This data will be submitted monthly through participating motor carriers.

The data collected will be used to report on the following items, as required by section 23022 of the IIJA:

1. The findings and conclusions on the ability of technologies or training provided to apprentices as part of the pilot program to successfully improve safety;
2. An analysis of the safety record of participating apprentices as compared to other CMV drivers;
3. The number of drivers that discontinued participation in the apprenticeship program before completion;
4. A comparison of the safety records of participating drivers before, during, and after each probationary period; and
5. A comparison of each participating driver's average on-duty time, driving time, and time spent away from home terminal before, during, and after each probationary period.

FMCSA will monitor the monthly data being reported by the motor carriers and will identify drivers or carriers that may pose a risk to public safety. While removing unsafe drivers or carriers may bias the dataset, it is a necessary feature for FMCSA to comply with 49 CFR 381.505, which requires development of a monitoring plan to ensure adequate safeguards to protect the health and safety of pilot program participants and the general public. Knowing that a driver or carrier was removed from the pilot program for safety reasons will help FMCSA minimize bias in the final data analysis.

The statutory mandate for this pilot program is contained in section 23022 of the IIJA. FMCSA's regulatory authority for initiation of a pilot program is 49 CFR 381.400. The Apprentice Pilot Program supports the DOT strategic goal of economic strength while maintaining DOT's and FMCSA's commitment to safety.

The Consolidated Appropriations Act of 2024 (Pub. L. 118–42) revised FMCSA's authority regarding the Safe

Driver Apprenticeship Pilot (SDAP) Program. Section 422 of that Act states that FMCSA may not require the use of inward facing cameras or require a motor carrier to register an apprenticeship program with the Department of Labor as a condition for participation in the SDAP program. As such, the application and monthly report forms have been revised to remove those two elements as mandatory requirements. However, the Agency will continue to ask carriers whether they use inward facing cameras and whether they have a Registered Apprenticeship program approval number and will give carriers the option of providing that information. Therefore, FMCSA does not expect to see any change in the number of respondents, responses, or the overall burden of this information collection. In accordance with the PRA and OMB's implementing regulations at 5 CFR 1320.13, this information is necessary to the mission of the Agency and is needed prior to the ordinary time periods established for revision of an approved collection of information (found within 5 CFR 1320).

Definitions: N/A.

Title: Safe Driver Apprenticeship Pilot Program.

OMB Control Number: 2126–0075.

Type of Request: Renewal of an information collection previously approved under emergency authority.

Expiration Date: September 30, 2024.

Respondents: Motor carriers; drivers.

Estimated Number of Respondents: 14,830 total (1,600 motor carriers and 13,230 CMV drivers); 5,410 annually (1,000 carriers and 4,410 CMV drivers).
Estimated Total Responses: 168,430 total, or 56,143 annually (applications: 14,830 total, or 4,943 annually; plus data collection for participating carriers: 153,600 total, or 51,200 annually).

Estimated Burden per Response: 20 minutes per response for carrier, apprentice, and experienced driver application forms; 15 minutes per response for safety benchmark certifications; 60 minutes per month per driver for monthly driving and safety data; 90 minutes per month for miscellaneous data submission.

Frequency of Response: Application (motor carrier, apprentice driver, and experienced driver): once; safety benchmark certifications: twice per apprentice driver; monthly driving and safety data: carrier submits monthly data on each apprentice driver; miscellaneous data submissions: monthly.

Estimated Total Annual Burden Hours: 169,343 hours total, or 56,448 hours annually (motor carriers: 164,933

hours total, or 54,978 hours annually; drivers: 4,410 hours total, or 1,470 hours annually).

Frequency: Once for carrier, apprentice, and experienced driver application forms; twice per apprentice for safety benchmark certifications; monthly per number of participating drivers for driving and safety data; and monthly for miscellaneous monthly data.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2024-13020 Filed 6-12-24; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2024-0076]

Request for Comments on the Renewal of a Previously Approved Information Collection: Schedule of Current Orderbook Construction

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133-0029 (Schedule of Current Orderbook Construction) is used to collect information on the current construction orderbook at U.S. Shipyards. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before August 12, 2024.

ADDRESSES: You may submit comments identified by Docket No. MARAD-

2024-0076 through one of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Search using the above DOT docket number and follow the online instructions for submitting comments.
- **Mail or Hand Delivery:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to www.regulations.gov including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Gearhart, 202-366-1867, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: beth.gearhart@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Schedule of Current Orderbook Construction.

OMB Control Number: 2133-0029.

Type of Request: Extension without change of a Previously Approved Collection.

Abstract: In compliance with 46 U.S.C. 50102 (2007), the Merchant Marine Act of 1936, as amended, MARAD conducts this survey to obtain information from the shipbuilding and ship repair industry to be used primarily to determine if an adequate mobilization base exists for national defense and for use in a national emergency.

Respondents: Owners of U.S. shipyards who agree to complete the requested information.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 200.

Estimated Number of Responses: 200.

Estimated Hours per Response: 0.5.

Annual Estimated Total Annual Burden Hours: 100.

Frequency of Response: Once Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administrator.

[FR Doc. 2024-13053 Filed 6-12-24; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Wednesday, July 10, 2024.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1-888-912-1227 or 202-317-4110.

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 Special Projects Committee will be held Wednesday, July 10, 2024, at 11 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 Antoinette Ross. For more information please contact Antoinette Ross at 1-888-912-1227 or 202-317-4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: June 5, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-12988 Filed 6-12-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, July 9, 2024.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274.

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 Taxpayer Assistance Center Improvements (TAC) Project Committee will be held Tuesday, July 9, 2024, at 3 p.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 Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612-5217 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: June 5, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-12993 Filed 6-12-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, July 11, 2024.

FOR FURTHER INFORMATION CONTACT: Jose Cintron-Santiago at 1-888-912-1227 or 787-522-8607.

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 a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, July 11, 2024, at 1 p.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 Jose Cintron-Santiago. For more information, please contact Jose Cintron-Santiago at 1-888-912-1227 or 787-522-8607, or write TAP Office, 48 Carr 165 Suite 2000, Guaynabo, PR 00968-8000 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: June 5, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-12991 Filed 6-12-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee**

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, July 11, 2024.

FOR FURTHER INFORMATION CONTACT:

Kelvin Johnson at 1-888-912-1227 or 504-202-9679.

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 Toll-Free Phone Lines Project Committee will be held Thursday, July 11, 2024, at 4 p.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 Kelvin Johnson. For more information, please contact Kelvin Johnson at 1-888-912-1227 or 504-202-9679, or write TAP Office, 1555 Poydras Street, Suite 12 New Orleans, LA 70112 or contact us at the website: <http://www.improveirs.org>. The agenda will include TAP 2024 committee project focus areas.

Dated: June 5, 2024.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2024-12992 Filed 6-12-24; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0469]

Agency Information Collection Activity Under OMB Review: Certificate Showing Residence and Heirs of Deceased Veteran or Beneficiary

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to by clicking on the following link <http://www.reginfo.gov/public/do/PRAMain>, select "Currently under Review—Open for Public Comments",

then search the list for the information collection by Title or “OMB Control No. 2900–0469.”

FOR FURTHER INFORMATION CONTACT: VA PRA information: Maribel Aponte, (202) 461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Certificate Showing Residence and Heirs of Deceased Veterans of Beneficiary, VA Form 29–541 and VA Form 29–541e.

OMB Control Number: 2900–0469
<https://www.reginfo.gov/public/do/PRAsearch>.

Type of Review: Extension of a previously approved collection.

Abstract: The form is used by the Department of Veterans Affairs (VA) to establish entitlement to Government Life Insurance proceeds in estate cases when formal administration of the estate is not required. The information on the form is required by law, 38 U.S.C. 1817 and 1950.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 89 FR 22478, April 1, 2024.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,039.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,078.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt.) Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–13033 Filed 6–12–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0665]

Agency Information Collection Activity Under OMB Review: Direct Deposit Enrollment/Change

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link <http://www.reginfo.gov/public/do/PRAMain>, select “Currently under Review—Open for Public Comments”, then search the list for the information

collection by Title or “OMB Control No. 2900–0665.”

FOR FURTHER INFORMATION CONTACT: VA PRA information: Maribel Aponte, (202) 461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Direct Deposit Enrollment/Change, VA Form 29–0309.

OMB Control Number: 2900–0665
<https://www.reginfo.gov/public/do/PRAsearch>.

Type of Review: Extension of a previously approved collection.

Abstract: Claimants complete VA Form 29–0309 authorizing VA to initiate direct deposit of insurance benefit at their financial institution.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 89 FR 24895, April 9, 2024.

Affected Public: Individuals or Households.

Estimated Annual Burden: 10,000.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt.) Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–13037 Filed 6–12–24; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

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Part II

Environmental Protection Agency

40 CFR Part 82

Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Commercial and Industrial Refrigeration; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA-HQ-OAR-2023-0043; FRL-10125-02-OAR]

RIN 2060-AV77

Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program in Commercial and Industrial Refrigeration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the U.S. Environmental Protection Agency's Significant New Alternatives Policy program, this action lists several substitutes as acceptable, subject to use conditions, for retail food refrigeration, commercial ice machines, industrial process refrigeration, cold storage warehouses, and ice skating rinks. Through this action, EPA is incorporating by reference standards which establish requirements for commercial refrigerating appliances and commercial ice machines, safe use of flammable refrigerants, and safe design, construction, installation, and operation of refrigeration systems. This action also exempts propane, in the refrigerated food processing and dispensing end-use, from the prohibition under the Clean Air Act (CAA) on knowingly venting, releasing, or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration, as the Administrator is determining, on the basis of existing evidence, that such venting, release, or disposal of this substance in this end-use does not pose a threat to the environment.

DATES: This rule is effective July 15, 2024. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of July 15, 2024. The incorporation by reference of certain other material listed in the rule was approved by the Director of the Federal Register as of February 21, 2012 (76 FR 78832), May 11, 2015 (79 FR 19454), and January 3, 2017 (81 FR 86778).

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2023-0043. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business

Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov> or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20460. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays). For further information on EPA Docket Center services and the current status, please visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Perrin Krisko, Stratospheric Protection Division, Office of Atmospheric Protection (Mail Code 6205A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–2328; email address: krisko.claudia@epa.gov. Notices and rulemakings under EPA's Significant New Alternatives Policy (SNAP) program are available on EPA's SNAP website at <https://www.epa.gov/snap/snap-regulations>.

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3. What are HFC-32, HFO-1234yf, HFO-1234ze(E), R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A and how do they compare to other refrigerants in the same end-use?

4. Why is EPA finalizing these specific use conditions?

5. What additional information is EPA including in these listings?

6. How is EPA responding to comments on industrial process refrigeration?

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1. Background on Cold Storage Warehouses

2. What are the ASHRAE classifications for refrigerant flammability?

3. What are HFO-1234yf, HFO-1234ze(E), R-454A, R-454C, R-455A, R-457A, and R-516A and how do they compare to other refrigerants in the same end-use?

4. Why is EPA finalizing these specific use conditions?

5. What additional information is EPA including in these listings?

6. How is EPA responding to comments on cold storage warehouses?

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1. Background on Ice Skating Rinks

2. What are the ASHRAE classifications for refrigerant flammability?

3. What are HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A and how do they compare to other refrigerants in the same end-use?

4. Why is EPA finalizing these specific use conditions?

5. What additional information is EPA including in these listings?

6. How is EPA responding to comments on ice skating rinks?

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1. What is EPA's final determination regarding whether venting, releasing, or disposing of R-290 in refrigerated food processing and dispensing equipment would pose a threat to the environment?

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3. When will the exemption from the venting prohibition apply?

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G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

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J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

K. Congressional Review Act

IV. References

I. General information

A. Executive Summary and Background

EPA is finalizing new and revised listings after its evaluation of human health and environmental information for these substitutes under the Significant New Alternatives Policy (SNAP) program. The Agency is finalizing action on new and revised listings in the refrigeration and air conditioning (AC) sector based on the information that EPA has included in the docket. This final action provides new refrigerant options, thereby increasing flexibility for industry, in specific uses.

This action lists new alternatives for the refrigeration and AC sector.

Specifically, EPA is:

- Listing hydrofluoroolefin (HFO)–1234yf, HFO–1234ze(E), R–454C, R–455A, R–457A, and R–516A as acceptable, subject to use conditions, for use in new retail food refrigeration equipment (*i.e.*, stand-alone units, remote condensing units, supermarket systems, and refrigerated food processing and dispensing equipment);

- Listing R–454A as acceptable, subject to use conditions, for use in new remote condensing units and supermarket systems;

- Listing R–290 (propane) as acceptable, subject to use conditions, for use in new refrigerated food processing and dispensing equipment and revising the existing use conditions for R–290 in new stand-alone units.

- Listing HFO–1234yf, R–454C, R–455A, R–457A, and R–516A as acceptable, subject to use conditions, for use in new commercial ice machines;

- Listing hydrofluorocarbon (HFC)–32, R–454A, and R–454B as acceptable, subject to use conditions, for use in new commercial ice machines with a remote compressor, for batch-type self-contained automatic commercial ice machines with a harvest rate above 1,000 lb ice per 24 hours, and for continuous type self-contained automatic commercial ice machines with a harvest rate above 1,200 lb ice per 24 hours;

- Revising the existing use conditions for R–290 for use in new self-contained commercial ice machines;

- Listing HFO–1234yf, HFO–1234ze(E), R–454C, R–455A, R–457A, and R–516A as acceptable, subject to use conditions, for use in new equipment for industrial process refrigeration (IPR), including chillers and direct expansion IPR equipment;

- Listing HFC–32, R–454A, and R–454B as acceptable, subject to use conditions, for use in new equipment for IPR, including chillers and direct expansion IPR equipment where the temperature of the refrigerant entering the evaporator is less than or equal to –30 °C (–22 °F);

- Listing HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A as acceptable, subject to use conditions, for use in new cold storage warehouses; and

- Listing HFO–1234yf, HFO–1234ze(E), R–454C, R–455A, R–457A, and R–516A as acceptable, subject to use conditions, for use in new ice skating rinks with a remote compressor.

In general, the final use conditions are consistent across the various substitutes and end-uses contained in this final

rule. Because of this similarity, EPA discusses the final use conditions that apply to retail food refrigeration, commercial ice machines, industrial process refrigeration, cold storage warehouses, and ice skating rinks in section II.H of this preamble. In summary, the common use conditions are:

(1) These refrigerants may be used only in new equipment, designed specifically and clearly identified for use with the refrigerant. None of these listings provide for use of the substitutes in a conversion or “retrofit” refrigerant for existing equipment.

(2) These refrigerants may be used in equipment that a) is consistent with the requirements listed in the 2nd edition (dated October 27, 2021) of UL¹ Standard 60335–2–89, “Household and Similar Electrical Appliances—Safety—Part 2–89: Requirements for Commercial Refrigerating Appliances and Ice-Makers with an Incorporated or Remote Refrigerant Unit or Motor-Compressor” (hereafter “UL 60335–2–89,” which refers to the 2nd edition of UL 60335–2–89 unless otherwise stated), and b) is installed consistent with the requirements of ASHRAE 15–2022, “Safety Standard for Refrigerating Systems.” For equipment outside the scope of UL 60335–2–89, as described later in this document, or that is located in industrial occupancies as defined in ASHRAE 15–2022, refrigerants listed herein must be used in equipment that is installed in a manner consistent with ASHRAE 15–2022. For R–290, which already has listings that incorporate by reference earlier UL standards, EPA is providing a transition period when equipment may meet either the earlier UL standard or UL 60335–2–89. Stand-alone units or self-contained commercial ice machines using R–290 that are unchanged, except for cosmetic changes, from the model or design that was previously certified to the UL 471 (10th edition) or UL 563 standard (8th edition) may continue to be manufactured consistent with those standards.

(3) These refrigerants must be used with warning labels on the equipment and packaging that are similar to or match verbatim those required by UL 60335–2–89.²

(4) Equipment must be marked with distinguishing red color-coded hoses and piping to indicate use of a flammable refrigerant and marked

service ports, pipes, hoses, and other devices through which the refrigerant is serviced.

(5) Equipment must be marked with one or more flammability warning symbols—either that in Clause 7.6DV D1 of UL 60335–2–89, 2nd edition; that in Annex 1 to Globally Harmonized System of Classification and Labelling of Chemicals (GHS), 9th edition, for hazard category 1 flammable gases; or marked with both symbols.

Additional use conditions specific to particular end-uses may also apply and are discussed with each final listing. The regulatory text of the final listings, including the final use conditions and further information, appears in tables at the end of this document. The final listings will appear in appendix Y to 40 Code of Federal Regulations (CFR) part 82, subpart G. The final revised listings for R–290 in new retail food refrigeration equipment (stand-alone units only) and in new self-contained commercial ice machines will appear, respectively, in appendices R and V to 40 CFR part 82, subpart G.

There may be other legal obligations pertaining to the manufacture, use, handling, and disposal of the listed substitutes that are not included in the information in the tables (e.g., the CAA section 608(c)(2) venting prohibition or U.S. Department of Transportation (DOT) requirements for transport of flammable gases). Flammable refrigerants being recovered or otherwise disposed of from commercial or industrial refrigeration equipment are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270). In addition, EPA issued a final Technology Transitions Rule under subsection (i) of the American Innovation and Manufacturing Act of 2020 (hereafter referred to as “the AIM Act”) (88 FR 73098; October 24, 2023;). Under that rule, EPA restricts the use of many HFC refrigerants in a variety of subsectors within the Refrigeration, Air Conditioning, and Heat Pumps sector, including in technologies covered by this final SNAP rule.³ Throughout this document, EPA notes relevant restrictions on refrigerants under the final Technology Transitions Rule. In finalizing the listing decisions in this rulemaking, EPA is cognizant of the restrictions established under the Technology Transitions Rule. This is because the listings in this SNAP rule are generally intended to expand the

universe of available options in certain end-uses. EPA recognizes that there could be situations where there would be little practical value in listing alternatives acceptable under SNAP that cannot legally be used in a particular end-use due to restrictions under Technology Transitions Rule, and this consideration could be particularly pronounced with respect to those alternatives that would be subject to restrictions under the Technology Transitions Rule in the near future (e.g., as of January 1, 2025). However, the SNAP and Technology Transitions programs are established under different legal authorities and use separate frameworks for making decisions. Substitutes that are listed as acceptable, acceptable subject to use conditions, acceptable subject to narrowed use limits, or unacceptable under the SNAP program are evaluated through a comparative risk framework that considers the overall risk posed to human health and the environment for specific end-uses. In evaluating the substitutes listed in this rule, EPA has considered whether they present risks that are lower than or comparable to risks from other substitutes that are currently or potentially available in the end-uses under consideration, consistent with its approach under SNAP.

In addition, EPA is exempting R–290 used in the refrigerated food processing and dispensing end-use from the prohibition under CAA section 608(c)(2) on knowingly venting, releasing, or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration, as the Administrator is determining, on the basis of current evidence described later in this preamble, that such venting, release, or disposal of this substance in this end-use does not pose a threat to the environment. This exemption is being finalized in the regulations under CAA section 608 at 40 CFR 82.154(a)(1), which addresses the statutory prohibition and exemptions from it.

SNAP Program Background

The SNAP program implements CAA section 612. Several major provisions of section 612 are:

1. Rulemaking

Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon (CFC), halon, carbon tetrachloride, methyl chloroform, methyl bromide, hydrobromofluorocarbon, and chlorobromomethane) or class II (hydrochlorofluorocarbon (HCFC))

¹ UL, formerly known as Underwriters Laboratories.

² Or for equipment using R–290 following the requirements of UL 471 or UL 563, they must use the warning labels required in those listings, which match those required by those standards.

³ End-uses under SNAP are included in the similar concept of subsectors defined in the Technology Transitions Rule (88 FR 73098, October 24, 2023).

ozone-depleting substance (ODS) with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that: 1) Reduces the overall risk to human health and the environment and 2) is currently or potentially available.

2. Listing of Unacceptable/Acceptable Substitutes

Section 612(c) requires EPA to publish a list of the substitutes that it finds to be unacceptable for specific uses and to publish a corresponding list of acceptable substitutes for specific uses.

3. Petition Process

Section 612(d) grants the right to any person to petition EPA to add a substance to, or delete a substance from, the lists published in accordance with section 612(c).

4. 90-Day Notification

Section 612(e) directs EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before a new or existing chemical is introduced into interstate commerce for significant new use as a substitute for a class I substance. The producer must also provide the Agency with the producer's published or unpublished health and safety studies on such substitutes.

The regulations for the SNAP program are promulgated at 40 CFR part 82, subpart G, and the Agency's process for reviewing SNAP submissions is described in regulations at 40 CFR 82.180. Under these rules, the Agency has identified five types of listing decisions: acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; unacceptable; and pending (40 CFR 82.180(b)). Use conditions and narrowed use limits are both considered "use restrictions." Substitutes that are deemed acceptable with no use restrictions (no use conditions or narrowed use limits) can be used for all applications within the relevant end-uses in the sector. After reviewing a substitute, the Agency may determine that a substitute is acceptable only if certain conditions in the way that the substitute is used are met to minimize risks to human health and the environment. EPA describes such substitutes as "acceptable subject to use conditions" (40 CFR 82.180(b)(2)). For some substitutes, the Agency may permit a narrowed range of use within an end-use or sector. For example, the Agency may limit the use of a substitute

to certain end-uses or specific applications within an industry sector. EPA describes these substitutes as "acceptable subject to narrowed use limits." Under the narrowed use limit, users intending to adopt these substitutes "must ascertain that other alternatives are not technically feasible" (40 CFR 82.180(b)(3)).

In making decisions regarding whether a substitute is acceptable or unacceptable, and whether substitutes present risks that are lower than or comparable to risks from other substitutes that are currently or potentially available in the end-uses under consideration, EPA examines the following criteria in 40 CFR 82.180(a)(7): (i) atmospheric effects and related health and environmental impacts; (ii) general population risks from ambient exposure to compounds with direct toxicity and to increased ground-level ozone; (iii) ecosystem risks; (iv) occupational risks; (v) consumer risks; (vi) flammability; and (vii) cost and availability of the substitute.

Many SNAP listings include "comments" or "further information" to provide additional information on substitutes. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the substitute under the SNAP program. However, statutory and regulatory requirements so listed are binding under other authorities (e.g., worker protection regulations promulgated by the U.S. Occupational Safety and Health Administration (OSHA)). The "further information" classification does not necessarily include all other legal obligations pertaining to the use of the substitute. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the "Further Information" column in their use of these substitutes. In many instances, the information simply refers to sound operating practices that have already been identified in existing industry and/or building codes or standards. Thus, many of the statements, if adopted, would not require the affected user to make significant changes in existing operating practices.

For additional information on the SNAP program, visit the SNAP website at <https://www.epa.gov/snap>. The full lists of acceptable substitutes for ODS in all industrial sectors are available at <https://www.epa.gov/snap/snap-substitutes-sector>. For more information on the Agency's process for administering the SNAP program or

criteria for evaluation of substitutes, refer to the initial SNAP rule published March 18, 1994 (59 FR 13044), codified at 40 CFR part 82, subpart G. SNAP decisions and the appropriate **Federal Register** citations can be found at <https://www.epa.gov/snap/snap-regulations>. Substitutes listed as unacceptable; acceptable, subject to narrowed use limits; or acceptable, subject to use conditions, are also listed in the appendices to 40 CFR part 82, subpart G.

Background on Requirements Concerning Venting, Release, or Disposal of ODS and Substitute Refrigerants Under CAA Section 608

The statutory requirements concerning venting, release, or disposal of ODS refrigerants and substitutes for ODS used as refrigerants are under CAA section 608, and EPA's authority to promulgate the regulatory revisions in this action is based in part on CAA section 608. Section 608 of the Act, as amended, titled *National Recycling and Emission Reduction Program*, requires, among other things, that EPA establish regulations governing the use and disposal of ODS used as refrigerants, such as certain CFCs and HCFCs, during the service, repair, or disposal of appliances and IPR.⁴ Section 608(c)(1) provides that it is unlawful for any person in the course of maintaining, servicing, repairing, or disposing of an appliance (or IPR) to knowingly vent, or otherwise knowingly release or dispose of, any class I or class II substance used as a refrigerant in that appliance (or IPR) in a manner which permits the ODS to enter the environment.

Section 608(c)(2) extends the prohibition in section 608(c)(1) to knowingly venting or otherwise knowingly releasing or disposing of any refrigerant substitute for class I or class II substances by any person maintaining, servicing, repairing, or disposing of appliances or IPR. This prohibition applies to any substitute refrigerant unless the Administrator determines that such venting, releasing, or disposing does not pose a threat to the environment. Thus, section 608(c) provides EPA authority to promulgate regulations to interpret, implement, and enforce this prohibition on venting, releasing, or disposing of class I or class II substances used as refrigerants and their substitutes, which we also refer to as the "venting prohibition" in this final

⁴ Additional information about the 608 Refrigerant Management Program is available in EPA's rules implementing that program, such as rules published on May 14, 1993 (58 FR 28660), November 18, 2016 (81 FR 82272), and March 11, 2020 (85 FR 14150).

action. EPA's authority under section 608(c) includes authority to implement section 608(c)(2) by exempting certain substitutes for class I or class II substances from the venting prohibition when the Administrator determines that such venting, release, or disposal does not pose a threat to the environment.

EPA has established regulations clarifying how the venting prohibition in section 608(c) applies to ODS and substitute (e.g., HFCs and perfluorocarbons (PFCs)) refrigerants. These regulations are codified at 40 CFR part 82, subpart F. In relevant part, they provide that no person maintaining, servicing, repairing, or disposing of an appliance or industrial process refrigeration may knowingly vent or otherwise release into the environment any refrigerant (including substitute refrigerants) from such appliances or industrial process refrigeration, with the exception of certain specified substitutes in the specified end-uses, as provided in 40 CFR 82.154(a).

EPA has exempted from the venting prohibition several hydrocarbon (HC) refrigerant substitutes, including R-290, in specific end-uses where the Agency also listed the substitutes as acceptable, subject to use conditions, under the SNAP program. See, for example, EPA's regulations issued May 23, 2014 (79 FR 29682), April 10, 2015 (80 FR 19453), and December 1, 2016 (81 FR 86778).⁵ Those regulatory exemptions do not apply to blends of hydrocarbons (HCs) with other refrigerants or containing any amount of any CFC, HCFC, HFC, or PFC. The exemptions for R-290 by end-use are codified at 40 CFR 82.154(a)(1)(viii).

In establishing those exemptions, EPA determined that for the purposes of CAA section 608(c)(2), the venting, release, or disposal of such HC refrigerant substitutes in the specified end-uses does not pose a threat to the environment, considering both the inherent characteristics of these substances and the limited quantities used in the relevant applications. See, e.g., 81 FR 86778, December 1, 2016. EPA further concluded that other authorities, controls, or practices that apply to such refrigerant substitutes help to mitigate environmental risk from

the release of those saturated HC refrigerant substitutes.

B. Does this action apply to me?

The following list identifies regulated entities that may be affected by this rule and their respective North American Industrial Classification System (NAICS) codes:

- Plumbing, Heating, and Air Conditioning Contractors (NAICS 238220)
- All Other Basic Organic Chemical Manufacturing (NAICS 325199)
- Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing (NAICS 333415)
- Refrigeration Equipment and Supplies Merchant Wholesalers (NAICS 423740)
- Recyclable Material Merchant Wholesalers (NAICS 423930)
- Supermarkets and Other Grocery (except Convenience) Stores (NAICS 445110)
- Convenience Stores (NAICS 445120)
- Limited-Service Restaurants (NAICS 722211)
- Appliance Repair and Maintenance (NAICS 811412)

This list is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. To determine whether your facility, company, business, or organization could be affected by this action, you should carefully examine the regulations at 40 CFR part 82, subpart G, and these revisions. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

C. What acronyms and abbreviations are used in the preamble?

The following acronyms and abbreviations are used in the preamble of this document:

AC—Air Conditioning
 AEL—Acceptable Exposure Limit
 AIHA—American Industrial Hygiene Association
 AIM Act—American Innovation and Manufacturing Act of 2020
 ANSI—American National Standards Institute
 ASHRAE—American Society of Heating, Refrigerating and Air-Conditioning Engineers
 ASTM—American Society for Testing and Materials
 ATEL—Acute Toxicity Exposure Limit
 CAA—Clean Air Act
 CAS Reg. No.—Chemical Abstracts Service Registry Identification Number
 CBI—Confidential Business Information

CFC—Chlorofluorocarbon
 CFR—Code of Federal Regulations
 CO₂—Carbon Dioxide
 DOE—United States Department of Energy
 DOT—United States Department of Transportation
 DX—Direct Expansion
 EEAP—Environmental Effects Assessment Panel
 EPA—United States Environmental Protection Agency
 FR—Federal Register
 GHS—Globally Harmonized System of Classification and Labeling of Chemicals
 GWP—Global Warming Potential
 HC—Hydrocarbon
 HCFC—Hydrochlorofluorocarbon
 HCFO—Hydrochlorofluoroolefin
 HFC—Hydrofluorocarbon
 HFO—Hydrofluoroolefin
 HP—Heat Pump
 IBC—International Building Code
 ICC—International Code Council
 ICF—ICF International, Inc.
 IEC—International Electrotechnical Commission
 IIAR—International Institute of Ammonia Refrigeration
 IPCC—Intergovernmental Panel on Climate Change
 IPR—Industrial Process Refrigeration
 ISO—International Organization for Standardization
 LFL—Lower Flammability Limit
 MIR—Maximum Incremental Reactivity
 NAAQS—National Ambient Air Quality Standards
 NAICS—North American Industrial Classification System
 NARA—National Archives and Records Administration
 NFPA—National Fire Protection Association
 ODP—Ozone Depletion Potential
 ODS—Ozone-Depleting Substances
 OMB—United States Office of Management and Budget
 OSHA—United States Occupational Safety and Health Administration
 PEL—Permissible Exposure Limit
 PFC—Perfluorocarbons
 PMS—Pantone® Matching System
 ppm—Parts Per Million
 PRA—Paperwork Reduction Act
 RAL—“Reichs-Ausschuß für Lieferbedingungen und Gütesicherung” Germany's National Commission for Delivery Terms and Quality Assurance
 RCRA—Resource Conservation and Recovery Act
 RFA—Regulatory Flexibility Act
 SDS—Safety Data Sheet
 SIP—State Implementation Plan
 TLV—Threshold Limit Value
 TSCA—Toxic Substances Control Act
 TWA—Time Weighted Average
 UL—UL, formerly known as Underwriters Laboratories, Inc.
 UMRA—Unfunded Mandates Reform Act
 VOC—Volatile Organic Compound, Volatile Organic Compounds
 WEEL—Workplace Environmental Exposure Limit
 WMO—World Meteorological Organization

⁵ The United States Court of Appeals for the District of Columbia Circuit (“the court”) issued a partial vacatur of the December 1, 2016, rule “to the extent” it required manufacturers to replace already lawfully installed HFC substitutes.” See *Mexichem Fluor, Inc. v. EPA*, Judgment, Case No. 17–1024 (D.C. Cir., April 5, 2019), 760 Fed. Appx. 6 (Mem). The court’s decision on the December 1, 2016, rule did not affect the portion of that rule that exempted certain HC refrigerant substitutes from the venting prohibition. This final rule is not EPA’s response to the court’s decision.

II. What is the Environmental Protection Agency (EPA) finalizing in this action?

This section of the preamble describes EPA's final listings for certain refrigerants in specific end-uses, including final use restrictions. In addition, this section provides responses to comments EPA received on the proposed listings during the public comment period for the proposed rule (May 24, 2023). The regulatory text for new listings is codified in appendix Y of 40 CFR part 82, subpart G. The regulatory text for two revised listings is codified in appendices R and V of 40 CFR part 82, subpart G. The final regulatory text contains listing decisions for the end-uses discussed throughout this section.

A. Retail Food Refrigeration—Listing of HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as Acceptable, Subject to Use Conditions, for Use in New Stand-Alone Units, Remote Condensing Units, Supermarket Systems, and Refrigerated Food Processing and Dispensing Equipment and Listing of R-454A as Acceptable, Subject to Use Conditions, for Use in New Remote Condensing Units and Supermarket Systems

This final rule lists HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in all end-use categories under retail food refrigeration (*i.e.*, stand-alone units, remote condensing units, supermarket systems, and refrigerated food processing and dispensing equipment). EPA is also listing R-454A as acceptable, subject to use conditions, for use in two end-use categories under retail food refrigeration (remote condensing units and supermarket systems). After consideration and evaluation of comments, EPA is finalizing the listings for HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A in all end-use categories under retail food refrigeration and R-454A in two end-use categories under retail food refrigeration as proposed.

EPA is finalizing several use conditions for these end-use categories that are in common with those finalized for other end-uses (retail food refrigeration, commercial ice machines, IPR, cold storage warehouses, and ice skating rinks with a remote compressor) discussed elsewhere in this final rule. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in detail in section II.H of this preamble. Briefly

summarized, the common use conditions that EPA is finalizing are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15-2022 and with UL 60335-2-89 (with certain exceptions),⁶ including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings.

For use of these substitutes in retail food refrigeration equipment, EPA is also finalizing the use condition that these refrigerants may only be used in commercial refrigeration equipment that meets the requirements listed in the American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 15-2022 "Safety Standard for Refrigeration Systems" (hereafter "ASHRAE 15-2022"). In cases where the final rule includes requirements that are different than those of ASHRAE 15-2022, EPA is finalizing that the appliance needs to meet the requirements of this rule in addition to the requirements in ASHRAE 15-2022. This additional use condition is discussed further in section II.A.4 of this preamble.

For R-454A in supermarkets and remote condensing units, EPA is finalizing an additional use condition that this substitute may only be used in equipment with a refrigerant charge capacity less than 200 pounds or in the high-temperature side of a cascade system.

1. Background on Retail Food Refrigeration

Retail food refrigeration, an end-use within the SNAP program, encompasses the equipment used for storing and displaying (generally for sale) food and beverages at different temperatures necessary for the different products (*e.g.*, chilled and frozen food). The designs and refrigerating capacities of equipment vary widely to ensure the proper temperatures are achieved and maintained.

Retail food refrigeration is composed of four categories of equipment: stand-alone units; refrigerated food processing

and dispensing equipment; remote condensing units; and supermarket systems. EPA treats each of these four end-use categories as a separate end-use for purposes of our evaluations of the overall risk to human health and the environment compared to other refrigerants that are available or potentially available for the same end-use and for purposes of listing substitute refrigerants.

Stand-alone units are refrigerators, freezers, and reach-in coolers (either open or with doors) where all refrigeration components are integrated and, for the smallest types, the refrigerant circuit is entirely brazed, welded, or uses threaded fittings. These systems are charged with refrigerant at the factory and typically require only an electricity supply to begin operation. Such systems are used to chill and temporarily store perishable items for commercial sale, such as beverages and food.

As the name suggests, refrigerated food processing and dispensing equipment dispenses, typically through a nozzle, and often processes a variety of food and beverage products. For instance, such equipment will process the product by combining ingredients, mixing, and preparing it at the proper temperature, while others function mainly as a holding tank to deliver the product at the desired temperature or to deliver chilled ingredients for processing, mixing, and preparation. Some may use a refrigerant in a heat pump, or utilize waste heat from the cooling system, to provide hot beverages. Some may also provide heating functions for melting or dislodging ice, or for sanitation purposes.

Refrigerated food processing and dispensing equipment can be self-contained or can be connected via piping to a dedicated condensing unit located elsewhere. Equipment within this end-use category includes but is not limited to refrigerated equipment used to process and dispense beverages and food such as: chilled and frozen beverages (carbonated and uncarbonated, alcoholic and nonalcoholic); frozen custards, gelato, ice cream, Italian ice, sorbets, and yogurts; milkshakes, "slushies" and smoothies; and whipped cream.

Remote condensing units typically have refrigerating capacities ranging from 1kW to 20kW (0.3 to 5.7 refrigeration tons). They are composed of one (and sometimes two) compressor(s), one condenser, and one receiver assembled into a single unit, which is normally located external to the sales area. This equipment is

⁶Exceptions include equipment that is outside the scope of UL 60335-2-89, such as commercial refrigeration products with rated voltage of 15,000 V or greater, appliances using flammable refrigerant in transcritical refrigeration systems, vending machines, and professional ice-cream appliances. In addition, for equipment installed in situations where that standard refers to 'national standards,' refrigerants may be used in equipment installed consistent with the requirements of ASHRAE 15-2022 without meeting the requirements of UL 60335-2-89.

connected to one or more nearby evaporator(s) used to cool food and beverages stored in display cases and/or walk-in storage rooms. Remote condensing units are commonly installed in convenience stores and specialty shops such as bakeries and butcher shops.

Typical supermarket systems are also known as multiplex or centralized systems. They operate with racks of compressors installed in a machinery room; different compressors turn on to match the refrigeration load necessary to maintain temperatures. Two main design classifications are used: direct and indirect systems. In the United States, direct systems are the most widespread. The majority of supermarkets in the United States use centralized direct expansion (DX) systems to cool their display cases.⁷ The refrigerant circulates from the machinery room to the sales area, where it evaporates in display-case heat exchangers, and then returns in vapor phase to the suction headers of the compressor racks. The supermarket walk-in cold rooms are often integrated into the system and cooled similarly, but an alternative option is to provide a dedicated condensing unit for a given storage room. Another type of supermarket design, often referred to as a distributed refrigeration system, uses an array of separate compressor racks located near the display cases rather than having a central compressor rack system. Each of these smaller racks handles a portion of the supermarket load, with five to ten such systems in a store.

Indirect supermarket system designs include secondary loop systems and cascade refrigeration. Indirect systems use a chiller⁸ or other refrigeration system to cool a secondary fluid that is often circulated throughout the store to the cases. Examples of secondary fluids include water, brine, propylene glycol, air, and carbon dioxide (CO₂). Compact chiller versions of an indirect system

rely on a lineup of ten to 20 units, each using small charge sizes. As the refrigeration load changes, more or fewer of the chillers are active. Compact chillers are used in a secondary loop system whereby the chillers cool a secondary fluid that is then circulated throughout the store to the display cases. Each compact chiller is an independent unit with its own refrigerant charge, reducing the potential for refrigerant to be released from leaks or for a catastrophic failure. Cascade systems use a compressor to raise the low-temperature, secondary fluid from low-temperature conditions up to an intermediate temperature while a separate, primary refrigerant system uses a different, higher temperature refrigerant to condense the secondary fluid. Each system within the cascade design contains its own refrigerant charge, allowing the use of different refrigerants in each system. This application has generally used a lower global warming potential (GWP) refrigerant, specifically CO₂ (R-744), in the low-temperature system, with a variety of refrigerants in the high-temperature system.

Refrigerant choice may depend on the refrigerant charge size of the equipment, desired temperature, system performance, energy efficiency, and health, safety and environmental considerations, and cost among other things. In addition to regulations pursuant to the SNAP program and the AIM Act, other Federal or local regulations may also affect refrigerant choice. For instance, regulations from OSHA may restrict or place requirements on the use of some refrigerants, such as ammonia (R-717). Building codes from local and State agencies may also incorporate limits on the types and amounts of particular refrigerants used.

2. What are the ASHRAE classifications for refrigerant flammability?

The ANSI/ASHRAE Standard 34–2022 “Designation and Safety Classification of Refrigerants” (hereafter “ASHRAE 34–2022”) assigns a safety group classification for each refrigerant which consists of two to three alphanumeric characters (*e.g.*, A2L or

B1). The initial capital letter indicates the toxicity, and the numeral denotes the flammability. ASHRAE classifies Class A refrigerants as refrigerants for which toxicity has not been identified at concentrations less than or equal to 400 parts per million (ppm) by volume, based on data used to determine threshold limit value-time-weighted average (TLV–TWA) or consistent indices. Class B signifies refrigerants for which there is evidence of toxicity at concentrations below 400 ppm by volume, based on data used to determine TLV–TWA or consistent indices.

The refrigerants are also assigned a flammability classification of 1, 2, 2L, or 3. Tests for flammability are conducted in accordance with American Society for Testing and Materials (ASTM) E681 using a spark ignition source at 140 °F (60 °C) and 14.7 psia (101.3 kPa).⁹ The flammability classification “1” is given to refrigerants that, when tested, show no flame propagation. The flammability classification “2” is given to refrigerants that, when tested, exhibit flame propagation, have a heat of combustion less than 19,000 kJ/kg (8,169 Btu/lb), and have a lower flammability limit (LFL) greater than 0.10 kg/m³. The flammability classification “2L” is given to refrigerants that, when tested, exhibit flame propagation, have a heat of combustion less than 19,000 kJ/kg (8,169 Btu/lb), have an LFL greater than 0.10 kg/m³, and have a maximum burning velocity of 10 cm/s or lower when tested in dry air at 73.4 °F (23.0 °C) and 14.7 psi (101.3 kPa). The flammability classification “3” is given to refrigerants that, when tested, exhibit flame propagation and that either have a heat of combustion of 19,000 kJ/kg (8,169 Btu/lb) or greater or have an LFL of 0.10 kg/m³ or lower.

For flammability classifications, refrigerant blends are designated based on the worst case of formulation for flammability and the worst case of fractionation for flammability determined for the blend.

⁹ ASHRAE, 2022b. ANSI/ASHRAE Standard 34–2022: Designation and Safety Classification of Refrigerants.

⁷ www.epa.gov/greenchill/advanced-refrigeration.

⁸ Chillers used in supermarket systems are considered within the supermarket end-use under SNAP and the supermarket subsector under the Technology Transitions Program.

Figure 1. Refrigerant Safety Group Classification

Safety Group		
Higher Flammability	A3	B3
Flammable	A2	B2
Lower Flammability	A2L	B2L
No Flame Propagation	A1	B1
	Lower Toxicity	Higher Toxicity

Using these safety group classifications, ASHRAE 34–2022 categorizes HFO–1234yf, HFO–1234ze(E), HFC–32 and the refrigerant blends R–454A, R–454C, R–455A, R–457A, and R–516A, which are discussed in this section of this rule, as being in the A2L Safety Group, while R–290 is in the A3 Safety Group.

3. What are HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A and how do they compare to other refrigerants in the same end-use?

HFO–1234yf and HFO–1234ze(E) are lower flammability single component refrigerants, and R–454A, R–454C, R–455A, R–457A, and R–516A are lower flammability refrigerant blends, all with an ASHRAE safety classification of A2L.¹⁰ The respective Chemical Abstracts Service Registry Identification Numbers (CAS Reg. Nos.) of HFO–1234yf, HFO–1234ze(E), and the components of the refrigerant blends are listed here.

HFO–1234yf, also known by the trade names “Solstice® yf” and “Opteon™ YF,” is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS Reg. No. 754–12–1). HFO–1234ze(E), also known by the trade names “Solstice® ze” and “Solstice® 1234ze,” is also known as *trans*-1,3,3,3-tetrafluoroprop-1-ene (CAS Reg. No. 29118–24–9). R–516A, also

known by the trade name “Forane® 516A,” is a blend consisting of 77.5 percent HFO–1234yf, 14 percent HFC–152a, and 8.5 percent HFC–134a. R–457A, also known by the trade name “Forane® 457A,” is a blend consisting of 18 percent HFC–32, 12 percent HFC–152a, and 70 percent HFO–1234yf. R–455A, also known by the trade name “Solstice® L40X,” is a blend consisting of 21.5 percent HFC–32, 75.5 percent HFO–1234yf, and three percent R–744 (CO₂). R–454A, also known by the trade name “Opteon™ XL 40,” is a blend consisting of 35 percent HFC–32 and 65 percent HFO–1234yf. R–454C, also known by the trade name “Opteon™ XL 20,” is a blend consisting of 21.5 percent HFC–32 and 78.5 percent HFO–1234yf.

Redacted submissions and supporting documentation for HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A are provided in the docket for this rule (EPA–HQ–OAR–2023–0043) at <https://www.regulations.gov>. EPA performed a risk screening assessment to examine the health and environmental risks of each of these refrigerants. These risk screens are available in the docket for this rule.^{11 12 13 14 15 16 17}

¹¹ ICF, 2024a. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: HFO–1234yf.

¹² ICF, 2024b. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: HFO–1234ze(E) (Solstice® ze, Solstice® 1234ze).

¹³ ICF, 2024c. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R–454A (Opteon® XL40).

¹⁴ ICF, 2024d. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R–454C (Opteon™ XL20).

¹⁵ ICF, 2024e. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R–455A (Solstice® L40X).

Environmental information: HFO–1234yf, HFO–1234ze(E) and R–454A, R–454C, R–455A, R–457A, and R–516A have ozone depletion potentials (ODPs) of zero.

HFO–1234yf and HFO–1234ze(E) both have a GWP of one.^{18 19} The refrigerant blends are made up of the components HFC–32, HFC–125, HFC–152a, CO₂, and HFO–1234yf, which have GWPs of 675, 3,500, 124, one, and one, respectively.²⁰ If these values are weighted by mass percentage, then R–454A, R–454C, R–455A, R–457A, and R–516A have GWPs of about 237, 146, 146, 137, and 140, respectively.

HFO–1234yf, HFO–1234ze(E), and the other components of the refrigerant blends, CO₂, HFC–32, HFC–125, and HFC–152a, are excluded from EPA’s regulatory definition of volatile organic

¹⁶ ICF, 2024f. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R–457A (Forane® 457A).

¹⁷ ICF, 2024g. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R–516A (Forane® 516A).

¹⁸ World Meteorological Organization (WMO) (2022). Burkholder *et al.* Appendix A, Table A–5 in *Scientific Assessment of Ozone Depletion: 2022*, GAW Report No. 278, 509 pp.; WMO, Geneva, Switzerland, <https://ozone.unep.org/science/assessment/sap>. (WMO, 2022).

¹⁹ Hodnebrog Ø. *et al.*, 2013. Hodnebrog Ø., Etminan, M., Fuglestvedt, J.S., Marston, G., Myhre, G., Nielsen, C.J., Shine, K.P., Wallington, T.J.: Global Warming Potentials and Radiative Efficiencies of Halocarbons and Related Compounds: A Comprehensive Review, *Reviews of Geophysics*, 51, 300–378, doi:10.1002/rog.20013, 2013.

²⁰ Unless otherwise specified, GWP values are 100-year values from Intergovernmental Panel on Climate Change (IPCC) (2007) *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*. S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.). Cambridge University Press. Cambridge, United Kingdom 996 pp.

¹⁰ EPA previously listed HFO–1234yf as acceptable, subject to use conditions, in motor vehicle AC in light-duty vehicles (74 FR 53445, October 19, 2009), in heavy-duty pickup trucks and complete heavy-duty vans (81 FR 86778, December 1, 2016) and in nonroad vehicles and service fittings for small refrigerant cans (87 FR 26276, May 4, 2022). EPA previously listed R–454A, R–454C, and R–457A as acceptable, subject to use conditions, as a substitute in residential and light commercial AC and heat pumps (86 FR 24444, May 6, 2021).

compounds (VOC) (see 40 CFR 51.100(s)) addressing the development of State Implementation Plans (SIPs) to attain and maintain the National Ambient Air Quality Standards (NAAQS). That definition provides that “any compound of carbon” which “participates in atmospheric photochemical reactions” is considered a VOC unless expressly excluded in that provision based on a determination of “negligible photochemical reactivity.”²¹

None of the exemptions to the venting prohibition under CAA 608(c)(2) listed in 82.154(a)(1) apply to HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, or R–516A.

Flammability information: HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A have lower flammability, with an ASHRAE flammability classification of 2L. EPA evaluated flammability risk by evaluating reasonable worst-case and more typical, yet conservative, scenarios to model the effects of releases of these substitutes in the listed end-uses. These refrigerants are not expected to present a flammability concern provided the use conditions are followed. The use conditions provide additional safety measures and labeling requirements (e.g., visible warning statement and red coloring on the pipes, hoses, and devices which contain refrigerant) that make equipment owners, consumers, fire marshals, and emergency first responders aware of the presence of a flammability hazard.

Toxicity and exposure data: HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A have an ASHRAE toxicity classification of A (lower toxicity). Potential health effects of exposure to these refrigerants include drowsiness or dizziness. The refrigerants may also irritate the skin or eyes or cause frostbite. At sufficiently high concentrations, the refrigerants may cause irregular heartbeat. The refrigerants could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many refrigerants.

OSHA has established a Permissible Exposure Limit (PEL) for CO₂ of 5,000 ppm as an 8-hr TWA. The American Industrial Hygiene Association (AIHA) has established Workplace Environmental Exposure Limits (WEELs) of 1,000 ppm as an 8-hr TWA for HFC–32, HFC–125, and HFC–152a and 500 ppm as an 8-hr TWA for HFO–1234yf. The manufacturer of HFO–

1234ze(E) recommends 800 ppm as an 8-hr TWA for that chemical, as does ASHRAE 34–2022. The manufacturers of R–454A, R–454C, R–455A, R–457A, and R–516A recommend acceptable exposure limits (AELs) for the workplace, respectively, of 690, 615, 650, 650, and 590 ppm on an 8-hr TWA for these blends.²² EPA anticipates that users will be able to meet the OSHA PEL, AIHA WEELs, and manufacturers’ AELs and address potential health risks by following requirements and recommendations in the manufacturers’ safety data sheets (SDSs), the final use conditions (including adherence to UL 60335–2–89 and ASHRAE 15–2022), and other safety precautions common to the refrigeration and AC industry.

Comparison to other substitutes in these end-uses: HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A all have an ODP of zero, comparable to or lower than some of the acceptable substitutes in these end-uses, such as CO₂, with an ODP of zero.

For new refrigerated food processing and dispensing equipment R–454C, R–455A, R–457A, and R–516A have GWPs ranging from 140 to 150, higher than that of CO₂, an acceptable substitute in this end-use category, with a GWP of one, while HFO–1234yf and HFO–1234ze(E) have comparable GWPs to CO₂ of one. The GWPs of HFO–1234yf, HFO–1234ze(E), R–454C, R–455A, R–457A, and R–516A are lower than those of other acceptable HFC–134a, with GWPs of approximately 600, 630, and 1,430, respectively.

For new remote condensing units and supermarket systems, R–454A, R–454C, R–455A, R–457A, and R–516A have GWPs ranging from 140 to 237, higher than that of ammonia and CO₂, acceptable substitutes in these end-use categories, with GWPs of zero and one, respectively, while HFO–1234yf and HFO–1234ze(E) have comparable GWPs to CO₂ of one. The GWPs of HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A are lower than those of some of the acceptable substitutes for new remote condensing units and new supermarket systems, such as R–450A, R–513A, HFC–134a, R–407A, and R–404A, with GWPs of approximately 601, 630, 1,430, 2,110, and 3,922, respectively.

For new stand-alone units R–454C, R–455A, R–457A, and R–516A have GWPs ranging from 140 to 150, higher than some of the acceptable substitutes in

this end-use category such as CO₂, R–290, and R–441A with GWPs of one, three, and less than five, while HFO–1234yf and HFO–1234ze(E) have comparable GWPs to CO₂, R–290, and R–441A of one. The GWPs of HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A are lower than some of the acceptable substitutes for new stand-alone units, such as R–450A and R–513A, with GWPs of 601 and 630, respectively. As of January 1, 2025, certain HFCs and HFC blends will be subject to restrictions in new stand-alone units under the Technology Transitions Rule. In light of that upcoming restriction, EPA is listing HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A to provide additional lower-GWP, refrigerants in this end-use. This upcoming restriction, and the corresponding value of providing additional lower-GWP refrigerants in this end-use, are additional considerations that informed EPA’s decision on this listing.

Information regarding the toxicity of other available alternatives is provided in the listing decisions previously made (see <https://www.epa.gov/snap/retail-food-refrigeration>). Toxicity risks of use, determined by the likelihood of exceeding the exposure limit, of HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A in these end-uses are evaluated in the risk screens referenced previously. The toxicity risks of using HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A in retail food refrigeration equipment are comparable to or lower than toxicity risks of other available substitutes in the same end-uses. Toxicity risks of the refrigerants can be minimized by use consistent with UL 60335–2–89 and ASHRAE 15–2022—as required by the use conditions for these listings. EPA also anticipates that service technicians working with these systems will adhere to recommendations in the manufacturers’ SDS for these refrigerants and other safety precautions common in the refrigeration and AC industry.

The flammability risks with HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A in these end-uses, determined by the likelihood of exceeding their respective LFLs, are evaluated in the risk screens referenced previously. Based on those risk screens, EPA’s view is that while these refrigerants may pose greater flammability risk than other available substitutes in the same end-uses, this risk can be minimized by use consistent with UL 60335–2–89, ASHRAE 15–

²¹ Definitions under title 40 chapter I subchapter C part 51 subpart F CFR 51.100 can be found at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-51/subpart-F/section-51.100>.

²² The 8-hr TWA AEL recommendations of these refrigerant blends are based upon a mass-weighting of the PEL and WEELs of their components. ASHRAE 34–2022 also recommends these occupational exposure limits.

2022, as well as recommendations in the manufacturers' SDS and other safety precautions common in the refrigeration and AC industry. EPA is finalizing use conditions to reduce the potential risk associated with the flammability of these alternatives so that they will not pose greater overall risk to human health and the environment than other acceptable substitutes in this end-use category.

In addition, the refrigerants listed through this action have lower GWPs than most other refrigerants currently in use today, though EPA notes that this is expected to shift in the future as entities begin complying with the restrictions under the 2023 Technology Transitions Rule for new equipment. These refrigerants provide additional lower-GWP options for situations where other refrigerants with lower GWPs may not be suitable. Given the wide range of applications for retail food refrigeration, not all refrigerants listed as acceptable under SNAP will be suitable for the range of equipment in the retail food refrigeration end-use or in the four end-use categories within retail food refrigeration. In this context, listing additional refrigerants as acceptable under SNAP provides additional options and increases the availability of substitutes for the full range of retail food refrigeration equipment with lower-GWP refrigerants, which is anticipated to lead to lower overall risk to human health and the environment. Accordingly, based on EPA's evaluation of the information discussed above and consideration of overall risk to human health and the environment, EPA is listing HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in all types of retail food refrigeration equipment. In addition, to account for the challenges for finding lower-GWP refrigerants with higher capacity for remote condensing units and supermarket systems with moderate charge sizes and for cascade systems, EPA is listing R-454A as acceptable, subject to use conditions, for use in remote condensing units and supermarket systems with a charge size capacity less than 200 pounds or for use in the high-temperature side of a cascade system.

4. Why is EPA finalizing these specific use conditions?

This final rule applies to end-uses covered by UL 60335-2-89. This standard applies to commercial and industrial refrigeration equipment, including the SNAP end-uses of retail food refrigeration, commercial ice machines, IPR, cold storage warehouses,

and ice skating rinks. ASHRAE 15-2022 also applies to these refrigeration systems.

UL 60335-2-89, as discussed in section II.H of this preamble, indicates that refrigerant charges greater than a specific amount (called "m₃" in the standard and based on the refrigerant's LFL) should be determined using national standards that apply, such as ASHRAE 15-2022. Hence, EPA is requiring adherence to both standards, when applicable, as use conditions for remote condensing units and supermarket systems.

EPA is incorporating by reference ASHRAE 15-2022 and UL 60335-2-89 in use conditions that apply to use of the A2L refrigerants listed through this action in new remote condensing units and supermarket systems. Where the requirements specified in this final rule and ASHRAE 15-2022 differ, the requirements of this final rule apply.

A partial summary of ASHRAE 15-2022 is provided here for information only. This is not meant to be a full explanation of the standard or how it is applied; for additional detail, please consult the standard. ASHRAE 15-2022 specifies requirements for refrigeration systems, based on the safety group classification of the refrigerant, the type of occupancy where the system is located, and whether refrigerant-containing parts of the system enter the space or ductwork such that leakage in the space is deemed "probable." "High-probability" installations are those such that leaks or failures will result in refrigerant entering occupied space. Occupancies are divided into six classifications: institutional, public assembly, residential, commercial, large mercantile, and industrial. Examples of these include jails, theaters, apartment buildings, office buildings, shopping malls, and chemical plants, respectively.

Sections 7.2 and 7.3 of ASHRAE 15-2022 determine the maximum amount of refrigerant allowed in the system, while section 7.4 provides an option to locate equipment outdoors or in a machinery room constructed and maintained under conditions specified in the standard. Section 7.7 of ASHRAE 15-2022 addresses the A2L refrigerants listed in this action when used in "high-probability" systems that are not for human comfort, including requirements for nameplates, labels, refrigerant detectors (under certain conditions), airflow initiation or other actions (if a rise in refrigerant concentration is detected), and other restrictions.

ASHRAE 15-2022 is undergoing continuous maintenance with publication of periodic addenda and is

typically updated and republished every three years. Although there were additional changes to ASHRAE 15-2022 between issuance of the proposed rule and now, EPA was not able to review and seek comment on use conditions based on those more recent changes after publication of the proposal. EPA is therefore not including addenda or other changes made to ASHRAE 15-2022 after the date of the proposed rule.

EPA is finalizing an additional use condition for R-454A in supermarkets and remote condensing units. This refrigerant may only be used either in equipment with a refrigerant charge capacity less than 200 pounds or in the high-temperature side of a cascade system. The Agency is finalizing this use condition to allow use of R-454A less broadly than for the other refrigerants being listed for use in remote condensing units and supermarket systems because its GWP is higher than those of the other listings for these end-use categories (about 237, compared to one to 150). EPA's understanding is that there are two particular situations where use of refrigerants is likely to be more constrained to minimize risks to human health and the environment, and thus, additional refrigerant options may be helpful.

The first of those situations is where ASHRAE 15-2022 identifies a refrigerating system as having a "high probability" that leaked refrigerant from a failed connection, seal, or component could enter an occupied area. ASHRAE 15-2022 and UL 60335-2-89 effectively set charge limits for A2L refrigerants to less than 260 times the LFL (approximately 200 pounds for A2L refrigerants and ranging from roughly 120 to 250 pounds for the particular refrigerants listed in this rule) for applications inside a supermarket or convenience store that are open to the general public. In contrast, larger charge sizes could be used in "low-probability" locations where the general public is unlikely to come in contact with the refrigerant, such as systems used in industrial occupancies, outdoors, or in a machinery room with access restricted to store employees. Where the general public is unlikely to come into contact with any leaked refrigerant, there would be fewer space constraints and greater flexibility in equipment design, so refrigeration system designers can accommodate a narrower set of refrigerants. Conversely, where the general public is more likely to come into contact with any leaked refrigerant in an interior space, which are not industrial occupancies, refrigerant charge capacities of a system would be

less than 200 pounds. In addition, in such public spaces there would be more space constraints, less flexibility in equipment design, and potentially stricter code requirements. EPA recognizes that these may be situations where R-454A can be used where those other refrigerants cannot, especially where space is constrained. Therefore, R-454A fills a gap in the stated end-uses where lower-GWP refrigerant alternatives posing less of a risk to human health and the environment are not as available, and R-454A's GWP of approximately 240 and similar toxicity and flammability profiles would pose lower overall risk to human health and the environment. Listing R-454A for supermarket systems and remote condensing units with smaller refrigerant charges provides an additional refrigerant to manage safety (in particular, flammability and toxicity) while achieving adequate performance where there may be more constraints. As some public commenters stated, R-454A has a higher volumetric capacity than the other A2L refrigerants with lower GWPs being listed in this rule, which means less refrigerant is needed and smaller refrigeration equipment can achieve the same cooling effect. Therefore, EPA is listing R-454A as acceptable, subject to use conditions, only for supermarket systems and remote condensing units with a use condition that refrigerant charge capacity shall be less than 200 pounds in order to mitigate risk to human health and the environment that could be associated with higher GWPs.

The second situation where use of refrigerants is likely to be more constrained is for use in the high-temperature side of cascade systems used for supermarket systems and remote condensing units. As discussed in section II.A.1 of this preamble, "Background on retail food refrigeration," each side²³ of a cascade system uses a different refrigerant that is most suitable for the given temperature range. High-temperature systems, or the "high-temperature side," have typically used HFCs as a refrigerant; however, it is technologically achievable and has become more common to use ammonia in the high-temperature side. For lower temperature systems, or the "low-temperature side" of the cascade system, refrigerants with low boiling points such as R-744 can be used. Considerations for the choice of refrigerants on either side of cascade systems are influenced by many factors

including, but not limited to, a refrigerant's toxicity and flammability, its temperature glide, and its suitability for lower temperature applications. Using flammable or toxic refrigerants, such as ammonia, on the high-temperature side of a cascade system may be limited in certain circumstances (e.g., based on building codes and/or industry safety standards). There are multiple substitutes available for the low-temperature side of a cascade system with GWPs lower than that of R-454A, but there are fewer options for the high-temperature side. Therefore, EPA is listing R-454A as acceptable, subject to use conditions, when it is used in the high-temperature side of cascade systems. This action expands the refrigerant options that can comply with local building codes and industry safety standards while meeting the more challenging application of the high-temperature side of a cascade system, and allowing for a refrigerant that would pose lower overall risks to human health and the environment than refrigerants that would otherwise be used.

5. What additional information is EPA including in these listings?

EPA is providing additional information related to these listings. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the refrigerant under the SNAP program. However, EPA encourages users of substitutes to apply all statements in the "Further Information" column in their use of these refrigerants. The additional information applies to multiple end-uses covered in this final rule. See section II.H.2 of this preamble for discussion on what additional information EPA is including in these listings.

6. How is EPA responding to comments on retail food refrigeration?

Comment: For the retail food refrigeration end-use, two commenters mentioned the proposed limitation on the use of R-454A and requested greater flexibility for that refrigerant and end-use. Both commenters indicated that R-454A is a higher capacity and more efficient refrigerant compared to alternatives with GWPs less than 150. The commenters stated that R-454A would provide greater flexibility to meet DOE efficiency requirements and claimed thermodynamic similarities to other refrigerants (R-404A, R-448A, and R-449A). One commenter requested that EPA not restrict R-454A in the high side of a cascade system and that R-454A be

approved for use in stand-alone units. Another commenter requested that EPA list R-454A as acceptable in all retail food refrigeration end-uses (stand-alone units, remote condensing units, supermarket systems, and refrigerated food processing and dispensing equipment). This commenter stated that EPA has sufficient information in the docket to allow EPA to add R-454A as acceptable in stand-alone units and refrigerated food processing and dispensing equipment, pointing to R-454A's zero ozone depletion potential and A2L classification.

Response: EPA acknowledges the commenters' request for greater flexibility to use R-454A. As discussed in section II.A.4 of this preamble, under the listings finalized in this rule, R-454A is acceptable, subject to use conditions, in the high side of a supermarket cascade system. Concerning the suggestion that R-454A would provide greater flexibility to meet DOE's energy conservation standards, EPA notes that EPA's SNAP program and DOE's program for energy conservation standards operate under separate authorities. If EPA had information showing that commercial refrigeration equipment manufactured using other refrigerants with lower GWPs were unable to be used in this application, EPA might consider broader use of R-454A in the future given there may not be other available or potentially available low-GWP substitutes for this application; however, absent such information, EPA is retaining the use conditions for R-454A in supermarket systems and remote condensing units in this final rule as proposed.

In response to comments supporting approval of R-454A in additional retail food end-use categories beyond supermarket systems and remote condensing units, such as stand-alone units and refrigerated food processing and dispensing equipment, EPA is not taking that action in this final rule because EPA did not propose to list R-454A and has not completed our consideration or analysis needed to reach a final decision whether to list this refrigerant in these other retail food end-uses. In response to the commenters' points about energy efficiency and capacity, these factors are not ones that are considered in 40 CFR 82.180(a)(7). Moreover, EPA notes that under the final Technology Transitions Rule (88 FR 73098; October 24, 2023), refrigerants containing HFCs used in retail food refrigeration—stand-alone units are limited to those with a GWP less than 150 beginning January 1, 2025; thus, even if EPA were to list R-454A

²³ Each side of the cascade system is a complete refrigeration system with a compressor, condenser, and evaporator.

as acceptable under the SNAP program, it still could not be used in stand-alone units after that date. EPA is finalizing the listings for R-454A as proposed, including listings for retail food refrigeration—supermarket systems and retail food refrigeration—remote condensing units, as acceptable, subject to use conditions.

Comment: Two commenters suggested that allowing R-454A would smooth the transition to low-GWP refrigerants in stand-alone units, enabling the industry to meet timing goals of the Technology Transitions Rule. A different commenter urged EPA to list R-454A for use in self-contained equipment. The third commenter stated that the quantity used in self-contained equipment is less than that used in remote equipment, thereby reducing the risk of any negative outcomes. This same commenter claimed that small companies do not have sufficient design resources to meet deadlines for both self-contained and remote equipment for different refrigerants. The commenter stated that allowing the use of R-454A in both self-contained and remote equipment would greatly reduce the time needed to transition to lower-GWP refrigerants.

Response: In response to the first two commenters' suggestion that listing R-454A as acceptable for stand-alone units would enable industry to meet the timing goals of the Technology Transitions Rule, we do not agree that R-454A is needed for timely compliance with that restriction. There are already substitutes that meet the 150 GWP limit available on the market for stand-alone retail food refrigeration. For example, R-290 has been listed as acceptable and has been used in stand-alone units for more than a decade. The Agency is aware of a number of substitutes, including R-290, which will be more broadly allowed, with larger charge sizes, through this rulemaking. Therefore, the Agency disagrees with the first two commenters that expanding the use of R-454A in this end-use is needed to meet requirements of the Technology Transitions Rule because there are already substitutes available in use for this purpose. EPA interprets the third commenter's request for use of R-454A in self-contained equipment to apply to retail food refrigeration (stand-alone units) and to retail food refrigeration (refrigerated food processing and dispensing equipment) that is self-contained, since EPA proposed that all commercial ice machines could use R-454A, and other types of appliances covered by this rule are not self-contained. EPA expects that such equipment in many cases could use other refrigerants with a GWP lower

than R-454A's GWP of 237, such as R-290, R-471A, R-454C, R-455A, or R-516A, with GWPs from three to less than 150. EPA also notes that under the final Technology Transitions Rule (88 FR 73098; October 24, 2023), refrigerants containing HFCs used in retail food refrigeration—stand-alone units are limited to those with a GWP less than 150 beginning January 1, 2025; thus, even if EPA were to list R-454A as acceptable for stand-alone units under the SNAP program, it still could not be used after that date. EPA also notes that for larger self-contained commercial ice machines with harvest capacities above certain levels, EPA is finalizing R-454A as acceptable, subject to use conditions (see section II.C.6 of this preamble).

Comment: One commenter recommended that EPA list HFO-1234yf, HFO-1234ze(E), R-454A, R-454C, R-455A, R-457A, and R-516A as acceptable for use in packaged systems in retail food refrigeration (e.g., walk-in coolers and freezers) as it was unclear if EPA intended the proposed listings to apply to packaged refrigeration systems. The commenter also asserted that the definitions for packaged refrigerating units in EPA's proposed Technology Transitions Rule and UL 60335-2-89 match and that the industry consensus standard that EPA proposed to incorporate by reference already includes such equipment within its scope.

Response: In response to this comment, EPA is clarifying that packaged refrigerating units fall within the same categories where the Agency is finalizing acceptable listings for those refrigerants. UL 60335-2-89 defines a packaged refrigerating unit as "a factory assembled unit for performing the complete refrigeration cycle (compressing gas, condensation or gas cooling, and evaporation) comprising power-driven refrigerant compressor(s) with motors, condensers or GAS COOLERS,²⁴ liquid receivers, interconnection pipe work, and ancillary equipment, all mounted on a common base." EPA classifies packaged refrigerating units for retail food refrigeration, such as walk-in coolers or freezers, as belonging either to the end-use category 'supermarket system' if the refrigerant is supplied on the same multi-compressor refrigerant circuit used to cool food elsewhere in the store or within the end-use category 'remote condensing unit' if only a one- or two-compressor system is used (generally dedicated to just the individual walk-in

cooler or freezer). (See also July 20, 2015; 80 FR 42901). If the packaged refrigerating unit is completely self-contained with no remote condenser, then it would belong to retail food refrigeration—stand-alone units. EPA proposed, and is finalizing, listings for HFO-1234yf, HFO-1234ze(E), R-454A, R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, in retail food refrigeration—supermarket systems and retail food refrigeration—remote condensing units. In addition, EPA proposed, and is finalizing, listings for HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for retail food refrigeration—stand-alone units.

Comment: One commenter provided detailed comments on ice cream makers, requesting revisions to the proposal so they become an eligible end-use within the retail food refrigeration sector for the newly listed refrigerants in the final rule. The commenter noted that additional standards would need to be referenced in the final rule for ice cream makers to be included. Specifically, ice cream makers fall under UL 621 in North America and International Electrotechnical Commission (IEC) 60355-2-118 internationally; they are not in the scope of UL 60355-2-89. As such, the proposal would prevent ice cream equipment from using certain flammable low-GWP refrigerants, even when UL 621 and IEC 60335-2-118 have been updated to allow these substances. The commenter requested that EPA expand the use conditions for the food processing and dispensing equipment category to follow all relevant UL and IEC standards. The commenter added that the proposed listings for the sector would increase the cost of equipment due to the need to mitigate high-temperature discharges for refrigerants like R-454C and R-455A using special valves and compressors.

Response: EPA agrees with the commenter that equipment for ice cream makers is covered by UL 621 and not by UL 60335-2-89. EPA did not propose to require adherence to UL 621 as a use condition and notes that this standard is currently under development to address the safe use of flammable refrigerants. Therefore, the Agency is not adding requirements in the final rule specific to ice cream makers. EPA will continue to consider changes to relevant standards, and the Agency may consider whether any revisions to the SNAP regulations should be proposed at a future date. In this final rule, listings for refrigerated food processing and dispensing equipment do not apply to equipment that is manufactured according to UL

²⁴ This term is capitalized in the original text of UL's standard.

621, *i.e.*, commercial ice cream makers. In response to comments related to the cost of equipment for some of the listed refrigerants, EPA notes this rule does not require the use of any specific refrigerant; rather, this rule establishes requirements that allow for the safe use of the listed refrigerants, such that they do not pose overall greater risk to human health and the environment.

Comment: Two commenters claimed that the proposed rule's statement that the smallest types of retail food refrigeration utilize either brazed or welded refrigerant circuits was incorrect. The commenter stated that thread fittings are used in some cases and requested that this be accounted for in the final rule. Another commenter added that EPA had indicated that small units may be fully brazed and stated that some units may have components with screw fittings like cast iron compressors. They commented that regulations for A2L refrigerants should not require connections that are all brazed.

Response: EPA agrees with the comments regarding the incomplete and incorrect statement that the smallest types of retail food refrigeration utilize either brazed or welded refrigerant circuits. EPA did not intend the statement to imply that brazed connections would be required. In response to these comments, the description in section II.A.1 of this preamble also includes threaded fittings.

B. Retail Food Refrigeration—Listing R-290 as Acceptable, Subject to Use Conditions, for Use in New Refrigerated Food Processing and Dispensing Equipment and Revision of the Use Conditions Provided in the Previous Listings of R-290 as Acceptable, Subject to Use Conditions, for Use in New Stand-Alone Units

This final rule lists R-290 as acceptable, subject to use conditions, as a substitute for use in one additional end-use category under retail food refrigeration (*i.e.*, new refrigerated food processing and dispensing equipment). Further, EPA is also amending existing use conditions in the listing of R-290 as acceptable, subject to use conditions, for use in new stand-alone units. More specifically, EPA previously listed R-290 as acceptable, subject to use conditions, in new stand-alone units in SNAP Rule 17 (76 FR 78832, December 20, 2011). One of the use conditions established in that rule was adherence to an earlier standard, UL 471. In this final rule, we are revising those use conditions to be consistent with the most recent U.S. national standard for

retail food refrigeration equipment, UL 60335–2–89. Among other things, these revisions will allow safe use of larger charge sizes of R-290 than under UL 471, which will allow for broader use of R-290 as an alternative in these end-uses. Similar use conditions apply to other refrigerants with lower flammability in this SNAP action in section II.A of this preamble. The final use conditions are allowed for such equipment manufactured on or after the effective date of this final rule and do not apply to nor affect equipment manufactured before that effective date.

This revision to the use conditions incorporates by reference a newer industry standard, changing the reference from Supplement SB in the 10th edition of UL 471, “Commercial Refrigerators and Freezers,” which was required in the earlier SNAP listing for R-290, to UL 60335–2–89. EPA is providing a transition period from the effective date of this final rule through September 29, 2024, during which stand-alone units manufactured with R-290 may follow either the earlier UL 471 standard or UL 60335–2–89. After the transition period ends, new stand-alone units manufactured with R-290 must follow UL 60335–2–89 for purposes of the SNAP program, unless the new stand-alone units remain essentially unchanged from an earlier model or design that was already UL-listed to the earlier UL 471 standard. Under EPA's understanding of these standards, if no design, manufacture, or other change is made to equipment that was certified to UL 471 before the sunset date, then the equipment may continue to be produced and used. To comply with the use condition, once a design change of any kind is made to equipment that has already been certified under UL 471, the equipment is required to be updated to UL 60335–2–89 requirements, including labeling.

Several use conditions finalized for these end-use categories are similar to those finalized for other end-uses. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. In summary, the common use conditions are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15–2022 and with UL 60335–2–89 (with certain exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to inform consumers, technicians, and first

responders of potential flammability hazards.

In this final action, EPA is revising the existing listing for R-290 in new stand-alone units in appendix R to 40 CFR part 82, subpart G, and adding the new listing for R-290 in refrigerated food processing and dispensing units in appendix Y to 40 CFR part 82, subpart G. The regulatory text contains revised listing decisions for new stand-alone units in appendix R, as well as certain other previous listings that EPA is republishing for purposes of formatting for the **Federal Register**; EPA is not finalizing substantive changes to those earlier decisions (*e.g.*, listings for R-290, R-441A, and R-600a in household refrigerators and freezers and in vending machines).

1. Background on Retail Food Refrigeration

See section II.A.1 of this preamble for background on the retail food refrigeration end-use and particularly for the stand-alone units and refrigerated food processing and dispensing equipment end-use categories.

2. What are the ASHRAE classifications for refrigerant flammability?

ASHRAE 34–2022 categorizes R-290 as being in the A3 Safety Group. See section II.A.2 of this preamble for further discussion on ASHRAE classifications.

3. What is R-290 and how does it compare to other refrigerants in the refrigerated food processing and dispensing equipment end-use category?

R-290 is propane and has the formula C₃H₈ (CAS Reg. No. 74–98–6). Redacted submissions and supporting documentation for R-290 in retail food refrigeration are provided in the docket for this final rule (EPA–HQ–OAR–2023–0043) at <https://www.regulations.gov>. EPA performed a risk screening assessment to examine the health and environmental risks of this refrigerant. This risk screen is available in the docket for this final rule.²⁵

Environmental information: R-290 has an ODP of zero. R-290 has a GWP of three. R-290 is regulated as a VOC under CAA regulations (40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS. EPA previously exempted R-290 in retail food refrigerators and freezers (stand-alone units only) from the venting prohibition under CAA

²⁵ ICF, 2023h. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: Propane (R-290).

section 608(c)(2), finding that such venting, release, or disposal does not pose a threat to the environment (79 FR 29682, May 23, 2014).

EPA evaluated potential impacts of R-290 and other HC refrigerants on local air quality. R-290 is considered a VOC and is not excluded from EPA's regulatory definition of VOC (see 40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS. As described later, EPA estimates that potential emissions of saturated HC refrigerants, such as R-290 and R-600a (isobutane), would not have a greater overall negative impact on local air quality than other acceptable substitutes in this end-use category.²⁶

EPA has conducted multiple analyses of various scenarios to consider the potential impacts on local air quality if HC refrigerants were used widely.²⁷ The analyses considered both worst-case and more realistic scenarios. In an analysis supporting the listings of R-290, R-600a, and the HC blend R-441A in multiple refrigeration and air conditioning end-uses in SNAP Rule 19 (80 FR 19454, April 10, 2015), the worst-case scenario assumed that the most reactive HC listed as acceptable as of the time of those listings (R-600a) was used in all refrigeration and AC uses and that all refrigerant used was emitted to the atmosphere rather than most being recovered. In that extreme scenario, the model predicted that the maximum increase in any single 8-hour average ground-level ozone concentration would be 0.72 parts per billion (ppb) in Los Angeles, which is the area with the highest level of ozone pollution in the United States. At the time of the analysis in 2014, 0.72 ppb was less than one percent of the NAAQS, and we stated at the time that the use of R-600a consistent with the use conditions required in EPA's regulations would not result in greater risk to the environment than other alternatives. Using the level of the current ozone NAAQS of 70 ppb, use of the most reactive saturated HC, R-600a, with a 100 percent market penetration would just exceed a level that might raise concerns for EPA. However, considering that R-290 is less reactive than R-600a²⁸ and that R-290 would

have a market penetration at least as high as that of R-600a,²⁹ we still consider use of saturated HC refrigerants not to result in greater overall risk to human health and the environment.

In a less conservative analysis of potential impacts on ambient ozone levels, EPA looked at a set of end-uses that would be more likely to use HC refrigerants between now and 2030, including end-uses where they previously have been listed as acceptable and where they are acceptable under this final rule. For example, we assumed use of R-290 in refrigerated food processing and dispensing equipment³⁰ and in end-uses where it is already listed as acceptable, including retail food refrigeration—stand-alone units, vending machines, water coolers, self-contained commercial ice machines, room air conditioners, and household refrigerators and freezers. We also assumed the use of other HC refrigerants such as R-600a and R-441A in end-uses where they are listed as acceptable, such as in retail food refrigeration—stand-alone units, vending machines, and household refrigerators and freezers. For further information on the specific assumptions, see the docket for this rulemaking.³¹ Based on this still conservative but more probable assessment of refrigerant use, our assessment performed in 2014 found that even if all the refrigerant in appliances in end-uses addressed in this final rule and in appliances in end-uses for which other HCs are listed as acceptable were to be emitted, there would be a worst-case impact of a 0.15 ppb increase in ozone for a single 8-hour average concentration in the Los Angeles area, which is the area with the highest level of ozone pollution in the United States. This value is roughly 0.2 percent of the level of the current ozone NAAQS of 70 ppb on an 8-hour rolling average over a 6-month period between April and September of 2030. In the other cities examined in the analysis, Houston and Atlanta, impacts were smaller (no more than 0.03 and 0.01 ppb for a single 8-hour average concentration, respectively).³² For areas in the analysis that were not violating the 2008 ozone NAAQS, the impacts did

not cause an exceedance of the 2008 ozone NAAQS.

EPA also has performed more recent air quality analyses, considering additional end-uses and HC refrigerants that have been listed acceptable more recently (e.g., R-1150 (ethylene) in very low temperature refrigeration) and using updated models.³³ EPA found that the revised air quality models showed slightly greater impacts compared to our 2014 analyses in all scenarios, but not enough to change our earlier conclusions in 2015 and 2016 that use of saturated HCs as refrigerants, including release of R-290, R-600a, and R-441A during repairing, maintaining, servicing, or disposing of appliances, would not result in a significant increase in ground-level ozone. Further, there would be no change in the prior conclusion that use of the saturated HCs R-290, R-600a, and R-441A, consistent with the SNAP listings, including their use conditions and the final use conditions in this rule, would not result in greater overall risk to people's health or the environment than other alternatives available under SNAP for the same end-use, refrigerated food processing and dispensing equipment.

Because of the relatively minimal air quality impacts of R-290 if it is released to the atmosphere from the end-uses where it is listed as acceptable subject to use conditions and from the refrigerated processing and dispensing equipment end-use category, even in a worst-case scenario, we conclude that R-290 does not have a greater overall impact on human health and the environment based on its effects on local air quality than other refrigerants listed as acceptable in the same end-uses.

Flammability information: R-290 is a higher flammability refrigerant, with an ASHRAE safety classification of A3. EPA evaluated flammability risk by evaluating reasonable worst-case and more typical, yet conservative, scenarios to model the effects of releases of R-290 in retail food refrigeration. This refrigerant is not expected to present a flammability concern provided the use conditions are followed. The use conditions provide additional safety measures and labeling requirements (e.g., visible warning statement and red coloring on the pipes, hoses, and devices which contain refrigerant) that make equipment owners, consumers, fire marshals, and emergency first

²⁶ ICF, 2014a. Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. February, 2014.

²⁷ *Ibid.*

²⁸ R-600a has a MIR of 1.34 g O₃/g R-600a, while R-290 has a MIR of 0.56 g O₃/g R-290. ICF, 2023h, Op. cit.; Carter, 2010. "Development of the SAPRC-07 Chemical Mechanism and Updated Ozone Reactivity Scales," Report to the California Air Resources Board by William P. L. Carter. Revised January 27, 2010.

²⁹ *Ibid.*

³⁰ In the analysis, refrigerated food processing and dispensing equipment was evaluated under the category of "small retail food" refrigeration equipment, along with stand-alone units, vending machines, and water coolers.

³¹ ICF, 2014a. Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. February 2014.

³² *Ibid.*

³³ ICF, 2022. Additional Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. May 2020. Updated models included VM IO file v5.1_10.01.19 and CMAQ 5.2.1 with carbon bond 06 (CB06) mechanism, as cited in ICF, 2022.

responders aware of the presence of a flammability hazard.

Toxicity and exposure data: R-290 has an ASHRAE toxicity classification of A (lower toxicity). Potential health effects of exposure to this refrigerant include drowsiness or dizziness. The refrigerant may also irritate the skin or eyes or cause frostbite. This refrigerant could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many refrigerants.

OSHA has established a PEL of 1,000 ppm as an 8-hr TWA for R-290. EPA anticipates that users will be able to meet OSHA's PEL and address potential health risks by following requirements and recommendations in the manufacturers' SDSs, the final use conditions (including compliance with UL 60335-2-89), adherence to ASHRAE 15-2022, and other safety precautions common to the refrigeration and AC industry.

Comparison to other substitutes in the refrigerated food processing and dispensing end-use category: R-290 has an ODP of zero, comparable to or lower than some of the acceptable substitutes in new refrigerated food processing and dispensing equipment, such as CO₂, R-450A, and R-513A, with ODPs of zero.

R-290's GWP of three is comparable to that of other acceptable substitutes for new refrigerated food processing and dispensing equipment, including CO₂, with a GWP of one. The GWP of R-290 is lower than some of the acceptable substitutes for new refrigerated food processing and dispensing equipment, such as R-450A, R-513A, R-134a, and R-407H, with GWPs of approximately 600, 630, 1,430, and 1,500, respectively.

EPA's risk screen for R-290 in retail food refrigeration,³⁴ including refrigerated food processing and dispensing equipment, found that R-290 can be used without exceeding its PEL of 1,000 ppm (8-hr TWA); thus, the toxicity risks of R-290 are comparable to those of other acceptable substitutes in the refrigerated food processing and dispensing equipment end-use category, which also are used without exceeding their workplace exposure limits.

Although the flammability of R-290 may be greater than that of other available refrigerants with an ASHRAE 1, 2, or 2L flammability classification in the same end-use, we found its flammability risk to be comparable to those of other acceptable substitutes, even under worst-case assumptions in this end-use category when following the final use conditions.³⁵ We note that

flammability risk can be minimized by use consistent with industry standards such as UL 60335-2-89—which applies under the use conditions—and ASHRAE 15-2022—which also applies under the use conditions—as well as recommendations in the manufacturers' SDS and other safety precautions common in the refrigeration and air conditioning industry. EPA is finalizing use conditions that reduce the flammability risk associated with this alternative so that it will not pose greater overall risk to human health and the environment than other acceptable substitutes in this end-use category.

Based on the results of these analyses, EPA is listing R-290 as acceptable, subject to use conditions, in refrigerated food processing and dispensing equipment. R-290 has a GWP of three, lower than that of most other available alternatives for the same end-use category with similarly low toxicity. R-290 provides an additional lower-GWP option for situations where other refrigerants with lower GWPs are not viable, such as where equipment using CO₂ may not be able to meet DOE's energy conservation standards. To provide an additional, lower-GWP option with lower overall risk to human health and the environment, EPA is listing R-290 as acceptable, subject to use conditions, for use in refrigerated food processing and dispensing equipment.

4. Why is EPA finalizing these specific use conditions for refrigerated food processing and dispensing equipment?

For refrigerated food processing and dispensing equipment, EPA is requiring adherence to UL 60335-2-89 for equipment falling under the scope of that standard. Several of the use conditions for refrigerated food processing and dispensing equipment are common to those finalized for R-290 in the commercial ice machine end-use as discussed in section II.D of this preamble. Other use conditions are common to all refrigerants and all five end-uses in this final rule. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. In summary, the common use conditions for all five end-uses are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15-2022 and with UL 60335-2-89 (with certain exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and

markings on equipment to inform consumers, technicians, and first responders of potential flammability hazards.

5. How does the listing for R-290 in refrigerated food processing and dispensing equipment relate to regulations implementing the venting prohibition under CAA section 608?

In section II.I of this preamble EPA is finalizing an exemption for R-290 used as a refrigerant in refrigerated food processing and dispensing equipment from the prohibition under CAA section 608(c)(2) on knowingly venting or otherwise knowingly releasing or disposing of any substitute refrigerant in the course of maintaining, servicing, repairing, or disposing of an appliance or IPR.

6. What existing use conditions apply to this refrigerant in the stand-alone units end-use category?

EPA previously listed R-290 acceptable, subject to use conditions, in new stand-alone units in SNAP Rule 17 (76 FR 78832, December 20, 2011). Those requirements are codified in appendix R to 40 CFR part 82, subpart G. EPA provided information on the potential environmental and health risks of R-290 and the various refrigerants available at that time for use in this end-use category. EPA's previous risk screen for this refrigerant in this end-use category, based on the use conditions in that rule, is available in the docket for that previous rulemaking (EPA-HQ-OAR-2009-0286).

R-290 has an ASHRAE classification of A3, indicating that it has low toxicity and higher flammability. In the presence of an ignition source (e.g., static electricity, a spark resulting from a closing door, or a cigarette), an explosion or a fire could occur if the concentration of R-290 were to exceed the LFL of 21,000 ppm (2.1 percent) by volume.

The use conditions established in the SNAP Rule 17 for R-290 in new stand-alone units addressed safe use of this flammable refrigerant based on information available at that time and included the following: incorporation by reference of Supplement SB to the 10th edition (November 24, 2010) of UL 471 "Commercial Refrigerators and Freezers;" refrigerant charge size limits based on cooling capacity and type of equipment; and requirements for markings and warning labels on equipment using the refrigerant to inform consumers, technicians, and first responders of potential flammability hazards. EPA explained in that rulemaking that without appropriate use

³⁴ ICF, 2023h. *Op. cit.*

³⁵ ICF, 2023h. *Op. cit.*

conditions, the flammability risk posed by this refrigerant could be higher than non-flammable refrigerants because individuals may not be aware that their actions could potentially cause a fire, and because the refrigerant could be used in existing equipment that has not been designed specifically to minimize flammability risks. Our assessment and listing decisions in SNAP Rule 17 (76 FR 78832, December 20, 2011) found that with the use conditions, the overall risk of R-290, including the risk due to flammability, was not greater in the stand-alone units end-use than other substitutes that are currently or potentially available for that same end-use.

7. What updates to existing use conditions for stand-alone units is EPA finalizing?

EPA is finalizing the proposed use conditions that apply to R-290 in new stand-alone units manufactured on or after the effective date of this final rule. The updated use conditions finalized for use of R-290 in stand-alone units are common to those finalized for the commercial ice machine end-use in section II.D of this preamble, and others are common to all five end-uses in this final rule. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. For R-290 in stand-alone units, these use conditions in sections II.D and II.H of this preamble are the only revised use conditions EPA is finalizing—*i.e.*, there are no use conditions pertaining to refrigerant charge capacity or specific applications within stand-alone units. In summary, with the updates finalized for the use conditions for stand-alone units, the common use conditions are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15-2022 and with UL 60335-2-89 (with certain exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to inform consumers, technicians, and first responders of potential flammability hazards.

EPA is finalizing the use conditions in this action, which apply to new stand-alone units on or after the effective date of this final rule. This final rule does not apply to nor affect equipment manufactured before the effective date of this action. The final regulatory text presents these different requirements as numbered listings in separate table

rows, where the end-use and the effective time period during which the equipment is manufactured are in the left-most column, with the heading “End-use”; the specific requirements are listed as use conditions in the fourth column, with the heading “Use Conditions.” Under SNAP, EPA views equipment to be manufactured at the date upon which the appliance’s refrigerant circuit is complete, the appliance can function, the appliance holds a full refrigerant charge, and the appliance is ready for use for its intended purposes. For stand-alone units (and most refrigerated food processing and dispensing equipment), this occurs at the factory. New stand-alone units manufactured between February 21, 2012, and the effective date of the final rule that use R-290 are required to meet the use conditions in SNAP Rule 17 (which took effect February 21, 2012) and as listed in appendix R to 40 CFR part 82, subpart G (in listing 2), including the use condition incorporating by reference Supplement SB to the 10th edition of UL 471. Such products are permitted to be warehoused and sold through normal channels, even if they are sold after the effective date of this final rule. Stand-alone units using R-290 manufactured on or after the effective date of this final rule are required to meet the use conditions finalized and listed in the revisions to appendix R. Those use conditions allow manufacturers of new stand-alone units using R-290 to follow either UL 471 or UL 60335-2-89 from the effective date of this final rule and through September 29, 2024, which is the date when UL is sunsetting UL 471. On and after September 30, 2024, new stand-alone units using R-290 for any new equipment designs or models must meet UL 60335-2-89; for an unchanged model or design that was already listed by UL—that is, certified to meet the requirements of UL 471—the equipment can continue to be manufactured according to that standard’s requirements.

EPA is finalizing use conditions allowing all new stand-alone units using R-290 to be manufactured consistent with Supplement SB of UL 471, up to and including September 29, 2024. Therefore, during the time between the effective date of this final rule and September 29, 2024, manufacturers may follow either UL 471, 10th edition or UL 60335-2-89, 2nd edition, depending on which standard the equipment was designed to. This transition date was in this rule’s proposal in order to align with the industry standard sunsetting date for UL 471. It is EPA’s

understanding that since proposal, UL has discussed updating its effective date when UL 60335-2-89 replaces UL 471 to reflect a later continuing certification date. EPA is allowing manufacturers to adhere to either standard for this limited time because the Agency recognizes that manufacturers may need time to make necessary changes including to their product labels. The period during which manufacturers may follow either standard should provide sufficient time for manufacturers to transition from UL 471 to UL 60335-2-89 while designing and testing new models and designs. Beginning September 30, 2024, for the purposes of the SNAP program, newly manufactured stand-alone units of new models and designs using R-290 must meet the requirements of UL 60335-2-89. Newly manufactured stand-alone units of existing models and designs that are certified (*e.g.*, UL-listed) using R-290 that remain unchanged other than cosmetic changes (*e.g.*, color changes) and that meet Supplement SB of UL 471 prior to September 30, 2024, may continue to meet those requirements after that date. In addition, we are requiring manufacturers to follow the set of use conditions that correspond with a specific UL standard (*e.g.*, we are including text in the revisions to appendix R stating that when an entity is using UL 471, it is to follow all use conditions in listing 2 and when using UL 60335-2-89, it is to follow all use conditions in listing 4 in the final revisions to appendix R). See section II.H.1 of this preamble for further discussion on the requirements of UL 60335-2-89, 2nd edition, which EPA is incorporating by reference.

EPA also notes that we are continuing to apply without revision two existing use conditions, nor did we take comment on those two existing use conditions. The use conditions finalized in this rule that restrict the use of R-290 to new equipment specifically designed for this refrigerant, and that require red-colored markings on service ports, pipes, hoses, and other devices through which the refrigerant is serviced, repeat the existing use conditions for R-290 in new stand-alone units.

8. How do the new use conditions for R-290 in stand-alone units differ from the existing ones and why is EPA changing the use conditions?

The revised use conditions EPA is finalizing for R-290 in stand-alone units are the same as or similar to the ones that exist today in appendix R to 40 CFR part 82, subpart G, for R-290 in this end-use category. The final requirements that R-290 must be used in new equipment only, and that new

stand-alone units must include red markings at service ports, pipes, hoses, and other devices through which the refrigerant is serviced, are repeated in this final listing. The revised use conditions concern incorporating by reference the most recent U.S. national industry safety standard and updated labeling requirements consistent with that new standard. Stand-alone units using R-290 manufactured before the effective date of this final rule are not affected by the revised use conditions.

Warning labels are required under EPA's use restrictions for R-290 in stand-alone units, and EPA is continuing to require them, although with some specific language changes. The finalized warning labels are similar to those already established as use conditions for the use of R-290 in stand-alone units. Using a common set of labels, similar to those from UL 60335-2-89, will aid in compliance and reduce burden for the industry, especially for a manufacturer that uses more than one refrigerant. EPA is finalizing that the labels must be provided in letters no less than 6.4 millimeter (¼ inch) high and must be permanent, which is identical to the existing requirement for R-290 in stand-alone units.

EPA is incorporating by reference a newer industry standard in the use conditions, including use of UL 60335-2-89, 2nd edition for equipment newly designed and manufactured on or after the effective date of this final rule instead of continuing to require Supplement SB of the 10th edition of UL 471. UL 60335-2-89 was developed in an open and consensus-based approach, with the assistance of experts in the refrigeration and AC industry as well as experts involved in assessing the safety of products. The revision cycle for the 2nd edition, including final recirculation, concluded with its publication on October 27, 2021. UL 60335-2-89 replaces the previously published version of several standards, including UL 471, which had already been published as a 10th edition by that time. EPA was aware of the continuing progress of UL standards to address flammable refrigerants. In SNAP Rule 23 (86 FR 24444, May 6, 2021), which listed a number of A2L refrigerants for use in the residential and light commercial AC and heat pumps end-use, we stated, "EPA understands that the standard we relied on in [SNAP] Rule 19 might 'sunset' in the future. Therefore, we will continue to evaluate the market for the equipment addressed in that rule, including R-290 in stand-alone units, and whether to establish new or revised use conditions that reference UL 60335-2-89." Today, we

are finalizing such a change knowing that the standard to which such equipment is UL-listed will transition from UL 471 to the most recent standard, UL 60335-2-89, for newly designed and manufactured equipment as of September 30, 2024.

To allow time for manufacturers of stand-alone units to transition between the existing use condition using the 10th edition of UL 471 and the new use condition using UL 60335-2-89, EPA is allowing R-290 to be used in stand-alone units manufactured either following UL 471 or UL 60335-2-89 during a transition period. That transition period begins on the effective date of this final rule, July 15, 2024, and lasts through September 29, 2024. It is EPA's understanding that UL intends to sunset UL 471 on September 29, 2024, and EPA is coordinating with that sunset date. Further, based on public comments, EPA understands that UL allows newly manufactured equipment that remains unchanged from its previous UL-listed (certified) design or model to continue to follow an earlier standard such as UL 471 because the manufacturer has made no changes. EPA intends to follow this practice, as well, in this final rule. Beginning September 30, 2024, the use condition allows R-290 to be used in new stand-alone units that follow UL 60335-2-89, or for newly manufactured stand-alone units that are unchanged from the model or design previously UL-listed as meeting UL 471 10th edition. In addition, manufacturers must follow the set of use conditions that correspond with a specific UL standard (*i.e.*, when using UL 471, follow all use conditions in listing 4 and when using UL 60335-2-89, follow all use conditions in listing 6 in the final revisions to appendix R).

Another revision to the use conditions is the limit on charge sizes. The existing use conditions from SNAP Rule 17 require the charge sizes to be calculated consistent with UL 471, with a maximum charge of 150 g allowed. The final revised use conditions for equipment newly designed and manufactured on or after the effective date of this final rule allow charge sizes calculated based on UL 60335-2-89, which allows charges of up to roughly 500 g of R-290 for open stand-alone units, or roughly 300 g for those with doors and drawers. These changes allow the use of R-290 in larger equipment than previously and provide more options for industry, while mitigating flammability or exposure risk and maintaining safety within a comparative risk framework.

Because of the differences between UL 471 and UL 60335-2-89, EPA

performed a new risk screen for R-290 as a refrigerant in retail food refrigeration equipment, including stand-alone units.³⁶ In this risk screen, EPA adjusted charge sizes to be consistent with the larger charge sizes of roughly 300 g and 500 g allowed for R-290 under UL 60335-2-89. The risk screen also considered the impact of mitigation methods such as valves that would restrict the amount of refrigerant that could be released, with a limit on "releasable charge." The updated risk screen found that concentrations of R-290 still would not exceed the LFL when used according to the new use condition with releasable charge and larger charge sizes and consistent with UL 60335-2-89, and thus the new use conditions also address potential flammability risks of using R-290.³⁷ In addition, the risk screen modeled the reasonable worst-case scenario of short-term exposure (15-minute TWA) due to a catastrophic release of the charge. Under this highly conservative scenario, the worst-case exposure of 5,770 ppm was still significantly lower than the Acute Toxicity Exposure Limit (ATEL) of 50,000 ppm.³⁸ According to ASHRAE 34, R-290 is listed under safety group A3 with an ATEL of 50,000 ppm. ASHRAE 34 ATELS are intended to reduce the risks of acute toxicity, asphyxiation, and flammability hazards in normally occupied, enclosed spaces during refrigerant use and protect end-users from the potential dangers of a catastrophic leak from a refrigeration unit. For further information, see the risk screen³⁹ for R-290 in the docket for this rulemaking.

9. What additional information is EPA including in these listings?

EPA is providing additional information related to this final listing for R-290 in new refrigerated food processing and dispensing equipment and the final listing for R-290 in new stand-alone units. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the refrigerant under the SNAP program. See section II.H.2 of this preamble for further discussion on what additional information EPA is including in these listings. This additional information is similar to, but not identical with, the additional information in the listing for R-290 in stand-alone units in SNAP Rule 17, which included additional

³⁶ ICF, 2023h. *Op. cit.*

³⁷ *Ibid.*

³⁸ The source of the ATEL is ASHRAE 34-2022, as cited in ICF, 2023h. *Op. cit.*

³⁹ ICF, 2023h. *Op. cit.*

information such as applicable OSHA requirements, need for proper ventilation, use of personal protective equipment, fire extinguishers to keep nearby, use of spark-proof tools and recovery equipment designed for flammable refrigerants, and suggestions for technician training. EPA is finalizing additional information consistent with that included in the final listings for other refrigerants in stand-alone units in this rule and consistent with that included in the listings for R-290 as acceptable, subject to use conditions, in stand-alone units in Rule 17, with additional information such as recommendations for actions to take in case of an accidental release, additional recommended practices for technicians, DOT requirements for transport of flammable gases, and statement that disposed flammable refrigerant is likely to be hazardous waste under RCRA. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the "Further Information" column in their use of these refrigerants.

10. How is EPA responding to comments on listing R-290 in refrigerated food processing and dispensing equipment and updating the use conditions for R-290 in stand-alone units?

Several commenters provided input on listing R-290 as a substitute.

Comment: Two commenters referenced charge size considerations for R-290 and asked that EPA align the final rule with industry standards to reduce confusion. One commenter asked EPA to conform its description of R-290 charge sizes to those allowed under UL 60335-2-89 and ASHRAE 15: 13 times the LFL for open appliances (494 g), eight times the LFL for closed appliances with doors and drawers (304 g), and 3 times the LFL in public corridors and lobbies (114 g). To avoid confusion, they cautioned EPA to avoid noting that a charge limit of 500 g of R-290 is permitted. The same commenter noted that larger charge sizes of R-290 are only permitted for products listed to UL 60335-2-89, and not UL 471. A different commenter added that the UL 60335-2-89 standard for stand-alone retail food refrigeration equipment with R-290 is thorough and sufficient. They mentioned that conversion of self-contained refrigeration equipment using R-290 is currently constrained by the use restrictions for stand-alone retail food refrigeration (150 grams or less in UL 471). They added that work remains to properly and safely convert products that require larger charges of R-290 to

supply the cooling capacity needed. Another commenter requested that EPA allow larger charges of R-290 in the high side of cascade systems or secondary systems in all applications. They stated that R-290 can be paired with carbon dioxide to make an energy efficient system in warmer climates. They added that the International Institute of Ammonia Refrigeration (IIAR) is developing a standard specifically for the use of R-290.

Response: EPA agrees with the commenters concerning the description of charge sizes for R-290 and the related requirements of UL 60335-2-89 and ASHRAE 15. Specifically, UL 60335-2-89 limits charge sizes for R-290 to 13 times the LFL for open appliances (494 g), eight times the LFL for closed appliances with doors and drawers (304 g), and ASHRAE 15-2022 limits charges to 3 times the LFL in public corridors and lobbies (114 g). As noted by the commenters, the charge size limit for R-290 is 150 g for equipment following UL 471. EPA did not propose to list R-290 as acceptable, subject to use conditions, for the high side of cascade systems or secondary loop systems in all applications and did not receive information in a submission for such uses of R-290; thus, EPA has not performed necessary analysis to make a listing decision nor provided an opportunity for comment on that analysis. EPA also notes that the current edition (2nd edition) of UL 60335-2-89 only allows use of A3 (higher flammability) refrigerants in self-contained equipment, which applies to stand-alone units and to some refrigerated food processing and dispensing equipment, not to supermarket systems or remote condensing units. In response to the comments regarding IIAR standard development, EPA would first need to review a final standard and propose it as a use condition before requiring it in a final listing; thus, this comment is beyond the scope of this rulemaking. EPA will continue to monitor development of and changes to relevant standards, and the Agency may consider whether any additions to or revisions to the SNAP program regulations should be proposed at a future date.

Comment: One commenter stated that expanding the use of R-290, with a low GWP, will help minimize harmful climate impacts of refrigerant emissions while maintaining safe systems.

Response: EPA agrees in general that allowing greater use of R-290 would allow for lower climate impacts, and so long as R-290 is used according to the use conditions in this final rule, we

expect it will be used as safely as other available substitutes for the same uses.

C. Commercial Ice Machines—Listing of HFC-32, HFO-1234yf, R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A as Acceptable, Subject to Use Conditions, for Use in New Commercial Ice Machines

This final rule lists HFC-32, HFO-1234yf, and the refrigerant blends R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new commercial ice machines. The listings for refrigerants HFC-32, R-454A, and R-454B are being finalized in this rule only for larger equipment—specifically, remote commercial ice machines, self-contained batch-type commercial ice machines with a harvest rate greater than 1,000 lb ice per 24 hours, and self-contained continuous-type commercial ice machines with a harvest rate above 1,200 lb ice per 24 hours; EPA is not finalizing listings for those three refrigerants for smaller commercial ice machines at this time.

Several use conditions finalized for commercial ice machines are common to those finalized for other end-uses. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. For commercial ice machines, those are the only use conditions EPA is finalizing. In summary, the common use conditions are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15-2022 and with UL 60335-2-89 (with certain exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to inform consumers, technicians, and first responders of potential flammability hazards.

In this final action, EPA is revising the existing listing for R-290 in new self-contained commercial ice machines in appendix V to 40 CFR part 82, subpart G. The regulatory text contains listing decisions for the commercial ice machines end-use, as well as certain other previous listings that EPA is republishing for purposes of formatting for the **Federal Register**; EPA is not finalizing substantive changes to those earlier decisions, e.g., listings for R-290 in new water coolers and in new very low temperature refrigeration equipment.

1. Background on Commercial Ice Machines

Commercial ice machines are used in commercial establishments (*e.g.*, hotels, restaurants, convenience stores) to produce ice for consumer use. Commercial ice machines⁴⁰ are another subset of commercial refrigeration and are considered a separate end-use within the SNAP program from retail food refrigeration due to differences in where such equipment is placed and the additional mechanical and electronic components required to make and dispense ice. Ice machines produce ice in various sizes and shapes, and with different retrieval mechanisms (*e.g.*, dispensers or self-retrieval from bins). Many commercial ice machines are self-contained units, while some have the condenser separated from the portion of the machine making the ice and have refrigerated lines running between the two (also known as remote condensing equipment). The listings described in section II.C.4 of this preamble apply both to larger self-contained commercial ice machines and to remote condensing commercial ice machines. Commercial ice machines fall under the scope of UL 60335-2-89, “Household and Similar Electrical Appliances—Safety—Part 2-89: Requirements for Commercial Refrigerating Appliances and Ice-Makers with an Incorporated or Remote Refrigerant Unit or Motor-Compressor.”

Commercial ice machines can also be divided between batch-type machines (*e.g.*, providing cubed ice) and continuous-type machines (*e.g.*, providing flaked ice). Batch-type (also called cube type) ice machines harvest ice with alternating freezing and harvesting periods. Batch-type commercial ice machines can be used in a variety of applications but are generally used to generate ice for use in beverages. Batch-type commercial ice machines are often employed in hotels, hospitals, and restaurants where beverages are served. Continuous-type ice makers produce ice through a continuous freeze and harvest process and include flake and nugget ice machines. Flake ice is used primarily in food displays, such as seafood grocery store displays or salad bars, whereas nugget ice (also known as chewable ice) is primarily used in beverage applications such as smoothies and blended cocktails. DOE sets energy conservation standards for commercial ice machines and distinguishes these

based in part on their harvest rate,⁴¹ defined as “as the amount of ice (at 32 degrees F) in pounds produced per 24 hours.” 10 CFR 431.132.

R-404A has commonly been used in remote condensing commercial ice machines, while both R-404A and R-410A have been commonly used in self-contained commercial ice machines. Recently, there has been the introduction of smaller self-contained commercial ice machines that use R-290.

2. What are the ASHRAE classifications for refrigerant flammability?

ASHRAE 34-2022 categorizes the refrigerants for commercial ice machines in this section as being in the A2L Safety Group. See section II.A.2 of this preamble for further discussion on ASHRAE classifications of these refrigerants.

3. What are HFC-32, HFO-1234yf, R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A and how do they compare to other refrigerants in the same end-use?

See section II.A.3 of this preamble for further discussion on the identity, environmental, flammability, toxicity, and exposure information for HFO-1234yf, R-454A, R-454C, R-455A, R-457A, and R-516A.⁴²

HFC-32 is also known as R-32 or difluoromethane (CAS Reg. No. 75-10-5). R-454B, also known by the trade names “Opteon™ XL 41” and “Puron Advance™,” is a blend consisting of 68.9 percent HFC-32 and 31.1 percent HFO-1234yf. Redacted submissions and supporting documentation for HFC-32, HFO-1234yf, and the refrigerant blends are provided in the docket for this rule (EPA-HQ-OAR-2023-0043) at <https://www.regulations.gov>. EPA performed a risk screening assessment to examine the health and environmental risks of each of these refrigerants. These risk

screens are available in the docket for this rule.^{43 44 45 46 47 48 49 50}

Environmental information: HFC-32 and R-454B, as well as the other refrigerants being listed in this end-use, have ODPs of zero.

HFC-32 has a GWP of 675. If the GWPs for the components of R-454B, HFC-32 and HFO-1234yf (GWP of one), are weighted by mass percentage, then the blend R-454B has a GWP of about 465.

Both of the components of R-454B, HFC-32 and HFO-1234yf, are excluded from EPA’s regulatory definition of VOC (see 40 CFR 51.100(s)) for the purpose of addressing the development of SIPs to attain and maintain the NAAQS.

Under section 608(c)(2) of the CAA and EPA’s regulations at 40 CFR 82.154(a)(1), it is unlawful for any person, in the course of maintaining, servicing, repairing, or disposing of an appliance or IPR, to knowingly vent or otherwise knowingly release or dispose of any substitute substance for a class I or class II substance used as a refrigerant in such appliance (or IPR) in a manner which permits such substance to enter the environment. EPA has established certain limited exemptions to this venting prohibition, as listed in 40 CFR 82.154(a)(1), but none of those exemptions apply to HFC-32 or R-454B.

Flammability information: HFC-32 and R-454B are both classified as 2L refrigerants under ASHRAE Standards reflecting that these compounds are flammable but have lower burning velocity than compounds listed as 2 or 3 under the ASHRAE standard. EPA evaluated flammability risk by evaluating reasonable worst-case and more typical, yet conservative, scenarios to model the effects of releases of HFC-32 and R-454B, respectively, in the listed end-uses. These refrigerants are

⁴³ ICF, 2024i. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: HFC-32.

⁴⁴ ICF, 2024j. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: HFO-1234yf.

⁴⁵ ICF, 2024k. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-454A (Opteon® XL40).

⁴⁶ ICF, 2024l. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-454B.

⁴⁷ ICF, 2024m. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-454C (Opteon™ XL20).

⁴⁸ ICF, 2024n. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-455A (Solstice® L40X).

⁴⁹ ICF, 2024o. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-457A (Forane® 457A).

⁵⁰ ICF, 2024p. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-516A (Forane® 516A).

⁴⁰ Industry standards for this type of equipment, *e.g.*, UL 563 and UL 60335-2-89, use the terms “ice maker” or “ice-maker” rather than commercial ice machines. The terms may be used interchangeably and refer to the same equipment.

⁴¹ For purposes of this rule, the harvest rate shall be determined in accordance with 10 CFR 431.134.

⁴² EPA previously listed HFO-1234yf as acceptable, subject to use conditions, in motor vehicle AC in light-duty vehicles (74 FR 53445, October 19, 2009), in heavy-duty pickup trucks and complete heavy-duty vans (81 FR 86778, December 1, 2016) and in nonroad vehicles and service fittings for small refrigerant cans (87 FR 26276, May 4, 2022). EPA previously listed R-454A, R-454B, R-454C, and R-457A as acceptable, subject to use conditions, as substitutes in residential and light commercial AC and heat pumps (86 FR 24444, May 6, 2021). EPA previously listed HFC-32 as acceptable, subject to use conditions, in self-contained room air conditioners (80 FR 19453, April 10, 2015) and listed HFC-32 as acceptable, subject to use conditions, in the remaining types of residential and light commercial air conditioning and heat pumps.

not expected to present a flammability concern provided the use conditions are followed. The use conditions provide additional safety measures and labeling requirements (e.g., visible warning statement and red coloring on the pipes, hoses, and devices which contain refrigerant) that make equipment owners, consumers, fire marshals, and emergency first responders aware of the presence of a flammability hazard.

Toxicity and exposure data: HFC-32 and R-454B have an ASHRAE toxicity classification of A. Potential health effects of exposure to these refrigerants include drowsiness or dizziness. The refrigerants may also irritate the skin or eyes or cause frostbite. At sufficiently high concentrations, the refrigerants may cause irregular heartbeat. The refrigerants could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many refrigerants.

AIHA has established a WEEL of 1,000 ppm (8-hr TWA) for HFC-32 and a WEEL of 500 ppm as an 8-hr TWA for HFO-1234yf, the components of R-454B. The manufacturer of R-454B recommends an AEL for the workplace of 854 ppm on an 8-hr TWA for this blend, as does ASHRAE 34-2022. EPA anticipates that users will be able to meet the AIHA WEELs and the manufacturer's AEL and address potential health risks by following requirements and recommendations in the manufacturers' SDS, the final use conditions (including adherence to UL 60335-2-89 and ASHRAE Standard 15), and other safety precautions common to the refrigeration and AC industry.

Comparison to other substitutes in this end-use: HFC-32, HFO-1234yf, and the refrigerant blends R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A all have an ODP of zero, comparable to or lower than some of the acceptable substitutes in new commercial ice machines, such as HFC-134a, R-410A, and R-513A, with ODPs of zero.

HFO-1234yf has a GWP of one, comparable to that of R-290 and ammonia with GWPs of three and zero. R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A have GWPs ranging from 140 to 465, higher than some of the acceptable substitutes for new commercial ice machines and lower than those of other substitutes such as R-450A and R-513A, with GWPs of about 600 and 630. HFC-32 has a GWP of 675, higher than some of the acceptable substitutes including R-290, R-450A, and R-513A; however, the GWP of HFC-32 is lower than those of R-410A and R-404A, with GWPs of approximately 2,090 to 3,920, which are refrigerants that have typically been

employed in larger systems. Our evaluation is that the characteristics of HFC-32, R-454A, and R-454B meet the technical needs of larger commercial ice machines, providing larger charge sizes, greater capacity and no glide, allowing for even formation of ice, while lower-GWP alternatives do not. For instance, R-513A and R-450A have lower capacity than HFC-32, and R-290 is restricted to smaller charge sizes (see section II.D of this preamble for further information). Remote appliances using A2L refrigerants, including remote condensers, may be either self-contained or field erected and may be factory or field charged.

Information regarding the toxicity of other available alternatives is provided in the previous listing decisions for new commercial ice machines (<https://www.epa.gov/snap/substitutes-commercial-ice-machines>). Toxicity risks of use, determined by the likelihood of exceeding the exposure limit of HFC-32, HFO-1234yf, and the refrigerant blends in these end-uses are evaluated in the risk screens referenced previously. The toxicity risks of using HFC-32, HFO-1234yf, and the refrigerant blends in new commercial ice machines are comparable to or lower than toxicity risks of other available substitutes in the same end-use. Toxicity risks of the listed refrigerants can be mitigated by use consistent with UL 60335-2-89 and ASHRAE 15-2022—which are required by our final use conditions—and other industry standards; recommendations in the manufacturers' SDS; and other safety precautions common in the refrigeration and AC industry.

The flammability risks of HFC-32, HFO-1234yf, and the refrigerant blends R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A in the new commercial ice machine end-use, determined by the likelihood of exceeding their respective LFLs, are evaluated in the risk screens referenced previously in this section. While these refrigerants pose greater flammability risk than other available, non-flammable substitutes in the new commercial ice machines end-use, this risk can be mitigated by use consistent with ASHRAE 15-2022 and UL 60335-2-89, required as use conditions in this rule, as well as recommendations in the manufacturers' SDS and other safety precautions common in the refrigeration and AC industry. EPA is requiring use conditions to reduce the potential risk associated with the flammability of these alternatives so that they will not pose greater overall risk to human health and the environment than other

acceptable substitutes in the new commercial ice machines end-use.

In addition, the listed refrigerants have lower GWPs than most other available alternatives for new commercial ice machines. The listing of these refrigerants provides additional lower-GWP options for situations where other refrigerants with lower GWPs are not viable, such as for use of HCs in systems with remote compressors or equipment requiring larger charge sizes, where equipment using CO₂ may not be able to meet energy conservation standards from the DOE, or where a refrigerant must have minimal glide to ensure consistent freezing while manufacturing ice. Given the wide range of applications and exacting performance requirements for commercial ice machines, not all refrigerants listed as acceptable under SNAP will be suitable for the range of equipment in new commercial ice machines. To provide additional options to ensure the availability of refrigerants with lower GWPs for the full range of new commercial ice machines and, therefore, lower overall risk to human health and the environment, EPA is listing HFO-1234yf and the refrigerant blends R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in all types of new commercial ice machines. Further, EPA is listing HFC-32, R-454A, and R-454B as acceptable, subject to use conditions, in larger commercial ice machines: specifically, remote commercial ice machines, self-contained batch-type commercial ice machines with a harvest rate greater than 1,000 lb ice per 24 hours, and self-contained continuous-type commercial ice machines with a harvest rate above 1,200 lb ice per 24 hours. EPA is not finalizing listings for those three refrigerants for smaller self-contained commercial ice machines at this time, as lower-GWP refrigerants, such as R-290, perform adequately. Further, EPA notes that in the final Technology Transitions Rule under the AIM Act, smaller self-contained commercial ice machines, namely, batch-type self-contained units with a harvest rate at or below 1,000 lb ice per 24 hours and continuous-type self-contained units with a harvest rate at or below 1,200 lb ice per 24 hours, are restricted to using refrigerants with a GWP less than 150.

4. Why is EPA finalizing these specific use conditions?

The use conditions identified in these final listings are explained in section II.H.1 of this preamble in greater detail.

5. What additional information is EPA including in these listings?

EPA is providing additional information related to these listings. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the substitute under the SNAP program. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the "Further Information" column in their use of these refrigerants. See section II.H.2 of this preamble for further discussion on what additional information EPA is including in these listings.

6. How is EPA responding to comments on commercial ice machines?

Comment: One commenter recommended that EPA restrict acceptable substitutes in commercial ice machines to those below a 150 GWP limit. The reason for this commenter's request was to align with GWP limits in the proposed Technology Transition rulemaking, which, as proposed, would set a January 1, 2025, compliance date limiting refrigerants over a GWP of 150 for self-contained commercial ice machines with a charge of 500 grams or less. They noted the proposed SNAP Rule 26's inclusion of HFC-32, R-454A, and R-454B for use in commercial ice machines would conflict with the proposed Technology Transitions Rule, which would restrict the GWP of refrigerants below 150 in self-contained commercial ice machines with a charge size less than 500 g. The commenter pointed out that low-GWP refrigerants like carbon dioxide and R-717 would still be available for use in this subsector. The commenter opposed the addition of any refrigerants with a GWP of greater than 150, as required under the proposed Technology Transitions Rule, including R-454A in self-contained equipment.

Response: In this final rule, EPA is listing HFC-32, R-454A, and R-454Bx as acceptable, subject to use conditions, for remote condensing and larger self-contained commercial ice machines and is listing HFO-1234yf, R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for all commercial ice machines. The Agency is aware that commercial ice machine manufacturers have found it difficult to design for the use of alternative refrigerants with a GWP less than 150 (like carbon dioxide and R-717) that have adequate performance properties (e.g., sufficiently high pressure and volumetric capacity and a lower boiling

point) for use with larger equipment (i.e., with a larger ice harvest rate) or with a remote condenser; thus, EPA is listing three refrigerants as acceptable in this rule that have a GWP of greater than 150 that equipment manufacturers have been testing for use in commercial ice machines (i.e., HFC-32, R-454A, and R-454B). These three refrigerants have GWPs of 237 for R-454A, 465 for R-454B, and 675 for HFC-32, which are still lower than or comparable to refrigerants such as R-450A or R-513A, with GWPs of approximately 600 and 630. Further, their GWPs are significantly lower than commonly used HFC blends such as R-410A with a GWP of 2,090 and R-404A with a GWP of 3,920.

In response to comments related to the Technology Transitions Rule, as noted previously in this preamble, EPA agrees that there may be circumstances where there is little practical value in finalizing an acceptable listing for an alternative where the Technology Transitions Rule would restrict its use. However, that is not the situation here for this listing for R-454A with a GWP of 237, R-454B with a GWP of 465, and HFC-32 with a GWP of 675, for use in remote condensing and larger self-contained commercial ice machines. The Agency notes that the final Technology Transitions Rule categorizes self-contained commercial ice machines differently than in the proposed Technology Transitions Rule. EPA restricted refrigerants to those with a GWP of less than 150 for self-contained commercial ice machines with a harvest rate less than or equal to 1,000 or 1,200 pounds of ice per 24 hours (depending on whether the equipment was batch-type or continuous-type). Self-contained commercial ice machines with greater harvest rates are restricted from using certain higher-GWP HFC blends under that rule, but the refrigerants being listed in this final SNAP rule are not otherwise prohibited under the final Technology Transitions Rule. EPA did not propose, and is not finalizing in this action, a use condition restricting the use of those refrigerants that have a GWP of 150 or greater (i.e., HFC-32, R-454A, and R-454B). While EPA is not finalizing such a restriction in this action, in the future, EPA may consider further whether such a restriction would be appropriate under SNAP. EPA additionally notes, however, those refrigerants are still prohibited under the final Technology Transition rule for self-contained commercial ice machines with harvest rates less than or equal to 1,000 or 1,200 pounds per day.

D. Commercial Ice Machines—Revision of the Use Conditions in the Previous Listing of R-290 as Acceptable, Subject to Use Conditions, for Use in New Self-Contained Commercial Ice Machines

EPA is revising use conditions in the existing listing of R-290 as acceptable, subject to use conditions, for use in new self-contained commercial ice machines established in SNAP Rule 21 (81 FR 86779, December 1, 2016). In this final rule, we are updating those use conditions to be consistent with the most recent U.S. national industry safety standard for commercial refrigeration equipment, including self-contained commercial ice machines, UL 60335-2-89. Among other things, these revisions will allow safe use of larger charge sizes of R-290 than under the previous use condition requiring an earlier standard, UL 563, which will allow for broader use of R-290 as an alternative in this end-use. Similar use conditions apply to other refrigerants with lower flammability in this SNAP action in section II.C of this preamble. The final use conditions are allowed for such equipment manufactured on or after the effective date of this final rule and do not apply to nor affect equipment manufactured before that effective date.

This revision to the use conditions incorporates by reference a newer industry standard, changing the reference from Supplement SA to the 8th edition, dated July 31, 2009, of UL 563, "Ice Makers" to UL 60335-2-89. EPA is providing a transition period during which self-contained commercial ice machines manufactured with R-290 may follow either UL 563 or UL 60335-2-89. After the transition period ends, new self-contained commercial ice machines manufactured with R-290 must follow UL 60335-2-89 for purposes of the SNAP program, except as noted below for models that remain essentially unchanged from their earlier UL certification to UL 563.

Several use conditions finalized for this end-use are similar to those finalized for other end-uses. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. In summary, the common use conditions are: restricting the use of the refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15-2022 and with UL 60335-2-89 including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to

inform consumers, technicians, and first responders of potential flammability hazards. The regulatory text of the use conditions appears in tables at the end of this document.

In this final action, EPA is revising the existing listing for R-290 in new self-contained commercial ice machines in appendix V to 40 CFR part 82, subpart G. The revised regulatory text contains listing decisions for new self-contained commercial ice machines in appendix V. EPA is also republishing certain other previous listings for purposes of formatting for the **Federal Register**; EPA is not finalizing substantive changes to those earlier decisions (*e.g.*, listings for R-290 in new water coolers and in new very low temperature refrigeration equipment).

1. Background on Commercial Ice Machines

See section II.C.1 of this preamble for background on this end-use.

2. What are the ASHRAE classifications for refrigerant flammability?

ASHRAE 34–2022 categorizes R-290 as being in the A3 Safety Group. See section II.A.2 of this preamble for further discussion on ASHRAE classifications.

3. What is R-290 and where is there information on its use in this end-use?

See section II.B.3 of this preamble for further discussion on the identity, environmental, flammability, toxicity, and exposure information for R-290.

Redacted submissions and supporting documentation for R-290 are provided in the docket for this final rule (EPA–HQ–OAR–2023–0043) at <https://www.regulations.gov>. EPA performed a risk screening assessment to examine the health and environmental risks of this refrigerant in self-contained commercial ice machines. The risk screen is available in the docket for this final rule.⁵¹

4. What existing use conditions apply to this refrigerant in this end-use?

EPA previously listed R-290 acceptable, subject to use conditions, in new self-contained commercial ice machines in SNAP Rule 21 (81 FR 86779, December 1, 2016). Those requirements are codified in appendix V to 40 CFR part 82, subpart G. EPA provided information on the environmental and health risks of R-290 and the various substitutes available at that time for use in this end-use. Additionally, EPA's previous risk screen

for this refrigerant, based on the use conditions in that rule, is available in the docket for that previous rulemaking (EPA–HQ–OAR–2015–0663).

R-290 has an ASHRAE classification of A3, indicating that it has low toxicity and higher flammability. In the presence of an ignition source (*e.g.*, static electricity, a spark resulting from a closing door, or a cigarette), an explosion or a fire could occur if the concentration of R-290 were to exceed the LFL of 21,000 ppm (2.1 percent) by volume.

The use conditions established in the 2016 listing for R-290 in new self-contained commercial ice machines addressed safe use of this flammable refrigerant and included the following: incorporation by reference of Supplement SA to the 8th edition (July 31, 2009, including revisions through November 29, 2013) of UL 563, “Ice Makers;” refrigerant charge size limits based on cooling capacity and type of equipment; and requirements for markings and warning labels on equipment using the refrigerant to inform consumers, technicians, and first responders of potential flammability hazards. Our assessment and listing decisions in SNAP Rule 21 (81 FR 86779, December 1, 2016) found that with the use conditions, the overall risk of this refrigerant, including the risk due to flammability, was not greater in this end-use than other substitutes that are currently or potentially available for that same end-use.

5. What updates to existing use conditions for commercial ice machines is EPA finalizing?

EPA is finalizing the proposed use conditions that apply to R-290 in new self-contained commercial ice machines manufactured on or after the effective date of this final rule. Several of the updated use conditions finalized for use of R-290 in self-contained commercial ice machines are common to those finalized for the stand-alone units end-use in section II.B of this preamble. Other use conditions are common to all refrigerants and all five end-uses in this final rule. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. For R-290 in self-contained commercial ice machines, these are the only revised use conditions EPA is finalizing. In summary, the common use conditions for all five end-uses are: restricting the use of the refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15–2022 and with UL 60335–2–89 (with certain

exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to inform consumers, technicians, and first responders of potential flammability hazards.

EPA is finalizing the use conditions in this action, which apply to new self-contained commercial ice machines manufactured on or after the effective date of this final rule. This final rule does not apply to nor affect equipment manufactured before that effective date. The final regulatory text presents these different requirements as numbered listings in separate table rows, where the end-use and the effective time period during which the equipment is manufactured are in the left-most column, with the heading “End-use”; the specific requirements are listed as use conditions in the fourth column, with the heading “Use Conditions.” Under SNAP, EPA views equipment to be manufactured at the date upon which the appliance's refrigerant circuit is complete, the appliance can function, the appliance holds a full refrigerant charge, and the appliance is ready for use for its intended purposes. For new self-contained commercial ice machines, this occurs at the factory. New self-contained commercial ice machines manufactured using R-290 between January 3, 2017, and the effective date of this final rule are required to meet the use conditions in SNAP Rule 21 (which took effect January 3, 2017) and as listed in appendix V to 40 CFR part 82, subpart G (in listing 1), including the use condition incorporating by reference Supplement SA to the 8th edition of UL 563. Such products are permitted to be warehoused and sold through normal channels, even if they are sold after the effective date of this final rule. Self-contained ice machines using R-290 manufactured on or after the effective date of this final rule are required to meet the use conditions finalized and listed in the revisions to appendix V. Those use conditions allow manufacturers of new self-contained commercial ice machines using R-290 to follow either UL 563 or UL 60335–2–89, dependent upon which standard the equipment was manufactured, from the effective date of this final rule and will last through September 29, 2024, which is the date when UL is sunseting UL 563. On and after September 30, 2024, new self-contained commercial ice machines using R-290 for any new equipment designs or models must meet

⁵¹ ICF, 2023q. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: (R-290).

UL 60335-2-89; for an unchanged model or design that was already listed by UL—that is, already certified to meet the requirements of UL 563—it could continue to meet those requirements.

EPA is finalizing use conditions allowing all new self-contained commercial ice machines using R-290 to be manufactured consistent with Supplement SA of UL 563, up to and including September 29, 2024. Therefore, during the time between the effective date of this final rule and September 29, 2024, manufacturers may follow either UL 563, 8th edition or UL 60335-2-89, 2nd edition, depending on which standard the equipment was designed to. This transition date was in this rule's proposal in order to align with the industry standard sunset date for UL 563. It is EPA's understanding that since proposal, UL has discussed updating its effective date when UL 60335-2-89 replaces UL 563 to reflect a later continuing certification date. EPA is allowing manufacturers to adhere to either standard for this limited time because the Agency recognizes that manufacturers may need time to make necessary changes including to their product labels. The period during which manufacturers may follow either standard should provide sufficient time for manufacturers to transition from UL 563 to UL 60335-2-89 while designing and testing new models and designs. Beginning September 30, 2024, for the purposes of the SNAP program, newly manufactured self-contained commercial ice machines of new models and designs using R-290 must meet the requirements of UL 60335-2-89. Newly manufactured self-contained commercial ice machines of existing models and designs that are certified (e.g., UL-listed) using R-290 that remain unchanged other than cosmetic changes (e.g., color changes) and that meet Supplement SA of UL 563 prior to September 30, 2024, may continue to meet those requirements after that date. In addition, EPA is requiring manufacturers to follow the set of use conditions that correspond with a specific UL standard (e.g., EPA included text in the revisions to appendix V stating that when an entity is using UL 563, it is to follow all use conditions in listing 1 and when using UL 60335-2-89, it is to follow all use conditions in listing 3 in the final revisions to appendix V). See section II.H.1 of this preamble for further discussion on the requirements of UL 60335-2-89, 2nd edition, which EPA is incorporating by reference.

EPA also notes that we are continuing to apply without revision two existing use conditions, nor did we take

comment on those two existing use conditions. The use conditions that restrict the use of R-290 to new equipment specifically designed for this refrigerant, and that require red-colored markings at service ports, pipes, hoses, and other devices through which the refrigerant is serviced, are existing use conditions for R-290 in new self-contained commercial ice machines.

6. How do the new use conditions for commercial ice machines differ from the existing ones and why is EPA changing the use conditions?

The revised use conditions EPA is finalizing for self-contained commercial ice machines are similar to the ones that exist today in appendix V to 40 CFR part 82, subpart G, for R-290 in this end-use. The existing requirements that R-290 must be used in new equipment only and that new self-contained commercial ice machines must include red markings at service ports, pipes, hoses, and other devices through which the refrigerant is serviced, are repeated in this final listing. The revised use conditions concern incorporating by reference the most recent U.S. industry standard for commercial ice machines and labeling requirements consistent with that new standard. Self-contained commercial ice machines using R-290 manufactured before the effective date of this final rule are not affected by the revised use conditions.

Warning labels are required under EPA's existing regulations, and EPA is continuing to require them, although with some specific language changes. The finalized warning labels are identical to those previously required as use conditions for the use of R-290 in self-contained commercial ice machines. Using a common set of labels, like those in UL 60335-2-89, aids in compliance and could reduce burden for the industry, especially for a manufacturer that uses more than one refrigerant. EPA is finalizing that the labels must be provided in letters no less than 6.4 millimeter ($\frac{1}{4}$ inch) high and must be permanent, which is identical to the existing requirement for R-290 in self-contained commercial ice machines.

EPA is incorporating by reference a newer industry standard in the use conditions, including use of UL 60335-2-89, 2nd edition, instead of continuing to require the standard Supplement SA of the 8th edition of UL 563 for equipment manufactured on or after the effective date of this final rule. UL 60335-2-89 was developed in an open and consensus-based approach, with the assistance of experts in the refrigeration and AC industry as well as experts

involved in assessing the safety of products. The revision cycle for the 2nd edition, including final recirculation, concluded with its publication on October 27, 2021. The 2021 standard UL 60335-2-89 replaces the previously published version of several standards, including UL 563, which had already been revised into an 8th edition by that time. EPA is aware of the continuing progress of UL standards to address flammable refrigerants. Today, we are finalizing such a change knowing that UL is replacing the standard to which such equipment is UL-listed from UL 563 to the newer UL 60335-2-89 as of September 30, 2024.

To allow time for manufacturers of self-contained commercial ice machines to transition between the existing use condition using the 8th edition of UL 563 and the new use condition using UL 60335-2-89, EPA is allowing R-290 to be used in self-contained commercial ice machines manufactured either following UL 563 or UL 60335-2-89 during a transition period. That transition period begins on the effective date of this final rule and lasts through September 29, 2024. It is EPA's understanding that UL intends to sunset UL 563 on September 29, 2024, and EPA is coordinating with that sunset date. Further, based on public comments, EPA understands that UL allows newly manufactured equipment that remains unchanged from its previous UL-listed (certified) design or model to continue to follow an earlier standard such as UL 563 because the manufacturer has made no changes. EPA is adopting a similar approach, as well, in this final rule. Beginning September 30, 2024, the use condition allows R-290 to be used in new self-contained commercial ice machines that follow UL 60335-2-89 or in newly manufactured stand-alone units that are unchanged from the model or design previously UL-listed as meeting UL 563, 8th edition. In addition, manufacturers must follow the set of use conditions that correspond with a specific UL standard (i.e., when using UL 563, follow all use conditions in listing 1 and when using UL 60335-2-89, follow all use conditions in listing 3 in the final revisions to appendix V of part 82, subpart G).

Another revision to the use conditions is the limit on charge sizes. The existing use conditions from SNAP Rule 21 require charge sizes to be calculated consistent with UL 563, with a maximum charge size of 150 g allowed. The final revised use conditions for equipment manufactured on or after the effective date of this final rule allow charge sizes calculated based on UL 60335-2-89, which allows charge sizes

of R-290 up to approximately 500 g for open equipment, 300 g for equipment with doors or drawers, or 115 g for equipment near a pathway for egress. These changes allow the use of R-290 in larger equipment than previously and provide more options for industry, while maintaining environmental health and human safety.

Because of the differences between UL 563 and UL 60335-2-89, EPA performed a new risk screen for R-290 as a refrigerant in self-contained commercial ice machines.⁵² In this risk screen, EPA adjusted charge sizes to be consistent with the larger charge sizes allowed for R-290 under UL 60335-2-89. The risk screen also considered the impact of mitigation methods such as valves that would restrict the amount of refrigerant that could be released. The updated risk screen found that concentrations of R-290 still would not exceed the LFL when used according to the new use condition with releasable charges and larger charge limits and consistent with UL 60335-2-89, and thus the new use conditions also address flammability risks of using R-290.⁵³ In addition, the risk screen modeled the reasonable worst-case scenario of short-term exposure (15-minute TWA) due to a catastrophic release of the charge. Under this highly conservative scenario, the worst-case exposure was still significantly lower than the ATEL of 50,000 ppm.⁵⁴ For further information, see the risk screen⁵⁵ for R-290 in self-contained commercial ice machines in the docket for this rulemaking.

7. What additional information is EPA including in this listing?

EPA is providing additional information related to this final listing. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the substitute under the SNAP program. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the "Further Information" column in their use of these refrigerants. See section II.H.2 of this preamble for further discussion on what additional information EPA is including in these listings. EPA notes that the additional information is similar to, but not identical with, the additional information in the listing for R-290 in self-contained commercial ice machines

in SNAP Rule 21. EPA is finalizing additional information to that included in the listings for R-290 in self-contained commercial ice machines in SNAP Rule 21.

8. How is EPA responding to comments on listing R-290 and updating the use conditions for R-290 in self-contained commercial ice machines?

Comment: One commenter expressed that EPA should not allow for the use of R-290 in commercial ice machines with remote compressors that are not self-contained due to flammability concerns. Specifically, the commenter stated that the use of R-290 is restricted in UL 60335-2-89 to self-contained equipment to lessen the risks associated with higher flammability refrigerants.

Response: EPA agrees with the commenter that R-290 should not be allowed in commercial ice machines with remote compressors that are not self-contained due to flammability concerns. The 2nd edition of UL 60335-2-89 limits the use of R-290 to self-contained commercial ice machines, and that standard does not allow for use of R-290 in commercial ice machines with remote compressors. EPA is finalizing use conditions for R-290 in this final rule that are consistent with using R-290 only in self-contained commercial ice machines and is not listing R-290 as acceptable in commercial ice machines with remote compressors.

Comment: Two commenters suggested clarifications surrounding manufacturers' use of R-290 in self-contained products (150 grams or less). They noted that UL will allow manufacturers to continue under UL 563 requirements until a significant product change is made or the manufacturer withdraws their file. The commenters stated that only at that time will R-290 equipment become subject to 60335-2-89. They asked for EPA to clarify this in the final rule.

Response: EPA addressed a similar comment with respect to refrigerated food processing and dispensing equipment end-uses in section II.B.10 of this preamble. Those reasons are also applicable to this end-use and for the same reasons, EPA is finalizing an end-use description and use conditions for R-290 in this final rule that are consistent with using R-290 only in self-contained commercial ice machines and not in commercial ice machines with remote compressors.

E. Industrial Process Refrigeration—Listing of HFC-32, HFO-1234yf, HFO-1234ze(E), R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A as Acceptable, Subject to Use Conditions, for Use in New Industrial Process Refrigeration

This final rule lists HFC-32, HFO-1234yf, HFO-1234ze(E), and the refrigerant blends R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new IPR equipment. HFO-1234yf, HFO-1234ze(E), and the refrigerant blends R-454C, R-455A, R-457A, and R-516A are being listed for all IPR equipment including both chillers and non-chiller—e.g., direct expansion (DX)—IPR equipment. The listings for refrigerants HFC-32, R-454A, and R-454B are being finalized in this rule only for chillers for IPR and for DX IPR equipment where the temperature of the refrigerant entering the evaporator is less than or equal to -30°C and for R-454A, also may be used in DX IPR equipment with a refrigerant charge capacity less than 200 pounds or in the high-temperature side of a cascade system with the refrigerant temperature entering the evaporator higher than -30°C . EPA is not finalizing listings for those three refrigerants for other IPR uses at this time. EPA is modifying the proposed use conditions for R-454A, R-454B, and HFC-32 to also allow these substitutes in direct expansion IPR equipment with refrigerant entering the evaporator at temperatures less than or equal to -30°C , based on public comment regarding the limited availability of substitutes for this particular temperature range and based upon our comparative risk analysis concluding that these substitutes for these specific uses and use conditions are not expected to pose greater risk to overall health or the environment. EPA is not reaching a final decision in this rule on these refrigerants for other IPR uses for HFC-32 and R-454B (i.e., for DX IPR equipment with the refrigerant temperature entering the evaporator higher than -30°C).

Most of the use conditions finalized for the A2L refrigerants when used in IPR are the same as those finalized for other end-uses. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. In summary, the common use conditions are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15-2022 and

⁵² ICF, 2024q. *Op. cit.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

with UL 60335–2–89 (with certain exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to inform consumers, technicians, and first responders of potential flammability hazards.

In addition to the common use conditions discussed in section II.H of this preamble, the following use condition also applies to HFC–32 and R–454B in IPR: these refrigerants may only be used in IPR: (1) For chillers or (2) for equipment that is not a chiller with the refrigerant temperature entering the evaporator is less than or equal to -30°C .

The following use condition also applies for R–454A in IPR: this substitute may only be used in IPR (1) for chillers, (2) equipment with the refrigerant temperature entering the evaporator less than or equal to -30°C , (3) equipment with a refrigerant charge capacity less than 200 pounds and with the refrigerant temperature entering the evaporator higher than -30°C (-22°F), and (4) in the high-temperature side of a cascade system with the refrigerant temperature entering the evaporator higher than -30°C .

The regulatory text of the final decisions appears in tables at the end of this document and is being codified in appendix Y to 40 CFR part 82, subpart G. The final regulatory text contains listing decisions for the end-use discussed in this section. EPA notes that there may be other legal obligations pertaining to the manufacture, use, handling, and disposal of these refrigerants that are not included in the information listed in the tables (e.g., the CAA section 608(c)(2) venting prohibition or DOT requirements for transport of flammable gases). Flammable refrigerants being recovered or otherwise disposed of from IPR equipment are likely to be hazardous waste under RCRA (see 40 CFR parts 260 through 270).

1. Background on Industrial Process Refrigeration

IPR systems cool process streams in industrial applications, for example, machining of metal products, fermentation of beer, or operation of hydraulic circuits. The choice of refrigerant for specific applications depends on ambient and required operating temperatures and pressures. It is EPA's understanding that this type of equipment may fall under the scope of ASHRAE 15–2022. This type of equipment also typically falls under the

scope of UL 60335–2–89, “Requirements for Commercial Refrigerating Appliances and Ice-Makers with an Incorporated or Remote Refrigerant Unit or Motor-Compressor” if it is not used in an industrial occupancy⁵⁶ and that it always falls under ASHRAE 15. In contrast, industrial process air conditioning primarily cools people, although it may also cool processes, and follows a different UL standard (UL 60335–2–40). When chillers are used primarily to cool process streams, rather than for comfort cooling, SNAP describes this application as “chillers in IPR.”

2. What are the ASHRAE classifications for refrigerant flammability?

ASHRAE 34–2022 categorizes the refrigerants listed for IPR in this section as being in the A2L Safety Group. See section II.A.2 of this preamble for further discussion on ASHRAE classifications.

3. What are HFC–32, HFO–1234yf, HFO–1234ze(E), R–454A, R–454B, R–454C, R–455A, R–457A, and R–516A and how do they compare to other refrigerants in the same end-use?

See sections II.A.3 and II.C.3 of this preamble for further discussion on the environmental, flammability, toxicity, and exposure information for these refrigerants.

The redacted submission and supporting documentation for HFC–32, HFO–1234yf, HFO–1234ze(E), R–454A, R–454B, R–454C, R–455A, R–457A, and R–516A is provided in the docket for this rule (EPA–HQ–OAR–2023–0043) at <https://www.regulations.gov>. EPA performed risk screening assessments to examine the health and environmental risks of these refrigerants. These risk screens are available in the docket for this rule.^{57 58 59 60 61 62 63 64 65}

⁵⁶ ASHRAE 15–2022 defines industrial occupancy as, “a premise or that portion of a premise that is not open to the public, where access by authorized persons is controlled, and that is used to manufacture, process, or store goods such as chemicals, food, ice, meat, or petroleum.”

⁵⁷ ICF, 2023r. Risk Screen on Substitutes in Industrial Process Refrigeration (New Equipment); Substitute: HFC–32 (Difluoromethane).

⁵⁸ ICF, 2023s. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: HFO–1234yf.

⁵⁹ ICF, 2023t. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: HFO–1234ze(E) (Solstice® ze, Solstice® 1234ze).

⁶⁰ ICF, 2023u. Risk Screen on Substitutes in Industrial Process Refrigeration and Cold Storage Warehouses (New Equipment); Substitute: R–454A (Opteon® XL40).

⁶¹ ICF, 2023v. Risk Screen on Substitutes in Industrial Process Refrigeration (New Equipment); Substitute: R–454B (Opteon® XL41).

Comparison to other substitutes in this end-use: HFC–32, HFO–1234yf, HFO–1234ze(E), R–454A, R–454B, R–454C, R–455A, R–457A, and R–516A all have an ODP of zero, comparable to or lower than some of the acceptable substitutes in new IPR equipment, such as HFC–134a, R–410A, and R–513A with ODPs of zero and hydrochlorofluoroolefin (HFO)–1233zd(E) with an ODP less than 0.0004.⁶⁶

HFO–1234yf and HFO–1234ze(E) both have a GWP of one, comparable to that of R–290 and ammonia with GWPs of three and zero. R–454A, R–454B, R–454C, R–455A, R–457A, and R–516A have GWPs ranging from 140 to 470, higher than some of the acceptable substitutes for new IPR equipment, including R–290 and ammonia, and lower than those of other substitutes such as R–450A and R–513A with GWPs of about 600 and 630. HFC–32, which EPA is restricting to use in chillers for IPR or in IPR equipment with the refrigerant temperature entering the evaporator is less than or equal to -30°C , has a GWP of 675, which is higher than some of the acceptable substitutes including R–290, R–450A, and R–513A; however, the GWP of HFC–32 is lower than those of R–410A and R–404A, with GWPs of approximately 2,090 to 3,920, which are refrigerants that have typically been employed in chillers for IPR, but as of January 1, 2026 or January 1, 2028, depending on the temperature range, will be subject to restrictions in new IPR systems under the Technology Transitions Rule. In light of that upcoming restriction, EPA is listing HFC–32 and R–454B to provide additional lower-GWP, low-temperature refrigerants in these end-uses. This upcoming restriction, and the corresponding value of providing additional lower-GWP, low temperature refrigerants in these end-uses, are additional considerations that informed EPA's decision on this listing.

Information regarding the toxicity of other available alternatives is provided

⁶² ICF, 2023w. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: R–454C (Opteon™ XL20).

⁶³ ICF, 2023x. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: R–455A (Solstice® L40X).

⁶⁴ ICF, 2023y. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: R–457A.

⁶⁵ ICF, 2023z. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: R–516A.

⁶⁶ WMO, 2022.

in the previous listing decisions for new IPR equipment (<https://www.epa.gov/snap/substitutes-industrial-process-refrigeration>). Toxicity risks of use, determined by the likelihood of exceeding the exposure limits of HFC-32, HFO-1234yf, HFO-1234ze(E), R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A in this end-use, are evaluated in the risk screens referenced previously. The toxicity risks of using HFO-1234yf and the refrigerant blends in IPR, and of using all nine refrigerants in chillers for IPR, are comparable to or lower than toxicity risks of other available substitutes in the same end-use. Toxicity risks of these refrigerants can be mitigated by use consistent with ASHRAE 15-2022 and other industry standards, recommendations in the manufacturers' SDS, and other safety precautions common in the refrigeration and AC industry.

The flammability risks with HFC-32, HFO-1234yf, HFO-1234ze(E), R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A in the IPR end-use, determined by the likelihood of exceeding their respective LFLs, are evaluated in the risk screens referenced in this section. While these refrigerants may pose greater flammability risk than available substitutes in the new IPR end-use that are non-flammable, this risk can be mitigated by use consistent with ASHRAE 15-2022 and, if applicable, UL 60335-2-89, as required by our use conditions, as well as recommendations in the manufacturers' SDS and other safety precautions common in the refrigeration and AC industry. We also note that other acceptable refrigerants in the IPR end-use have higher flammability and are classified in the A3 Safety Group, such as R-290, butane (R-600), and propylene (R-1270). EPA is finalizing use conditions to reduce the potential risk associated with the flammability of the alternatives so that they will not pose greater overall risk to human health and the environment than other acceptable substitutes for new equipment in the IPR end-use.

In addition, the listed substitutes have lower GWPs than most other available alternatives for the same uses. The listed refrigerants may provide additional lower-GWP options for situations where other refrigerants with lower GWPs are not viable, such as situations where sparks or flame might occur such that HCs are not suitable for use, or for systems with remote compressors or equipment requiring larger charge sizes, where refrigerant leaks are more likely to create greater flammability risk. Given the wide range of applications for IPR, not all refrigerants listed as acceptable under SNAP will be suitable

for the range of equipment in the IPR end-use. To provide additional options to ensure the availability of refrigerants with lower GWPs for the full range of IPR equipment and, therefore, lower overall risk to human health and the environment, EPA is listing HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in IPR.

EPA is also listing the refrigerants HFC-32 and R-454B with a use condition restricting their use to chillers in IPR or in IPR equipment with the refrigerant temperature entering the evaporator is less than or equal to -30°C . These refrigerants have higher GWPs than the other refrigerants EPA is listing as acceptable, subject to use conditions, but lower GWPs than many refrigerants typically used today in chillers for IPR, such as R-410A and R-404A, with GWPs of 2,090 and 3,290 respectively (but will be restricted as soon as January 1, 2026). These refrigerants also have lower flammability than HC refrigerants currently listed as acceptable in IPR. In light of upcoming restrictions under the Technology Transitions Rule, EPA is listing additional substitutes for use in these end-uses. The Agency expects that these refrigerants may provide additional, lower-GWP options for chillers for IPR, where greater volumetric capacity and higher operating pressures may be required to operate properly than for other types of IPR equipment (e.g., direct expansion systems), to address applications where other substitutes with lower GWPs may not be technically feasible, safe to human health, or environmentally suitable. In addition, these refrigerants may provide additional, lower-GWP options for IPR equipment where the temperature of the refrigerant needs to attain temperatures less than or equal to -30°C ; fewer refrigerants have boiling points low enough to achieve these lower temperatures, and thus, EPA is also finalizing listings for HFC-32 and for R-454B, with boiling points of -51.9°C and -51°C , respectively, to provide additional options.

EPA is also listing the refrigerant R-454A with a use condition that this substitute may only be used either in chillers for IPR, in equipment with a refrigerant charge capacity less than 200 pounds, in the high-temperature side of a cascade system, or in IPR equipment with the refrigerant entering the evaporator is less than or equal to -30°C . This refrigerant may provide additional, lower-GWP options for chillers for IPR, where greater volumetric capacity and higher operating pressures may be required to

operate properly than for other types of IPR equipment. R-454A may also address the additional challenges for finding lower-GWP refrigerants with higher capacity for non-chiller IPR equipment with moderate charge sizes and for cascade systems; hence, EPA is listing R-454A as acceptable, subject to use conditions, for use in new non-chiller IPR equipment with a charge size capacity less than 200 pounds or for use in the high-temperature side of a cascade system. In addition, these refrigerants may provide additional, lower-GWP options for IPR equipment where the temperature of the refrigerant needs to attain temperatures less than or equal to -30°C ; fewer refrigerants have boiling points low enough to achieve these lower temperatures, and thus, EPA is also finalizing a listing for R-454A in IPR equipment with the refrigerant temperature entering the evaporator is less than or equal to -30°C (with a boiling point of -48°C) to provide additional options.

4. Why is EPA finalizing these specific use conditions?

The final use conditions identified in the listings for all nine refrigerants are explained in the preceding paragraphs and in section II.H.1 of this preamble.

EPA is finalizing the use conditions for HFC-32 and R-454B restricting their use to chillers for IPR or in IPR equipment with the refrigerant temperature entering the evaporator is less than or equal to -30°C because these refrigerants have higher GWPs than many of the available substitutes in IPR (e.g., HCs, HFOs); however, because chillers may require greater volumetric capacity than other types of IPR equipment (e.g., DX systems), and because some IPR applications require temperatures below -30°C , EPA is listing these two additional refrigerants to provide additional lower-GWP options that pose lower overall risk to human health and the environment than other available substances and to address a broader range of equipment and applications. EPA also is finalizing a use condition for R-454A that allows its use in chillers for IPR or in IPR equipment with the refrigerant temperature entering the evaporator is less than or equal to -30°C , as well as other certain other applications, as described in this section. In addition, EPA is listing HFC-32, R-454A, and R-454B as acceptable, subject to use conditions, for chillers because of technical limitations, such as volumetric capacity, operating pressure, and temperature range, which restrict the technical viability of some other safe and environmentally suitable

alternatives for some applications. The Agency previously listed these three refrigerants as acceptable, subject to use conditions, in centrifugal and positive displacement chillers for comfort cooling in SNAP Rule 25 because of the same technical concerns and with the same use conditions as EPA is finalizing here. In addition, these use conditions are consistent with restrictions on refrigerants that contain HFCs under the final Technology Transitions Rule, allowing for greater consistency and reducing potential confusion for the regulated community.

EPA is finalizing the use condition for R-454A, restricting its use to chillers for IPR, equipment with a refrigerant charge capacity less than 200 pounds, the high-temperature side of a cascade system, or IPR equipment with the refrigerant temperature entering the evaporator is less than or equal to -30°C . EPA is listing R-454A for use in chillers for IPR and in IPR equipment with the refrigerant temperature entering the evaporator is less than or equal to -30°C for the same reasons as for HFC-32 and R-454B. The Agency is also finalizing this use condition to allow use of R-454A less broadly than for the refrigerants HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A because its GWP is higher than those other listed refrigerants for non-chiller IPR equipment (R-454A has a GWP of about 237, compared to one to 150).

EPA's understanding is that, in addition to the technical constraints for refrigerant in chillers for IPR, there are two more situations where use of refrigerants is likely to be more constrained, and thus, additional refrigerant options that reduce overall risk to human health and the environment may be helpful. The first of those situations is where ASHRAE 15-2022 identifies a refrigerating system as having a "high probability" that leaked refrigerant from a failed connection, seal, or component could enter an occupied area. UL 60335-2-89 effectively sets charge limits for A2L refrigerants to 260 times the LFL for applications inside an occupied space where people might be located. This amount is approximately 200 pounds, depending on the LFL of the particular refrigerant. In contrast, larger charge sizes in equipment meeting the requirements of ASHRAE 15 could be used in "low-probability" locations where the general public is unlikely to come in contact with the refrigerant, such as systems used in industrial occupancies, outdoors, or in a machinery room with access restricted to facility employees. Where the general

public is unlikely to come into contact with any leaked refrigerant, there would be fewer space constraints and greater flexibility in equipment design, so refrigeration system designers can accommodate a narrower set of refrigerants. Conversely, where people are more likely to come into contact with any leaked refrigerant in an interior space, which are not industrial occupancies, refrigerant charge capacities of a system would be less than 200 pounds. In addition, in such public spaces there would be more space constraints, less flexibility in equipment design, and potentially stricter code requirements. EPA recognizes that these may be situations where R-454A can be used where those other refrigerants cannot, especially where space is constrained. Therefore, R-454A fills a gap in the stated end-uses where lower-GWP refrigerant alternatives are not as available, and R-454A's GWP of approximately 237 and similar toxicity and flammability profiles would pose lower overall risk to human health and the environment than other available refrigerants. Therefore, EPA is listing R-454A as acceptable, subject to use conditions, for non-chiller IPR equipment with a refrigerant charge capacity less than 200 pounds (and with the refrigerant temperature entering the evaporator higher than -30°C).

The second situation where use of refrigerants is likely to be more constrained, and therefore where EPA is listing R-454A, is for use in the high-temperature side of cascade systems used for non-chiller IPR equipment (and with the refrigerant temperature entering the evaporator higher than -30°C). As discussed in section II.A.1 of this preamble, "Background on retail food refrigeration," each side of a cascade system uses a different refrigerant that is most suitable for the given temperature range. Higher temperature systems, or the "high-temperature side," have typically used HFCs as a refrigerant; however, it is technologically achievable and has become more common to use ammonia in the high-temperature side. For lower temperature systems, or the "low temperature side" of the cascade system, refrigerants with low boiling points such as R-744 can be used. Considerations for the choice of refrigerant on the high or low temperature side of cascade systems are influenced by many factors including, but not limited to, a refrigerant's toxicity and flammability, its temperature glide, and its suitability to lower temperature applications. There are a number of substitutes available for the low

temperature side of a cascade system with GWPs lower than that of R-454A. However, using flammable or toxic refrigerants, such as ammonia, on the high-temperature side of a cascade system may be limited in certain circumstances (e.g., based on building codes and/or industry safety standards). Therefore, EPA is listing R-454A as acceptable, subject to use conditions, when it is used in the high-temperature side of cascade systems (and with the refrigerant temperature entering the evaporator higher than -30°C). This action expands the lower-GWP refrigerant options that reduce overall risks to human health and the environment and that can comply with local building codes and industry safety standards while meeting the more challenging application of the high-temperature side of a cascade system.

5. What additional information is EPA including in these listings?

EPA is providing additional information related to these listings. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the substitute under the SNAP program. However, EPA encourages users of substitutes to apply all statements in the "Further Information" column in their use of these refrigerants. See section II.H.2 of this preamble for further discussion on what additional information EPA is including in these listings.

6. How is EPA responding to comments on industrial process refrigeration?

Comment: Three commenters addressed the use of R-454B and HFC-32 in the IPR end-use. These commenters claimed that R-454B and HFC-32 are needed for IPR beyond chillers and requested that EPA approve them for all IPR applications such as industrial, medical, and laboratory applications. They provided additional details that these refrigerants have lower boiling points than other proposed alternatives, which allows for lower evaporator temperatures needed for certain applications (e.g., blood and vaccine storage below -40°C). The commenters also stated that these refrigerants have low or no glide, which is important for lower-temperature IPR systems using flooded evaporators (not all of which are chillers). The commenters specified that such specialized equipment may not have other refrigerants with lower GWPs that are technically feasible. They also said that requiring high pressure low GWP substitutes, such as the other refrigerants under consideration in this

action, may damage systems. Therefore, they asserted that HFC-32 and R-454B are the only two low GWP refrigerants that will perform at the required conditions and above atmospheric pressure in certain applications. One commenter added that limiting R-454B and HFC-32 refrigerants to chillers for IPR would amount to imposing use conditions that are contrary to reducing the “overall risk to human health and the environment” as required under CAA section 612(c). The commenter noted that R-454B and HFC-32 have lower GWPs than many currently acceptable substances, and suggested approving these two refrigerants broadly for the IPR sector would help lower environmental impact compared to incumbent refrigerants in wide use. The commenter also claimed that EPA had not clearly described how it accounted for the benefits of HFC-32 and R-454B relative to incumbent refrigerants.

Response: While EPA is not granting the commenters’ request for listing R-454B and HFC-32 broadly for all IPR, including industrial, medical, and laboratory applications in IPR, we acknowledge that these refrigerants present advantages in performance for IPR operating at low temperatures. Therefore, based on comments received about the technological requirements for IPR to reach very cold temperatures, EPA is listing HFC-32 and R-454B as acceptable, subject to use conditions, for IPR, as proposed, with a use condition that provides for use in IPR chillers. EPA is also making a modification to the proposed use condition for HFC-32 and R-454B in IPR that would allow for use in non-chiller IPR with the refrigerant temperature entering the evaporator less than or equal to -30°C . EPA is achieving this by modifying the use condition for HFC-32 and R-454B in IPR, so that it provides for use of HFC-32 and R-454B in both chillers for industrial process refrigeration and in equipment with the refrigerant temperature entering the evaporator less than or equal to -30°C . While R-454B and HFC-32 have higher GWPs than the other refrigerants being listed as acceptable in this action, listing these two refrigerants as acceptable with use conditions that provide for use at lower temperatures still leads to lower risk to the environment and human health because these refrigerants are lower risk than what is currently in use.

The Agency is not at this time listing R-454B and HFC-32 as acceptable in all other IPR uses. We do not agree that commenters have demonstrated that other lower-risk, lower-GWP options are not available for other non-chiller IPR uses outside of the lower temperature

applications described in their comments. We also note that upcoming restrictions under the AIM Act’s Technology Transitions Rule will restrict the GWP of refrigerants used for non-chiller IPR to 150 to 700, depending on the temperature of the refrigerant entering the evaporator, the refrigerant charge capacity, and whether the refrigerant is used in the high-temperature side of a cascade system. Thus, regardless of EPA’s consideration under the CAA SNAP program, R-454B and HFC-32 could not be used in all IPR applications; their use would be restricted in certain applications under the AIM Act’s Technology Transitions Rule (88 FR 73098; October 24, 2023).

As noted, in response to comments, EPA is finalizing R-454B and HFC-32 as acceptable, subject to use conditions, in non-chiller IPR low temperature applications, specifically, equipment with the refrigerant temperature entering the evaporator is less than or equal to -30°C . These refrigerants have lower boiling points, as discussed previously in the comparison to other substitutes in this end-use, than the other refrigerants listed in this rule. The Agency recognizes that IPR equipment is often highly specialized and designed specifically for cooling a particular industrial process, and that certain specialized applications may require refrigerants operating at evaporator temperatures of -40°C or lower. Other, lower-GWP refrigerants may not be feasible for use in such lower-temperature applications. EPA further notes that the final Technology Transitions Rule similarly accommodated lower-temperature IPR applications by establishing a higher GWP limit for IPR systems with the refrigerant temperature entering the evaporator less than or equal to -30°C . 88 FR at 73143.

In response to the comment comparing HFC-32 and R-454B to incumbent refrigerants, EPA notes that there are other acceptable refrigerants that reduce overall risks more than both HFC-32 and R-454B and the incumbent refrigerants in most DX IPR uses, such as ammonia, HCFO-1233zd(E), R-1224yd(Z), R-290, R-471A, and R-744. Thus, EPA does not agree with the commenter’s assertion that the use restriction for this listing for R-454B and HFC-32 increases overall risk to human health and the environment. Several of these substitutes are non-flammable or are comparable in flammability to HFC-32 and R-454B, such as ammonia, HCFO-1233zd(E), R-1224yd(Z), R-471A, and R-744. Most of those refrigerants contain compounds that are not VOC or are excluded from

EPA’s regulatory definition of VOC (see 40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS. Most have an ozone depletion potential of zero, comparable to HFC-32 and R-454B, with HCFO-1233zd(E) and R-1224yd having ODPs of less than 0.0004, and all have a GWP less than 150, compared to R-454B’s GWP of 470 and HFC-32’s GWP of 675. However, these lower-GWP refrigerants have boiling points that are too high to use in DX IPR equipment with the refrigerant temperature entering the evaporator less than or equal to -30°C (-22°F), as discussed above in this response.

Comment: One commenter supported EPA’s proposed approval of HFC-32, HFO-1234yf, HFO-1234ze(E), R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A for new IPR equipment. The commenter stated that HFC-32, R-454A, and R-454B should be approved for use in IPR chillers to preserve as many refrigerant options as possible while navigating changes in equipment design and technology, despite their higher GWPs than other listed alternatives.

Response: EPA acknowledges the commenter’s support for listing HFC-32, HFO-1234yf, HFO-1234ze(E), R-454A, R-454B, R-454C, R-455A, R-57A, and R-516A in this rulemaking. EPA agrees with the commenter that listing HFC-32, R-454A, and R-454B will provide more refrigerant options for chillers for IPR while industry navigates changes in equipment design and technology. EPA is listing HFC-32, HFO-1234yf, HFO-1234ze(E), R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A for use in chillers for IPR as proposed, among other things.

Comment: Two commenters suggested changes to the proposal to align with existing standards for the IPR sector. One commenter stated that very large systems located in industrial occupancies, refrigeration rooms, or machinery rooms do not fall under the listing nor installation requirements of UL 60335-2-89. Another commenter noted that manufacturers adhere to ASHRAE 15, American Society of Mechanical Engineers (ASME) b31.5, ASME b31.1, or IIAR standards within the IPR sector depending on the specific application. The commenter requested that EPA consider for IPR, IPR chillers, and industrial occupancies and allow such alternative standards to satisfy proposed use conditions where UL 60335-2-89 is not applicable.

Response: EPA agrees with commenters that UL standard 60335-2-89 may not be appropriate to apply to all equipment in the end-uses listed

under this rule in all situations; EPA has adopted the commenters' suggestions to reevaluate the applicability of UL 60335–2–89 for this rulemaking and is finalizing that manufacturers must use ASHRAE Standard 15 for all occupancies listed in this rule. In cases where UL 60335–2–89 applies, manufacturers must also follow that standard. It is EPA's understanding that UL 60335–2–89 does not apply in machinery rooms, outdoors, or in industrial occupancies, whereas ASHRAE 15 does apply. Within this rule, industrial occupancies may apply to IPR or cold storage warehouses. Otherwise, we expect manufacturers to do the due diligence required to reasonably determine whether equipment falls under categories which are or are not covered by UL 60335–2–89.

Comment: One commenter requested that EPA not finalize a charge size limit use condition of less than 200 pounds for the listing of R–454A. The commenter stated that R–454A is a higher capacity and more efficient option than the alternatives with GWPs less than 150. The commenter stated that energy efficiency is a critical aspect of very large systems, which may be located in industrial occupancies, refrigeration rooms, or machinery rooms. The commenter added that EPA's apparent rationale for the 200 pounds charge capacity use condition was based on a higher GWP than other alternatives. The commenter felt EPA failed to adequately describe how it evaluated GWP concerns with other considerations in section 612(c) of the CAA, which requires identification of alternatives based on an overall reduction in risk to human health and the environment and an assessment of potentially available technology.

Response: See response in section II.A.6 of this preamble concerning the use condition limiting use of R–454A to equipment with charge sizes less than 200 pounds. With regard to EPA's evaluation of CAA requirements for alternatives to be considered in light of overall risk reduction and the availability of alternatives, sections II.A.6, II.F.6, and II.H.3 of this preamble explain the Agency's evaluation and selection of alternatives.

F. Cold Storage Warehouses—Listing of HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A as Acceptable, Subject to Use Conditions, for Use in New Cold Storage Warehouses

This final rule lists HFO–1234yf, HFO–1234ze(E), and the refrigerant blends R–454A, R–454C, R–455A, R–

457A, and R–516A as acceptable, subject to use conditions, for use in new cold storage warehouses.

Several use conditions required for cold storage warehouses are common to those required for the other end-uses in this rule. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. In summary, the common use conditions are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15–2022 and with UL 60335–2–89 (with certain exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to inform consumers, technicians, and first responders of potential flammability hazards.

In addition to the common use conditions in section II.H of this preamble, the following use condition also applies to R–454A in cold storage warehouses: this substitute may only be used either in equipment with a refrigerant charge capacity less than 200 pounds or in the high-temperature side of a cascade system.

The regulatory text of the final decisions appears in tables at the end of this document and is codified in appendix Y to 40 CFR part 82, subpart G. The regulatory text contains listing decisions for the end-use discussed in this section. EPA notes that there may be other legal obligations pertaining to the manufacture, use, handling, and disposal of the refrigerants that are not included in the information listed in the tables (e.g., the CAA section 608(c)(2) venting prohibition or DOT requirements for transport of flammable gases). Flammable refrigerants being recovered or otherwise disposed of from cold storage warehouses are likely to be hazardous waste under RCRA (see 40 CFR parts 260 through 270).

1. Background on Cold Storage Warehouses

Cold storage warehouses, an end-use within the SNAP program, are refrigerated warehousing and are used to preserve meat, produce, dairy products, and other perishable goods prior to their distribution and sale.

Refrigerant choices depend on the refrigerant charge, ambient temperatures and the temperature required, system performance, energy efficiency, and health, safety and environmental considerations, among other things. The majority of cold storage warehouses in

the United States use ammonia as the refrigerant in a vapor compression cycle, although some rely on other refrigerants. In addition to regulations pursuant to the SNAP program, other Federal or local regulations may also affect refrigerant choice. For instance, regulations from OSHA may restrict or place requirements on the use of some refrigerants, such as ammonia. Building codes from local and State agencies may also incorporate limits on the charge size of particular refrigerants. EPA understands that this type of equipment may fall under the scope of UL 60335–2–89, “Household and Similar Electrical Appliances—Safety—Part 2–89: Requirements for Commercial Refrigerating Appliances and Ice-Makers with an Incorporated or Remote Refrigerant Unit or Motor-Compressor” if it is not used in an industrial occupancy and that it always falls under ASHRAE 15.

EPA is listing HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A as acceptable, subject to use conditions, in new cold storage warehouses.

2. What are the ASHRAE classifications for refrigerant flammability?

ASHRAE 34–2022 categorizes the refrigerants for cold storage warehouses in this section as being in the A2L Safety Group. See section II.A.2 of this preamble for further discussion on ASHRAE classifications of these refrigerants.

3. What are HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A and how do they compare to other refrigerants in the same end-use?

See section II.A.3 of this preamble for further discussion on the environmental, flammability, toxicity, and exposure information for HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A.⁶⁷

Redacted submissions and supporting documentation for HFO–1234yf, HFO–1234ze(E), and the refrigerant blends are provided in the docket for this rule (EPA–HQ–OAR–2023–0043) at <https://www.regulations.gov>. EPA performed risk screening assessments to examine the health and environmental risks of

⁶⁷ EPA previously listed HFO–1234yf as acceptable, subject to use conditions, in motor vehicle AC in light-duty vehicles (74 FR 53445, October 19, 2009), in heavy-duty pickup trucks and complete heavy-duty vans (81 FR 86778, December 1, 2016) and in nonroad vehicles and service fittings for small refrigerant cans (87 FR 26276, May 4, 2022). EPA previously listed R–454A, R–454C, and R–457A as acceptable subject to use conditions as substitutes in residential and light commercial AC and heat pumps (86 FR 24444, May 6, 2021).

each of these refrigerants. These risk screens are available in the docket for this rule.^{68 69 70 71 72 73 74}

Comparison to other substitutes in this end-use: HFO–1234yf, HFO–1234ze(E), and R–454A, R–454C, R–455A, R–457A, and R–516A all have an ODP of zero, comparable to or lower than some of the acceptable substitutes in this end-use, such as ammonia with an ODP of zero and HCFO–1233zd(E) with an ODP less than 0.0004.

HFO–1234yf and HFO–1234ze(E) both have a GWP of one, comparable to that of HCFO–1233zd(E), CO₂, and ammonia with GWPs of 3.7, one, and zero respectively. R–454A, R–454C, R–455A, R–457A, and R–516A have GWPs ranging from 140 to 270, higher than some of the acceptable substitutes for new cold storage warehouses, including HCFO–1233zd(E), CO₂, and ammonia with GWPs of 3.7, one, and zero, respectively, and lower than those of other acceptable substitutes such as R–450A, R–513A, and R–407F with GWPs of about 600, 630, and 1,820, respectively.

Information regarding the toxicity of other available alternatives is provided in the listing decisions previously made (see <https://www.epa.gov/snap/substitutes-cold-storage-warehouses>). Toxicity risks of use, determined by the likelihood of exceeding the exposure limit of HFO–1234yf, HFO–1234ze(E), and the refrigerant blends in these end-uses, are evaluated in the risk screens referenced previously. The toxicity risks of using HFO–1234yf, HFO–1234ze(E), and the refrigerant blends in commercial refrigeration are comparable to or lower than toxicity risks of other available substitutes in the same end-use. Toxicity risks of the listed refrigerants can be minimized by use consistent with UL 60335–2–89 and ASHRAE 15–2022—which are required by our final use conditions—and other industry standards, recommendations in the manufacturers’ SDS, and other safety precautions common in the refrigeration and AC industry.

The flammability risks with HFO–1234yf, HFO–1234ze(E), R–454A, R–454C, R–455A, R–457A, and R–516A in this end-use, determined by the likelihood of exceeding their respective LFLs, are evaluated in the risk screens referenced previously. In conclusion, while these refrigerants may pose

greater flammability risk than other available, non-flammable substitutes in the same end-use, this risk can be minimized by use consistent with ASHRAE 15–2022 and other industry standards such as UL 60335–2–89—which is required by the use conditions in this rule—as well as recommendations in the manufacturers’ SDS and other safety precautions common in the refrigeration and AC industry. EPA is requiring use conditions to reduce the potential risk associated with the flammability of these alternatives so that they will not pose greater overall risk to human health and the environment than other acceptable substitutes in this end-use.

The listed refrigerants provide additional lower-GWP options for situations where other refrigerants with lower GWPs are not viable, such as for use of ammonia in systems with remote compressors or in locations where local regulations restrict its use, or where a lower pressure refrigerant like HCFO–1233zd(E) is not technically viable. Not all refrigerants listed as acceptable under SNAP will be suitable for the range of equipment in the cold storage warehouse end-use. To provide additional options to ensure the availability of refrigerants with lower GWPs for the full range of cold storage warehouses and, therefore, lower overall risk to human health and the environment, EPA is listing HFO–1234yf, HFO–1234ze(E), R–454C, R–455A, R–457A, and R–516A as acceptable, subject to use conditions, for use in all types of cold storage warehouses. In addition, to account for the additional challenges for finding lower-GWP refrigerants for cold storage warehouses with moderate charge sizes and for cascade systems, EPA is listing R–454A as acceptable, subject to use conditions, for use in cold storage warehouses with a charge size capacity less than 200 pounds or for use in the high-temperature side of a cascade system.

4. Why is EPA finalizing these specific use conditions?

The use conditions in the listings are explained in the preceding paragraphs and in section II.H.1 of this preamble.

This final rule applies to end-uses covered by UL 60335–2–89, including some applications in the SNAP cold storage warehouses end-use, *e.g.*, use that is not in industrial occupancies. In addition, ASHRAE 15–2022 applies to these refrigeration systems.

UL 60335–2–89 discussed in section II.H of this preamble indicates that refrigerant charges greater than a specific amount (called “m₃” in the

standard and based on the refrigerant’s LFL) should instead be determined using national standards that apply, such as ASHRAE 15–2022. Hence, EPA is requiring adherence to both standards as use conditions for cold storage warehouses, with certain exceptions.

EPA is incorporating by reference ASHRAE 15–2022, including all addenda published by the date of the proposed rule (May 24, 2023), in use conditions that apply to use of the listed A2L refrigerants in new cold storage warehouses. Where the requirements specified in this final rule and ASHRAE 15–2022 differ, the requirements of this final rule apply.

ASHRAE 15–2022 is undergoing continuous maintenance with publication of periodic addenda and is typically updated and republished every three years. Although there were additional changes to ASHRAE 15–2022 between issuance of the proposed rule and now, EPA was not able to review and seek comment on use conditions based on those more recent changes after publication of the proposal. EPA is therefore not including addenda or other changes made to ASHRAE 15–2022 after the date of the proposed rule.

EPA is finalizing as a use condition for the listing of R–454A in cold storage warehouses that this substitute may only be used either in equipment with a refrigerant charge capacity less than 200 pounds or in the high-temperature side of a cascade system. The Agency is finalizing this use condition to allow use of R–454A less broadly than for the other refrigerants being listed for use in cold storage warehouses because its GWP is higher than those of the other refrigerants (about 237, compared to one to 150). EPA’s understanding is that there are two particular situations where use of refrigerants could be more constrained, and thus, additional refrigerant options that mitigate overall risk to human health and the environment may be helpful. The first of those situations is in what the industry standard ASHRAE 15–2022 identifies as a refrigerating system having a “high probability” that leaked refrigerant from a failed connection, seal, or component could enter an occupied area. An example of such a constraint is that ASHRAE 15–2022 and UL 60335–2–89 effectively set charge limits for A2L refrigerants to less than 260 times the LFL (approximately 200 pounds for A2L refrigerants and ranging from roughly 120 to 250 pounds for the refrigerants listed in this rule) for applications inside occupied areas. In contrast, larger charge sizes could be used in “low-probability” locations where people are unlikely to come in contact with the

⁶⁸ ICF, 2023s. *Op. cit.*

⁶⁹ ICF, 2023t. *Op. cit.*

⁷⁰ ICF, 2023u. *Op. cit.*

⁷¹ ICF, 2023w. *Op. cit.*

⁷² ICF, 2023x. *Op. cit.*

⁷³ ICF, 2023y. *Op. cit.*

⁷⁴ ICF, 2023z. *Op. cit.*

refrigerant, such as systems used in industrial occupancies, outdoors or in a machinery room with access restricted to employees. Where people are unlikely to come into contact with any leaked refrigerant, there would be fewer space constraints and greater flexibility in equipment design, so refrigeration system designers can accommodate a narrower set of refrigerants. Conversely, where people are more likely to come into contact with any leaked refrigerant in an interior space, which are not industrial occupancies, refrigerant charge capacities of a system would be less than 200 pounds. In addition, in such public spaces, there would be more space constraints, less flexibility in equipment design, and potentially stricter code requirements. EPA recognizes that these may be situations where R-454A can be used where those other refrigerants cannot, especially where space is constrained. Therefore, R-454A fills a gap in the stated end-uses where lower-GWP refrigerant alternatives posing less of a risk to human health and the environment are not as available, and R-454A's GWP of approximately 240 and similar toxicity and flammability profiles would pose lower overall risk to human health and the environment. Therefore, EPA is listing R-454A as acceptable, subject to use conditions, only for cold storage warehouses with a refrigerant charge capacity less than 200 pounds.

The second situation where use of refrigerants is likely to be more constrained is for use in the high-temperature side of cascade systems used for cold storage warehouses. As discussed in section II.A.1 of this preamble, "Background on retail food refrigeration," each side of a cascade system uses a different refrigerant that is most suitable for the given temperature range. Higher temperature systems, or the "high-temperature side," have typically used HFCs as a refrigerant; however, it is technologically achievable and has become more common to use ammonia in the high-temperature side. For lower temperature systems, or the "low temperature side" of the cascade system, refrigerants with low boiling points such as R-744 can be used. Considerations for the choice of refrigerant on the high or low temperature side of cascade systems are influenced by many factors including, but not limited to, a refrigerant's toxicity and flammability, its temperature glide, and its suitability to lower temperature applications. EPA understands that use of flammable or toxic refrigerants, such as ammonia, on the high-temperature side of a cascade may be limited in

certain circumstances (*e.g.*, based on building codes and/or industry safety standards). EPA notes that there are multiple substitutes available for the low temperature side of the cascade system with GWPs lower than that of R-454A. Therefore, EPA is listing R-454A as acceptable, subject to use conditions, when it is used in the high-temperature side of cascade systems; this would expand the refrigerant options that can comply with local building codes and industry safety standards while meeting the more challenging application of the high-temperature side of a cascade system and satisfying SNAP considerations of overall risk to human health and the environment.

5. What additional information is EPA including in these listings?

EPA is providing additional information related to these listings. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the substitute under the SNAP program. EPA encourages users of substitutes to apply all statements in the "Further Information" column in their use of these refrigerants. See section II.H.2 of this preamble for further discussion on what additional information EPA is including in these listings.

6. How is EPA responding to comments on cold storage warehouses?

Comment: One commenter supported listing R-454A as acceptable in cold storage warehouses but recommended that EPA not finalize a charge size limit use condition of less than 200 pounds for three reasons. First, the commenter stated that R-454A is a higher capacity and more efficient option than alternatives with GWPs of less than 150. They stated that given the large energy requirements of cold storage warehouses, energy efficiency is a critical aspect of these systems. Second, the commenter claimed that many of these systems are in industrial occupancies, refrigeration rooms, or machinery rooms and not restricted to the charge limits, listing, and installation requirements defined by UL 60335-2-89. Third, the commenter stated that EPA failed to adequately describe how it balanced concerns regarding the GWP of R-454A versus other considerations in section 612(c) of the CAA, which requires identification of alternatives based on an overall reduction in risk to human health and the environment as well as an assessment of potentially available technology.

Response: With regard to commenters' input on a refrigerant charge limit for R-454A, see responses in sections II.A.6 and II.H.3 of this preamble concerning the Agency's rationale for the condition limiting use of R-454A to equipment with charge sizes less than 200 pounds. Concerning the energy efficiency of refrigerants for use in cold storage warehouses, EPA typically does not compare the energy efficiency of substitutes against each other unless there is a concern that equipment might not be able to meet DOE's energy conservation standards with certain substitutes. EPA is not aware of such concerns for cold storage warehouses. For instance, R-717 is an energy efficient refrigerant that is commonly used in new cold storage warehouses.

EPA agrees with the commenter that CAA section 612(c) involves considering the overall risk to human health and the environment of a substitute compared to the overall risk of other available or potentially available alternatives. In the case of R-454A, the Agency considered that there are a number of refrigerants also being listed for the same end-uses, such as HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A, and that there are other acceptable refrigerants already listed in the same end-uses, such as R-717 and R-744, that pose comparable risk to overall human health and the environment, including similar ODP, low photochemical and insignificant smog impacts in the lower atmosphere, similar or lower flammability, and exposure levels evaluated to be below relevant toxicity thresholds, when compared to R-454A. R-454A has a slightly higher GWP than the other refrigerants listed above. EPA recognizes that there may be situations where R-454A can be used where those other refrigerants cannot, especially where space is constrained. Therefore, R-454A fills a gap in the stated end-uses where lower-GWP refrigerant alternatives posing less of a risk to human health and the environment are not as available. The situations mentioned by the commenter where the charge limits of UL 60335-2-89 do not apply are situations where space is not constrained, such as outdoors or in a machinery room, and therefore, where it is less critical to use a refrigerant with higher volumetric capacity, such as R-454A. Therefore, taking into account our overall evaluation of comparative risks, it is appropriate to list R-454A for certain equipment, where it is of comparable or lower risk compared to the currently or potentially available substitutes for that particular equipment

and end-use. Also, concerning comparisons to incumbent refrigerants with higher GWPs than R-454A, see the responses in sections II.E.6 and II.H.2 of this preamble concerning R-454A in situations where other refrigerants may not be appropriate for the needs of equipment. EPA also notes that the 200-pound limit on R-454A in cold storage warehouses is consistent with a requirement in the final Technology Transitions Rule.

G. Ice Skating Rinks—Listing of HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as Acceptable, Subject to Use Conditions, for Use in New Ice Skating Rinks With a Remote Compressor

This final rule lists HFO-1234yf, HFO-1234ze(E), and the refrigerant blends R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new ice skating rinks with a remote compressor.

Several use conditions being finalized for ice skating rinks with a remote compressor in this rule are common to those finalized for other end-uses in this rule. Because of this similarity, EPA discusses the use conditions that apply to all five end-uses in section II.H of this preamble. For ice skating rinks with remote compressors, those are the only use conditions EPA is requiring. In summary, the common use conditions are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for that refrigerant; use consistent with ASHRAE 15-2022 and with UL 60335-2-89 (with certain exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to inform consumers, technicians, and first responders of potential flammability hazards.

The regulatory text of the decisions appears in tables at the end of this document and is being codified in appendix Y to 40 CFR part 82, subpart G. The regulatory text contains listing decisions for the end-use discussed in this section. EPA notes that there may be other legal obligations pertaining to the manufacture, use, handling, and disposal of the refrigerants that are not included in the information listed in the tables (e.g., the CAA section 608(c)(2) venting prohibition or DOT requirements for transport of flammable gases). Flammable refrigerants being recovered or otherwise disposed of from ice skating rinks are likely to be

hazardous waste under RCRA (see 40 CFR parts 260 through 270).

1. Background on Ice Skating Rinks

Ice skating rinks, an end-use within the SNAP program, include those used by the general public for recreational purposes and also those for amateur and professional use (e.g., by professional hockey teams). These systems frequently use secondary loop refrigeration systems, where a primary loop containing a refrigerant uses a remote compressor that is in a location away from the public, such as a machinery room, and a secondary loop, containing propylene glycol, water, or another innocuous fluid, is used to directly cool the ice. Other types of refrigeration systems for ice skating rinks use a direct heat exchange system, where the refrigerant moves directly under the rink. The listings apply only to ice skating rinks that have a remote compressor.

For ice skating rinks, refrigerant choice depends on the refrigerant charge; ambient temperatures and the temperature required; system performance; energy efficiency; and health, safety, and environmental considerations, among other things. In addition to regulations pursuant to the SNAP program, other Federal or local regulations may also affect refrigerant choice. For instance, regulations from OSHA may restrict or place requirements on the use of some refrigerants, such as ammonia. Building codes from local and State agencies may also incorporate limits on the amount of particular refrigerants used. Acceptable substitutes in use today for new ice skating rinks include ammonia, CO₂, HCFO-1233zd(E) as well as HFCs and HFC/HFO blends. These can be used alone or in combination with other refrigerants in other parts of the equipment, depending on the equipment and its design (e.g., a secondary loop contains one refrigerant while the primary loop contains a different refrigerant). It is EPA's understanding that this type of equipment may fall under the scope of UL 60335-2-89, "Requirements for Commercial Refrigerating Appliances and Ice-Makers with an Incorporated or Remote Refrigerant Unit or Motor-Compressor" if it is not used in an industrial occupancy and that it always falls under ASHRAE 15.

2. What are the ASHRAE classifications for refrigerant flammability?

ASHRAE 34-2022 categorizes the refrigerants listed for ice skating rinks in this section as being in the A2L Safety Group. See section II.A.2 of this

preamble for further discussion on ASHRAE classifications of these refrigerants.

3. What are HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A and how do they compare to other refrigerants in the same end-use?

See section II.A.3 of this preamble for further discussion on the environmental, flammability, toxicity, and exposure information for these refrigerants.

Redacted submissions and supporting documentation for HFO-1234yf, HFO-1234ze(E) and the blends R-454C, R-455A, R-457A and R-516A are provided in the docket for this rule (EPA-HQ-OAR-2023-0043) at <https://www.regulations.gov>. EPA performed a risk screening assessment to examine the health and environmental risks of each of these refrigerants. These risk screens are available in the docket for this rule.^{75 76 77 78 79 80}

Comparison to other substitutes in this end-use: HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A all have an ODP of zero, comparable to or lower than some of the acceptable substitutes in this end-use, such as ammonia with an ODP of zero and HCFO-1233zd(E) with an ODP of less than 0.0004.

HFO-1234yf and HFO-1234ze(E) both have a GWP of one, comparable to or lower than that of other acceptable substitutes for new ice skating rinks, such as ammonia, CO₂, and HCFO-1233zd(E) with GWPs of zero, one, and 3.7, respectively.

R-454C, R-455A, R-457A, and R-516A have GWPs ranging from about 140 to 150 which are higher than that of other acceptable substitutes for ice skating rinks, including ammonia, CO₂, and HCFO-1233zd(E) with GWPs of zero, one, and 3.7, respectively. The GWPs of HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A are lower than some of the substitutes acceptable under SNAP for new ice skating rinks, such as R-450A, and some substitutes currently in use but do not meet the GWP limits for use in new ice skating rinks under the Technology Transitions Rule such as R-449A and R-507A with GWPs of approximately 600, 1,400, and 3,990, respectively.

Information regarding the toxicity of other available alternatives is provided

⁷⁵ ICF, 2023s. *Op. cit.*

⁷⁶ ICF, 2023t. *Op. cit.*

⁷⁷ ICF, 2023w. *Op. cit.*

⁷⁸ ICF, 2023x. *Op. cit.*

⁷⁹ ICF, 2023y. *Op. cit.*

⁸⁰ ICF, 2023z. *Op. cit.*

in the listing decisions previously made (see <https://www.epa.gov/snap/substitutes-ice-skating-rinks>). Toxicity risks of use, determined by the likelihood of exceeding the exposure limit of HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A in these end-uses, are evaluated in the risk screens referenced previously. The toxicity risks of using HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A in ice skating rinks with remote compressors are comparable to or lower than toxicity risks of other available substitutes in the same end-use. Toxicity risks of the listed refrigerants can be minimized by use consistent with UL 60335-2-89 and ASHRAE 15-2022—which are required by our final use conditions—and other industry standards, recommendations in the manufacturers' SDS, and other safety precautions common in the refrigeration and AC industry.

The potential flammability risks of HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A in this end-use, determined by the likelihood of exceeding their respective LFLs, are evaluated in the risk screens referenced previously. These risk screens determined that because ice skating rink systems would be installed in locations with adequate space and/or ventilation in accordance with EPA recommendations and requirements, industry standards, and the installation and maintenance manuals for equipment using these refrigerants, significant flammability risk to end-users, personnel, or the general population is unlikely. In conclusion, while these refrigerants may pose greater flammability risk than other available substitutes in the same end-use, this risk can be minimized by use consistent with ASHRAE 15-2022 and other industry standards such as UL 60335-2-89—which is required by our use conditions—as well as recommendations in the manufacturers' SDS and other safety precautions common in the refrigeration and AC industry. EPA is requiring use conditions to reduce the risk associated with the flammability of these alternatives so that they will not pose greater overall risk to human health and the environment than other acceptable substitutes in this end-use. In addition, EPA is limiting these listings to equipment with a remote compressor. Such equipment reduces the chances of fire and of exposure to the general public compared to refrigerants that are piped directly under an ice skating rink.

In addition, the listed substitutes have lower GWPs than most other available alternatives for the same end-use. The

listed refrigerants may provide additional lower-GWP options for situations where other refrigerants with lower GWPs are not viable, such as in locations where local regulations restrict use of ammonia. Not all refrigerants listed as acceptable under SNAP will be suitable for the range of equipment in the ice skating rinks end-use. To provide additional options to ensure the availability of refrigerants with lower GWPs for ice skating rinks and, therefore, lower overall risk to human health and the environment, EPA is listing HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new ice skating rinks.

4. Why is EPA finalizing these specific use conditions?

The final use conditions identified in the listings are explained in section II.H.1 of this preamble.

This final rule applies to end-uses covered by UL 60335-2-89, including some applications in the SNAP ice skating rink end-use, e.g., use that is not in industrial occupancies. In addition, ASHRAE 15-2022 applies to these refrigeration systems.

EPA is incorporating by reference UL 60335-2-89. This standard, as discussed in section II.H of this preamble, states that refrigerant charges greater than a specific amount (called “m₃” in the standard and based on the refrigerant's LFL) should instead be determined using national standards that apply, such as ASHRAE 15-2022. Hence, EPA is requiring adherence to both standards as use conditions for ice skating rinks, with certain exceptions.

EPA is incorporating by reference UL 60335-2-89 and ASHRAE 15-2022 in use conditions that apply to use of the listed A2L refrigerants in new ice skating rinks. Where the requirements specified in this final rule and ASHRAE 15-2022 differ, the requirements of this final rule apply.

ASHRAE 15-2022 is undergoing continuous maintenance with publication of periodic addenda and is typically updated and republished every three years. Although there were additional changes to ASHRAE 15-2022 between issuance of the proposed rule and now, EPA was not able to review and seek comment on use conditions based on those more recent changes after publication of the proposal. EPA is therefore not including addenda or other changes made to ASHRAE 15-2022 after the date of the proposed rule.

EPA is finalizing a use condition that the six A2L refrigerants included in this listing may only be used in new equipment that includes a remote

compressor. This is intended to ensure that these flammable refrigerants are only used away from the presence of ice skaters and other members of the general public. This would reduce the likelihood of exposure or leaks of the refrigerant near the general public and instead allow facility employees and trained technicians to control access to the refrigerant.

5. What additional information is EPA including in these listings?

EPA is providing additional information related to these listings. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the substitute under the SNAP program. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the “Further Information” column in their use of these refrigerants. See section II.H.2 of this preamble for further discussion on what additional information EPA is including in these listings.

6. How is EPA responding to comments on ice skating rinks?

Comment: One commenter requested that EPA include R-454A as an acceptable refrigerant for ice skating rinks without a 200-pound charge size limit, in alignment with the proposal's listing for IPR and cold storage warehouses. The commenter also claimed that EPA did not provide sufficient explanation why R-454A was unacceptable in this end-use or why EPA did not to proceed with a filed SNAP petition to find R-454A acceptable. The commenter stated that EPA must consider all effects contemplated by CAA section 612(c) and may not only focus on relative GWP in making decisions. The commenter noted that additional rationale for this determination appears in the docket.

Response: With respect to the comment that EPA must take into account all the effects contemplated by CAA section 612(c), the Agency responds that it has appropriately considered these listing decisions, as required by CAA section 612(c) and EPA's implementing regulations, including in its consideration of overall risk to human health and the environment compared to overall risk posed by other available or potentially available substitutes in the same uses. EPA evaluates not only relative GWP but all of the criteria for review that are required under the SNAP regulations at 40 CFR 82.180(a)(7) for our comparative risk analysis, including atmospheric

effects; general population risks from ambient exposure to increased ground-level ozone (e.g., volatile organic compound assessment) or due to direct toxicity of compounds; ecosystem effects (e.g., analysis of impacts of breakdown products on aquatic life); flammability risks, occupational risks (e.g., toxicity of direct exposure to workers or asphyxiation risks), and consumer risks (e.g., toxicity of exposure to consumers at end-use). These considerations are reflected in the risk screens found in the docket for this rule and in the discussion supporting the listing decisions for the listings finalized in this rule. With respect to the commenter's reference to a filed SNAP petition to find R-454A acceptable, the Agency notes that we received a SNAP submission from a manufacturer but is not aware of a formal petition regarding this refrigerant. EPA did not propose to list R-454A for use in ice skating rinks, either as acceptable or unacceptable, and is not making a final decision in the rule regarding whether to list R-454A in this end-use. EPA may consider listing R-454A in this or other end-uses in future SNAP listing rules.

H. Use Conditions and Further Information for Retail Food Refrigeration, Commercial Ice Machines, Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks With a Remote Compressor

1. What use conditions is EPA finalizing and why?

As previously described, EPA is listing:

- HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new equipment in stand-alone units, retail food remote condensing units, supermarket systems, and refrigerated food processing and dispensing equipment;
- R-454A as acceptable, subject to use conditions, for use in new equipment in retail food remote condensing units and supermarket systems;
- R-290 as acceptable, subject to use conditions, for use in new refrigerated food processing and dispensing equipment;
- HFC-32, HFO-1234yf, R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new commercial ice machines;
- HFO-1234yf, HFO-1234ze(E), R-454A, R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new IPR

equipment and HFC-32 and R-454B, as acceptable, subject to use conditions, for use in new chillers for IPR and in IPR equipment with the refrigerant temperature entering the evaporator or the temperature of the exiting fluid less than or equal to -30°C ;

- HFO-1234yf, HFO-1234ze(E), R-454A, R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new cold storage warehouses; and
- HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A as acceptable, subject to use conditions, for use in new ice skating rinks with remote compressors.

In addition, EPA is revising the use conditions that apply to the existing listings of:

- R-290 as acceptable, subject to use conditions, for use in new retail food refrigeration stand-alone units; and
- R-290 as acceptable, subject to use conditions, for use in new self-contained commercial ice machines.

The use conditions (either as new listings or revisions to an existing listing) common to all listing decisions in this rule are: restricting the use of each refrigerant to new equipment that is specifically designed and clearly marked for the refrigerant; use consistent with ASHRAE 15-2022 and with UL 60335-2-89 (with certain exceptions), including testing, charge sizes, ventilation, usage space requirements, and certain hazard warnings and markings; and requirements for warning labels and markings on equipment to inform consumers, technicians, and first responders of potential flammability hazards. Additional specific use conditions are intended to allow for the use of these flammable refrigerants in a manner that will ensure they do not pose a greater overall risk to human health and the environment than other substitutes in these end-uses.

New Equipment Only; Not Intended for Use as a Retrofit Alternative

EPA is requiring that these refrigerants be used only in new equipment which has been designed to address concerns unique to flammable refrigerants. In other words, none of these refrigerants are being listed as acceptable to be used as a conversion or "retrofit" refrigerant for existing equipment. EPA is unaware of information on how to address hazards if these flammable refrigerants were to be used in equipment that was designed for non-flammable refrigerants. Given the flammable nature of these refrigerants, the fact that EPA is unaware of information to assess the

risk if such retrofits were allowed, and because the refrigerants were not submitted to the SNAP program for retrofits, EPA has not reviewed them for retrofit applications and is requiring that they be used only in new equipment which has been properly designed for their use. This use condition does not affect the ability to service a system using one of these refrigerants once installed, including the adding of refrigerant or replacing components.

Standards

To ensure safe use of the listed refrigerants, EPA is incorporating by reference certain industry consensus safety standards in a use condition. Specifically, the Agency is requiring that the flammable refrigerants may be used only in equipment that meets requirements in ASHRAE 15-2022 and in UL 60335-2-89, 2nd edition (with certain exceptions). Exceptions include equipment that is outside the scope of UL 60335-2-89; equipment installed in situations where UL 60335-2-89 refers to "national standards" (e.g., where equipment is installed in a machinery room or outdoors); and equipment installed in "industrial occupancies," as defined in ASHRAE 15-2022. In the latter situation, these refrigerants must be used in equipment installed consistent with the requirements of ASHRAE 15-2022 without meeting the requirements of UL 60335-2-89.

Section 1 of UL 60335-2-89 defines the scope of that standard. It lists both specific types of equipment that fall under the standard and equipment that falls outside the scope of the standard. Examples of equipment that are included within the scope of UL 60335-2-89 include refrigerated display and storage cabinets, refrigerated trolley cabinets, service counters, factory-assembled walk-in coolers and freezers, refrigerated food processing and dispensing equipment, commercial refrigeration products with rated voltage up to 15,000 V, and commercial ice machines. Examples of equipment that fall outside the scope of UL 60335-2-89 include appliances using flammable refrigerant in transcritical refrigeration systems, commercial refrigeration products with rated voltage of 15,000 V or greater, motor compressors, household refrigerating appliances that fall under the scope of UL 60335-2-24, vending machines, and professional or commercial ice-cream machines. This final rule does not apply to these types of commercial refrigeration equipment that fall outside the scope of UL 60335-2-89. Commercial refrigeration equipment that falls outside the scope of

UL 60335–2–89 in situations where UL 60335–2–89 refers to “national standards” is still required to meet ASHRAE 15–2022 under this final rule. ASHRAE 15–2022 enforces, rather than replaces, UL 60335–2–89, by providing instructions for installation of equipment and requirements for situations beyond the scope of UL 60335–2–89, *e.g.*, for use in refrigeration systems with large charge sizes in a machinery room or outdoors.

Under the existing SNAP listings, new stand-alone units using R–290 have been subject to a use condition to meet the requirements of Appendix SB of the 10th edition of UL 471. In this final action, stand-alone units using R–290 manufactured before the effective date may continue to be used under SNAP and will remain in compliance with the existing SNAP use conditions as long as they meet the applicable use conditions when they were manufactured. New stand-alone units using R–290 manufactured from the effective date of this final rule through September 29, 2024, must meet the requirements of either Appendix SB of the 10th edition of UL 471 or UL 60335–2–89, dependent upon which standard they were certified, to comply with the use conditions established in this final action. Similarly, new stand-alone units using R–290 that are manufactured on or after September 30, 2024, must meet the requirements of UL 60335–2–89, rather than the earlier UL standards, unless the new stand-alone units remain essentially unchanged from an earlier model or design that was already UL-listed to the earlier UL 471 standard.

Similarly, under the use conditions in the existing SNAP listings, new self-contained commercial ice machines using R–290 have been subject to the requirements of Appendix SA of the 8th edition of UL 563. In this final action, commercial ice machines using R–290 manufactured before the effective date of this final rule may continue to be used under SNAP and will remain in compliance with the SNAP use conditions as long as they met the applicable use conditions when they were manufactured. New self-contained commercial ice machines using R–290 that are manufactured from the effective date of this final rule through September 29, 2024, must meet the requirements of either Appendix SA of the 8th edition of UL 563 or UL 60335–2–89, contingent upon which standard the equipment was designed, to comply with the use conditions established in this final action. Similarly, new self-contained commercial ice machines using R–290 that are manufactured on or after September 30, 2024, must meet the

requirements of UL 60335–2–89, rather than the earlier UL standards, unless the new stand-alone units remain essentially unchanged from an earlier model or design that was already UL-listed to the earlier UL 563 standard.

UL 60335–2–89 includes requirements for construction and system design, for markings, and for performance tests concerning refrigerant leakage, ignition of switching components, surface temperature of parts, and component strength after being scratched. UL 60335–2–89 was developed through an open and consensus-based approach, with the assistance of experts in the AC and refrigeration industry as well as experts involved in assessing the safety of products. Those participating in the UL 60335–2–89 consensus standards process have tested equipment for flammability risk and evaluated the relevant scientific studies. While similar standards exist from other bodies such as the International Electrotechnical Commission (IEC), we are relying on specific UL standards that are most applicable and recognized by the U.S. market. This approach is the same as that in our previous listing determinations for flammable refrigerants (*e.g.*, 76 FR 78832, December 20, 2011; 80 FR 19454, April 10, 2015; 86 FR 24444, May 6, 2021; and 87 FR 45508, July 28, 2022).

A summary of the requirements of the 2nd edition of UL 60335–2–89 as they affect the listed refrigerants and end-uses is offered here for information only and does not provide a complete review of the requirements in this standard. Please consult the standard itself for additional information.

The requirements in UL 60335–2–89 reduce the risk to workers and consumers posed by flammable refrigerants. UL 60335–2–89 limits the amount of refrigerant allowed in each type of appliance based on several factors explained in that standard. The standard specifies requirements for installation space of an appliance (*e.g.*, room floor area) and/or ventilation or other requirements that are determined according to the refrigerant charge used in the appliance, the installation location, and the type of ventilation of the location or of the appliance. UL 60335–2–89 contains provisions for safety mitigation when using larger charges of A2L refrigerants or when using A2L refrigerants in equipment with a remote compressor. These mitigation requirements were developed to ensure the safe use of flammable refrigerants over a range of appliances. In general, as larger charge sizes are used, more stringent mitigation

measures are required. In certain applications, refrigerant detection systems (as described in Annex 101.DVP, *Refrigerant detection systems for A2L refrigerants*); means of mitigation (as described in Annex 101.DVU, including air circulation, ventilation, shut off valves, etc.); and refrigerant sensors (as described in 101.DVP, *Refrigerant sensor for REFRIGERANT DETECTION SYSTEMS*) are required. Where air circulation (*e.g.*, fans) is required in accordance with Annex 101.DVU, it must be initiated by a separate refrigerant detection system either as part of the appliance or installed separately. In a room with no mechanical ventilation, Annex 101.DVU1.7 provides requirements for openings to rooms based on several factors, including the charge size and the room area. The minimum opening is intended to be sufficient so that natural ventilation would reduce the risk of using a flammable refrigerant. The standard also includes specific requirements covering construction, instruction manuals, allowable charge sizes, mechanical ventilation, safety alarms, and shut off valves for A2L refrigerants.

In addition to Annex 101.DVU, UL 60335–2–89 has a requirement for the maximum charge for an appliance using a flammable refrigerant, including A2L, A2, and A3 refrigerants. Additional requirements exist for charge sizes exceeding three times the LFL.

Systems with refrigerant charges exceeding certain amounts are outside the scope of UL 60335–2–89; however, national standards apply instead, namely, ASHRAE 15–2022. Specifically, for a field-charged system, if the refrigerant circuit with the greatest mass of an A2L refrigerant contains more than 260 times the LFL (in kg/m³), such a refrigerant circuit can only be used outdoors or in a machinery room where the requirements of ASHRAE 15–2022 apply. For example, HFC–32 has an LFL of approximately 0.307 kg/m³ (0.0192 lb/ft³); therefore, a single refrigerant circuit exceeding 79.82 kg (176.0 lb) would fall outside the scope of UL 60335–2–89. In such situations, the refrigerant circuit would need to be used in outdoor equipment or in a machinery room and the installation would need to meet the requirements of ASHRAE 15–2022. For self-contained equipment using an A3 refrigerant, the maximum charge size is 13 times the LFL (approximately 500 g of R–290) for equipment that is open and contains no doors or drawers and eight times the LFL (approximately 300 g of R–290) for equipment with doors or drawers. EPA expects that many types of retail

refrigeration equipment could exceed these charge thresholds and therefore is finalizing that an additional safety standard, ASHRAE 15–2022, apply to commercial refrigeration equipment using flammable refrigerants, as discussed in section II.A of this preamble. ASHRAE 15–2022 supplements, rather than replaces, UL 60335–2–89, by providing instructions for installation of equipment and requirements for situations beyond the scope of UL 60335–2–89. In addition, ASHRAE 15–2022 refers to some spaces as “industrial occupancies,” in which refrigerating systems must follow ASHRAE 15–2022 and businesses may have custom-designed refrigeration equipment that has not typically been designed to meet UL standards for products. ASHRAE 15–2022 defines “industrial occupancies” as “a premise or that portion of a premise that is not open to the public, where access by authorized persons is controlled, and that is used to manufacture, process, or store goods such as chemicals, food, ice, meat, or petroleum.” Many, but not all, spaces where IPR equipment, cold storage warehouses, and ice skating rink systems are used qualify as industrial occupancies.

Under the existing SNAP listings, new stand-alone units using R–290 have been subject to a use condition to meet the requirements of Appendix SB of the 10th edition of UL 471. In this final action, stand-alone units using R–290 manufactured before the effective date may continue to be used under SNAP and will remain in compliance with the existing SNAP use conditions as long as they meet the applicable use conditions when they were manufactured. New stand-alone units using R–290 manufactured from the effective date of this final rule through September 29, 2024, must meet the requirements of either Appendix SB of the 10th edition of UL 471 or UL 60335–2–89 to comply with the use conditions established in this final action. Similarly, new stand-alone units using R–290 that are manufactured on or after September 30, 2024, must meet the requirements of UL 60335–2–89, rather than the earlier UL standards, unless the new stand-alone units remain essentially unchanged from an earlier model or design that was already UL-listed to the earlier UL 471 standard.

Similarly, under the existing SNAP listings, new self-contained commercial ice machines using R–290 have been subject to the requirements of Appendix SA of the 8th edition of UL 563. In this final action, commercial ice machines using R–290 manufactured before the effective date of this final rule may

continue to be used under SNAP and will remain in compliance with the SNAP use conditions as long as they met the applicable use conditions when they were manufactured. New self-contained commercial ice machines using R–290 that are manufactured from the effective date of this final rule through September 29, 2024, must meet the requirements of either Appendix SA of the 8th edition of UL 563 or UL 60335–2–89 to comply with the use conditions established in this final action. Similarly, new self-contained commercial ice machines using R–290 that are manufactured on or after September 30, 2024, must meet the requirements of UL 60335–2–89, rather than the earlier UL standards, unless the new stand-alone units remain essentially unchanged from an earlier model or design that was already UL-listed to the earlier UL 471 standard.

Warning Labels—Equipment With A2L Refrigerants

EPA is requiring labeling of refrigerating systems used in retail food refrigeration equipment, commercial ice machines, IPR equipment, cold storage warehouses, and ice skating rinks (“equipment”) containing the listed lower flammability (A2L) refrigerants. The text of these labels can also be found in Annex 101.DVV of UL 60335–2–89. References to “the UL standard” below are to UL 60335–2–89, 2nd edition. The following labels, or the equivalent, must be provided in letters no less than 6.4 mm (¼ inch) high and must be permanent:

1. On the outside of the unit: “WARNING—Risk Of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.”
2. On the outside of the equipment: “WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.”
3. On the inside of the equipment near the compressor: “WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting to Service This Product. All Safety Precautions Must Be Followed.”

4. For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: “WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations.”

a. If the equipment is delivered packaged, this label shall be applied on the packaging.

b. If the equipment is not delivered packaged, this label shall be applied on the outside of the appliance.

EPA expects that all stand-alone units, self-contained commercial ice machines, and self-contained refrigerated food processing and dispensing equipment would be packaged, and hence this label would be placed as stipulated in item a above. EPA expects that other types of commercial refrigeration equipment could be provided packaged or not, and this label would be placed as stipulated in item a or b, respectively.

5. On indoor unit near the nameplate:

a. At the top of the marking: “Minimum installation height, X m (W ft)”. This marking is only required if the similar marking is required by UL 60335–2–89. The terms “X” and “W” shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis.

b. Immediately below 5.a or at the top of the marking if 5.a is not required: “Minimum room area (operating or storage), Y m² (Z ft²)”. The terms “Y” and “Z” shall be replaced by the numeric floor area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis.

6. For non-fixed equipment, including on the outside of the appliance: “WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition.”

7. For fixed equipment that is ducted, near the nameplate: “WARNING—Risk of Fire—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions.”

Labeling requirements 1, 2, and 3 apply to all refrigeration equipment; labeling requirement 4 applies only to self-contained equipment that is pre-charged by the manufacturer (e.g., stand-alone units or self-contained commercial ice machines); labeling requirement 5 applies to equipment with a remote compressor, also called a “split” or “remote” system (e.g., remote condensing unit, supermarket system, or refrigerating system for an ice skating rink with a remote compressor). A piece of refrigeration equipment that may be moved from one location to another and

is typically self-contained is referred to as “non-fixed” in labeling requirement 6 (e.g., stand-alone units).

EPA notes that Annex 101.DVV of UL 60335–2–89 specifies that the labels must include text with a font size that is no less than 3.2 mm ($\frac{1}{8}$ inch) high for A2L refrigerants, while the Agency is requiring a larger, more visible font size of 6.4 mm ($\frac{1}{4}$ inch). The Agency is concerned that it is difficult to see warning labels with the minimum lettering height requirement of $\frac{1}{8}$ inch in UL 60335–2–89. Therefore, as in the requirements in our previous rules for use of A2L refrigerants in residential and light commercial air conditioning and heat pumps (80 FR 19453, April 10, 2015; 86 FR 24444, May 6, 2021), as well as our previous rules for HC refrigerants (76 FR 78832, December 20, 2011; 80 FR 19453, April 10, 2015; 81 FR 86778, December 1, 2016), EPA is requiring that the minimum height for lettering be $\frac{1}{4}$ inch as opposed to $\frac{1}{8}$ inch. This will make it easier for technicians, consumers, retail storeowners, and first responders to view the warning labels.

Warning Labels—Equipment With A3 Refrigerants, Including R–290

As a final use condition for refrigerated food processing and dispensing equipment and a revision to existing use conditions for stand-alone units and commercial ice machines, EPA is requiring labeling of such equipment containing R–290. The text of these labels can also be found in Annex 101.DVV of UL 60335–2–89. References to “the UL standard” below are to UL 60335–2–89. The following markings, or the equivalent, must be provided in letters no less than 6.4 mm ($\frac{1}{4}$ inch) high and must be permanent:

1. On the outside of the unit: “DANGER”—Risk Of Fire Or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.”

2. On the outside of the equipment: “WARNING—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.”

3. On the inside of the equipment near the compressor: “DANGER—Risk Of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting to Service This Product. All Safety Precautions Must Be Followed.”

4. For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: “DANGER—Risk of Fire or Explosion due to Flammable Refrigerant Used.

Follow Handling Instructions Carefully in Compliance with National Regulations.”

a. If the equipment is delivered packaged, this label shall be applied on the packaging.

b. If the equipment is not delivered packaged, this label shall be applied on the outside of the appliance.

EPA expects that all stand-alone units and self-contained commercial ice machines and self-contained refrigerated food processing and dispensing equipment would be packaged, and hence this label would be placed as stipulated in item a above. EPA expects that other types of commercial refrigeration equipment could be provided packaged or not, and this label would be placed as stipulated in item a or b, respectively.

5. On indoor unit near the nameplate:

a. At the top of the marking: “Minimum installation height, X m (W ft)”. This marking is only required if the similar marking is required by UL 60335–2–89. The terms “X” and “W” shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis.

b. Immediately below 5.a or at the top of the marking if 5.a is not required: “Minimum room area (operating or storage), Y m² (Z ft²)”. The terms “Y” and “Z” shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis.

6. For non-fixed equipment, including on the outside of the appliance: “WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition.”

7. For fixed equipment that is ducted, near the nameplate: “WARNING—Risk of Fire or Explosion—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions.”

The text of the warning labels is exactly the same as that required in UL 60335–2–89, with the exception of the label identified in 5, which is similar to but slightly different from that in UL 60335–2–89. The text for A3 refrigerants differs slightly from that for A2L refrigerants, sometimes using the word “DANGER” instead of “WARNING,”

and sometimes referring to “Risk of Fire or Explosion” instead of “Risk of Fire.” For R–290 and other A3 refrigerants, UL 60335–2–89 requires the labels to be no less than 6.4 mm ($\frac{1}{4}$ inch) high in the standard, the same as EPA is requiring in this action.

Markings

EPA is requiring as a use condition that the refrigerants must be used in refrigerating equipment that has red, Pantone® Matching System (PMS) #185 or RAL 3020 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed. EPA has applied this same use condition in past actions for flammable refrigerants (76 FR 78832, December 20, 2011; 80 FR 19454, April 10, 2015; 81 FR 86778, December 1, 2016; 86 FR 24444, May 6, 2021; and 87 FR 45508, July 28, 2022). Our understanding of UL 60335–2–89 is that red markings similar to those finalized are required by UL 60335–2–89 for all flammable refrigerants. EPA is requiring that such markings apply through the SNAP use conditions as well to establish a common, familiar, and standard means of identifying the use of a flammable refrigerant.

These red markings allow technicians to immediately identify the use of a flammable refrigerant, thereby reducing the risk of using sparking equipment or otherwise having an ignition source nearby. It also provides adequate notification of the presence of flammable refrigerants for personnel disposing of appliances containing flammable refrigerants. The AC and refrigeration industry currently uses red-colored hoses and piping as means for identifying the use of a flammable refrigerant based on previous SNAP listings and some industry standards. Likewise, distinguishing coloring has been used elsewhere to indicate an unusual and potentially dangerous situation, for example in the use of orange-insulated wires in hybrid and electric vehicles. Currently in SNAP listings, color-coded hoses or pipes must be used for ethane, HFC–32, R–452B, R–454A, R–454B, R–454C, R–457A, R–600a, R–290, and R–441A in equipment wherever these are listed acceptable, subject to use conditions.

All such tubing must be colored red PMS #185 or RAL 3020. As explained in SNAP Rule 19, one mechanism to distinguish hoses and pipes is to add a colored plastic sleeve or cap to the service tube (80 FR 19465, April 10, 2015). Other methods, such as a red-colored tape, may be used. The colored plastic sleeve, cap, or tape must have to be forcibly removed to access the service tube and must be replaced if removed. This sleeve, cap, or tape would be of the same red color (PMS #185 or RAL 3020) and could also be boldly marked with a graphic to indicate the refrigerant was flammable. This could be a cost-effective alternative to painting or dyeing the hose or pipe.

EPA is requiring the use of color-coded hoses or piping in addition to requiring the use of warning labels discussed previously. Having two warning methods is reasonable and consistent with other general industry practices. This approach is the same as that adopted in our previous rules on flammable refrigerants (*e.g.*, 76 FR 78832, December 20, 2011; 80 FR 19454, April 10, 2015; 86 FR 24444, May 6, 2021; and 87 FR 45508, July 28, 2022).

EPA proposed a diamond symbol for “Caution, risk of fire” that would be used in addition to the red triangle in Clause 7.6DV D1 of UL 60335–2–89. After considering public comments, EPA is not finalizing a requirement for the diamond symbol in this rule (see section II.H.3 of this preamble). However, manufacturers will be required to place either the red triangle symbol described in UL 60335–2–89, 2nd edition, or the red diamond symbol that was proposed (for more information, see section II.H.3 of this preamble), or both.

For those that choose to comply with fire hazard marking in this rule by using the red-bordered diamond, refer to the symbol which has been finalized for hazard category 1 flammable gases in the docket for this rulemaking under the title, “Final Flammability Hazard Symbol.” This symbol is included as the warning symbol for hazard category 1 flammable gases in the 9th edition of the GHS for communicating risks of chemicals. This symbol for hazard category 1 flammable gases is included in the 4th edition of UL 60335–2–40 (December 2022), UL’s most recent safety standard for air conditioning equipment, heat pumps, and humidifiers, and is being considered for adoption in the future 3rd edition of UL 60335–2–89. It is found in section 1.2 of Annex 1 of the 9th edition of the GHS.

For those that choose to comply with fire hazard markings in this rule by using the red-bordered diamond, this

marking shall be placed near the service port or other location where charging occurs; on the label on the outside of the unit; and either on the appliance packaging, if the refrigeration equipment is charged at the factory or on the nameplate or control panel for the refrigeration equipment that is charged in place. These locations correspond with the locations for red markings and for labels 1 and 4 mentioned above on the outside of the refrigerating unit, and either on the packaging or on the nameplate or control panel. If used, the diamond symbol for hazard category 1 flammable gases needs to be at least 15 mm (9/16 inches high). The Agency notes that it may propose to require the adoption of this symbol in a future rulemaking when a new edition of UL 2–89 is released.

2. What additional information is EPA including in these listings?

For retail food refrigeration, commercial ice machines, IPR, cold storage warehouses, and ice skating rinks with remote compressors, EPA is including recommendations, found in the “Further Information” column of the regulatory text, to protect personnel from the risks of using flammable refrigerants. Similar to our previous listings of flammable refrigerants, EPA is including information on the OSHA requirements at 29 CFR part 1910, proper ventilation, personal protective equipment, fire extinguishers, use of spark-proof tools and equipment designed for flammable refrigerants, and training. Since this additional information is not part of the regulatory decision under SNAP, these statements are not binding for use of the substitute under the SNAP program. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the “Further Information” column in their use of these refrigerants.

3. How is EPA responding to comments on use conditions?

Comment: Four commenters suggested clarifications surrounding manufacturers’ use of R–290 in self-contained products (150 grams or less). The commenters stated that the proposal references a sunset of UL 471. They noted that UL will allow manufacturers to continue under UL 471 and UL 563 requirements until a significant product change is made or the manufacturer withdraws their file. The commenters stated that only at that time will R–290 equipment become

subject to 60335–2–89. They asked for EPA to clarify this in the final rule.

Response: EPA thanks the commenters for bringing to our attention that UL allows manufacturers to continue manufacturing equipment under UL 471 or UL 563 requirements until a significant product change is made or the manufacturer withdraws their UL listing file. As discussed above, certain listings in this final rule include an option for new equipment using R–290 to be manufactured according to UL 471 and UL 563 if certain criteria are met. Further, we note that UL 471, UL 563, and UL 60335–2–89 all address the potential hazards of using flammable refrigerants. Thus, these listings include options for new equipment to meet any of these standards, provided that, for UL 471 or 563, the equipment or model was designed and UL-listed according to one of those standards before the sunset date of UL 471 or UL 563.

Comment: Six commenters requested that EPA align its proposal with regard to existing safety standards for A2Ls and other flammable refrigerants. These commenters noted that for the end-uses in the proposal ASHRAE 15 is the appropriate standard, with UL 60335–2–89 only applicable in certain end-uses. They noted that equipment is built to ASHRAE 15, B31.5 or B31.3, National Electrical Code (NEC) and possibly IIAR standards; therefore, compliance with UL 60335–2–89 for these end-uses could create conflict within the industry.

Several commenters stated there was misalignment in standards and the proposal for specific end-uses. Three commenters noted that for systems located in industrial occupancies, ASHRAE 15 states these locations do not have to be listed to UL 60335–2–89 and charge limits do not apply. These commenters stated that some IPR, IPR chiller, cold storage warehouse, and ice skating rink applications located in industrial occupancies would fall outside the scope of UL 60335–2–89. For IPR chillers, a different commenter stated that the application of UL 60335–2–89 is sufficient to mitigate the risks posed by the use of A2L refrigerants because of the requirements for preventing ignition of A2L refrigerants from electrical parts/devices and hot surfaces, the detection system for A2L refrigerants, the manual of operation, service, and installation, the warning labels and markings, and the competence of personnel. Four commenters noted that professional ice cream appliances are specifically excluded from the scope of UL 60335–2–89, and that this equipment follows UL 621, which has not been updated to allow for use of flammable refrigerants.

One commenter added that for SNAP 26 to apply to ice cream machines the use conditions must include UL 621 and 60335–2–89.

Response: EPA agrees with the commenters that ASHRAE 15 is an applicable standard to all the end-uses in this rule, with UL 60335–2–89 applicable to certain applications in the end-uses of this rule. UL 60335–2–89 should be followed where applicable in addition to the standard requirements under ASHRAE 15. Based on EPA's review of UL 60335–2–89 and conversations with UL, it is EPA's understanding that some IPR, IPR chiller, cold storage warehouse, and ice skating rink applications located in industrial occupancies have not followed UL 60335–2–89 and instead have followed ASHRAE 15. After considering all the public comments on the proposal, we are finalizing use conditions requiring ASHRAE 2022–15 for all substitutes listed in this rule and UL 60335–2–89 where it applies, as use conditions for refrigerants in the end-uses covered by this rulemaking, with modifications in response to the comments received. In particular, the final regulatory text requires that (1) ASHRAE 15–2022 applies in all cases and (2) UL 60335–2–89 applies, with exceptions for equipment that is outside the scope of UL 60335–2–89, equipment installed in situations where that standard refers to “national standards,” (*i.e.*, ASHRAE 15), and for the flammability marking identified in in Clause 7.6DV D1 of UL 60335–2–89 (where the equipment must display either or both of the red triangle or red bordered diamond symbol). To allow for better alignment with the two industry standards, EPA has revised the regulatory text concerning UL 60335–2–89 to state, “These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335–2–89, except as provided otherwise in UL 60335–2–89, in ASHRAE 15, or in this listing.” EPA agrees with the commenters that equipment for professional (*i.e.*, not household or consumer) ice cream appliances is not covered by UL 60335–2–89 and instead follows UL 621, Ice Cream Makers; and as such, ice cream appliances are not covered by this rulemaking. EPA has revised the regulatory text to state that the listings for refrigerated processing and dispensing equipment do not apply to refrigerated processing and dispensing equipment that is within the scope of UL 621 (Ice Cream Makers).

Determining the coverage of UL standards to applications not covered in this rule is outside the scope of this rulemaking. New equipment covered by

the end-uses in this rule must comply with ASHRAE 15 in all instances, and with UL 60335–2–89 where applicable. Further, EPA is allowing for exceptions from the requirement to meet UL 60335–2–89 for equipment that falls outside that standard's scope, which means that commercial or professional ice cream makers are not required to meet that standard. As described in NOTE 103 in UL 60335–2–89, “This standard does not apply to . . .

- Appliances using flammable refrigerant in transcritical refrigeration systems;
- domestic refrigerating appliances (IEC 60335–2–24);
- motor-compressors (IEC 60335–2–34);
- vending machines (IEC 60335–2–75);
- professional ice-cream appliances (IEC 60335–2–118);
- laboratory refrigerators and freezers (for Canada only. In Canada, the applicable standard for laboratory refrigerators and freezers is CSA C22.2 No. 61010–2–011.)”

Comment: Three commenters requested that EPA clarify the terminology in the proposal, noting that both ASHRAE 15 and UL 60335–2–89 use the term “releasable charge” where EPA used the term “refrigerant charge.” To ensure alignment and minimize confusion, they asked EPA to amend the appropriate terminology used in ASHRAE 15 and UL 60335–2–89 standards. One commenter elaborated that the “releasable charge” is how much refrigerant can be leaked into the space, which could be all of the charge for small systems or the remaining refrigerant after a refrigerant detector identifies a leak and causes safety solenoids to close and isolate refrigerant in larger systems. Similarly, two of these commenters noted that ASHRAE and EPA rely on a different definition of “independent circuit” and asked EPA to align its proposal with the ASHRAE definition.

Response: EPA has clarified the term “releasable charge” in the final risk screens supporting this rule, including amended scenarios with this measure where appropriate. EPA notes that the releasable charge may be used to calculate the maximum allowable charge for each unit or system to which UL 60335–2–89 and/or ASHRAE 15 applies. EPA agrees with the commenter that the releasable charge is the maximum quantity of refrigerant that could be released or leaked into the space. However, we are retaining the proposed term “refrigerant charge capacity” in this rule when referring to charge size limits in the use conditions for R–454A. The charge size capacity is

easily determined by looking at the nameplate for refrigeration equipment, allowing for ease of determining compliance and of enforcing regulations. Further, this allows for consistency with limitations in the 2023 Technology Transitions Rule, reducing confusion for the regulated community.

Regarding the comment on the definition of “independent circuit,” EPA used the term “refrigerant circuit” in the proposed rule and did not use the term “independent circuit.” The Agency has used the term “refrigerant circuit” in previous SNAP regulations concerning flammable refrigerants, as well. ASHRAE's definition of “independent circuit” is “a closed refrigeration circuit that is arranged in such a manner that, in the event of a single point of failure, the release of refrigerant is limited to only the quantity contained within the refrigeration circuit.” EPA recognizes that the definition of “independent circuit” is consistent with the concept of releasable charge. It is not clear from the comments in which situations the commenters thought that the Agency should be using ASHRAE's term “independent circuit.” However, in response, in this preamble to the final rule, EPA is clarifying that the charge size or releasable charge requirements apply to each independent circuit. For example, for a cascade system, each of the circuits is independent of the others, and the charge limits apply to individual circuits, not to the entire cascade system.

Comment: Five commenters flagged inconsistencies with regard to the charge sizes mentioned in the proposal. These commenters noted that UL 60335–2–89 allows compressor units, condensing units, and condenser units containing a refrigerant charge over m3 (260 times the LFL) in a machinery room or outdoors in compliance with ASHRAE 15; meaning that this part of the system can exceed 260 times the LFL, if installed in a machinery room or outdoors with additional charge of refrigerant allowed in parts of the system entering an indoor space. One of these commenters provided more in-depth comments detailing specific passages and annexes within the standard for EPA reference. One commenter noted that there is work ongoing between ASHRAE and UL to align requirements and provide clarity as to if just the condensing unit, compressor unit, or evaporating unit must be in a machine room or outdoors (as per UL), or if all refrigerant containing parts must be in a machine room (as per ASHRAE).

Response: EPA thanks the commenters for bringing to our attention the inconsistencies regarding charge sizes mentioned in the proposal as it relates to industry standards and the ongoing work to align those standards. EPA agrees with the commenters that the UL 60335-2-89 standard allows charge over m3 (260 times the LFL) for equipment located in a machinery room or outdoors in compliance with ASHRAE 15. In response to these comments, EPA has edited this language in the final rule by stating in each listing that “These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335-2-89,^{1 2 3} except as provided otherwise in UL 60335-2-89, in ASHRAE 15-2022, or in this listing . . .”

Comment: Several commenters referenced industry standards with regard to specific refrigerants. A commenter asked that EPA not allow refrigerant charge limits that exceed U.S. industry safety standards, noting that the table in Appendix R lists HFC-32, R-290, and R-441A as “Acceptable subject to use conditions,” with refrigerant charge limits of 1,000 g, 300 g, or 330 g. However, they asserted that U.S. industry safety standards, such as UL 484, UL 60335-2-40, and ASHRAE 15, do not allow these charge limits. Another commenter generally supported the use of UL 60335-2-89 but noted that the LFL for R-455A was incorrect in the standard’s 2nd edition (0.317 kg/m³) while the 3rd edition of UL 60335-2-89 contains the correct LFL value (0.432 kg/m³). The commenter noted that using the value from the 2nd edition could result in a reduction of allowable charge sizes for R-455A. They suggested EPA refer to the LFL value for R-455A from the ASHRAE 34-2022. Three commenters also supported modified use conditions for hydrocarbons, and specifically R-290, as outlined in UL 60335-2-89. They noted that the standard allows self-contained equipment with more than 150 grams and up to 500 grams of A2L and A3 flammable refrigerants.

Response: EPA did not open for comment the listings for air conditioning and heat pump equipment in appendix R to 40 CFR part 82, subpart G mentioned by the commenter. Rather, those entries were republished “to bring the table in line with the Office of the Federal Register’s general requirement for orderly codification by: adding entry numbers, replacing prohibited language, and properly formatting the footnotes” (87 FR at 45509; July 28, 2022). EPA considers the comment on the content of those

existing listings to be outside of the scope of this rulemaking.

In response to the comment regarding the incorrect LFL value from the standard’s 2nd edition for R-455A, EPA agrees that this value could result in a reduction of allowable charge sizes for R-455A. In this final rule and in EPA’s finalized risk screens, EPA used 0.432 kg/m³ as the LFL for R-455A, which is the value used in ASHRAE 34-2022.

In this final rule, EPA is modifying use conditions for R-290 to allow larger charge sizes for retail food refrigeration—stand-alone units, self-contained retail food refrigeration—refrigerated food processing and dispensing equipment, and self-contained commercial ice machines, consistent with UL 60335-2-89. EPA acknowledges the commenters’ support for these listings.

Comment: Three commenters requested that EPA draft the final rule so that the latest industry standards are always incorporated by reference. The commenters stated that doing so would increase alignment with safety standards while decreasing the need for revisions by EPA. One commenter requested that EPA consider listing additional refrigerants that were not in the proposal to enable the technology transitions proposed under the AIM Act.

Response: Regarding the commenters request regarding an automatic process for updating standards, EPA does not have a process to automatically incorporate future standards into the rules, as the Agency must review each particular iteration of a standard to understand it, determine whether it is appropriate for inclusion in the SNAP rules, and identify whether there are any concerns and if so how to address those. Additionally, EPA has often incorporated industry standards by reference, rather than drafting new language, copying specific language from industry standards, or recommending rather than requiring that industry follow standards. Updating the standard referenced in a SNAP listing involves a change to regulations, and the Agency uses a notice-and-comment rulemaking process to change the standard that is incorporated into regulations. EPA will continue to consider changes to relevant standards, and the Agency may consider whether any revisions to the SNAP program regulations, including considering approaches that do not rely on incorporating standards by reference, should be proposed at a future date.

In response to comments related to listing additional refrigerants that were not in the proposal to enable technology

transitions in regulations under the AIM Act, EPA notes that the requested additional listings are outside the scope of this rulemaking. EPA intends to continue reviewing substitutes under the SNAP program, including refrigerants that may provide more options to comply with regulations issued under the Technology Transitions program, as suggested by the commenters, and consider whether listing of such substitutes is appropriate under SNAP.

Comment: One commenter noted uncertainty related to ASHRAE 15 in that it provides information on the use of A2L refrigerants in large remote systems but does not specify where to place leak detection equipment; for example, whether leaked refrigerant will dissipate or accumulate in particular locations. The commenter stated that the engineer of record designing these applications would need to work through such situations.

Response: EPA agrees that some situations may call for an engineer to decide on the implementation of industry standards, particularly in cases where the standards do not specify information on a particular topic. Uncertainty, however, related to ASHRAE 15-2022 specifications on leak detection is outside the scope of this rulemaking.

Comment: Eight commenters provided input on labeling, markings, and fittings for flammable refrigerants. One commenter added that safety standards like UL 60335-2-40 and UL 60335-2-89 are developed through a consensus process with involvement from a wide variety of stakeholders based on industry research, knowledge, and best practices. One commenter mentioned that multiple standards recognize a class of less flammable gases, such as category 1B flammable gases in the 7th edition of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS)—to which OSHA recently harmonized its Hazard Communication Standard. This commenter also stated that fire and building codes such as the International Code Council and the National Fire Protection Association’s compressed gas code recognize the differences between flammability classes 2L and 2 and 3 in ASHRAE 34 and category 1A and 1B flammable gases in the GHS and suggested that EPA should prescribe use conditions according to this distinction to be consistent with international practice, other Federal agencies, industry standards and building codes. Two commenters stated that existing industry standards related to packaging and warning labels are adequate to

address safety concerns associated with A2Ls.

Response: EPA agrees with the commenter that safety standards, like UL 60335-2-40 and UL 60335-2-89, were developed in an open and consensus-based approach, with the assistance of experts in the AC industry as well as experts involved in assessing the safety of products. However, given EPA's stated concern for providing sufficient warning to technicians, end users, the public, and first responders, and our understanding that these groups are not sufficiently represented in the development of the standards, EPA is finalizing use conditions and the Agency concludes that it is appropriate to impose different marking and labeling requirements for A2L refrigerants from those in UL 60335-3-89. The Agency considers these marking and labeling requirements to attract attention and to provide more warning than the approach suggested by the commenters for A2L refrigerants. In response to the comment about consistency with international practice, other Federal agencies, industry standards and building codes that already recognize distinctions between 2L and 2 or 3 flammability classifications, in this final rule we are setting mitigation and charge requirements that recognize distinctions, consistent with UL 60335-2-89 and ASHRAE 15. The additional requirement for red markings and similar labeling requirements to standards with the same wording, but in larger font for A2L refrigerants, will improve visibility of warnings. This approach is the same as that in our previous rules on flammable refrigerants (e.g., 76 FR 78832, December 20, 2011; 80 FR 19454, April 10, 2015; and 86 FR 24444, May 6, 2021).

Comment: Commenters provided comments on specific marking provisions included in the proposed rule. Six commenters noted that EPA's proposal does not align with existing industry standards, namely UL 60335-2-89 and/or UL 60335-2-40, that do not require red markings for mildly flammable refrigerants (i.e., A2Ls) but do require red markings for A2 and A3 refrigerants that have higher flammability. They urged EPA to align with existing standards. Five commenters requested that proposed red marking on pipes, hoses, and other devices for A2L refrigerants be lessened or removed. Three commenters noted that UL has removed this requirement for equipment with A2L refrigerants. Two commenters stated that since A2L refrigerants are much less flammable than A3 refrigerants, the use of red or

colored service port caps would be sufficient for a technician to distinguish between an A2L system and an A3 system (e.g., the flame symbol applied to equipment near all ports for all flammable refrigerants will be an indicator of flammability to technicians). They stated that the red Pantone® marking is justified for A2 and A3 systems, given the significant flammability identified in testing. Another commenter sought to clarify EPA's proposal, stating that the way it currently reads, it would mean that all piping would need to be red. Another commenter asserted that SNAP should require the red tubing markings on all units containing flammable refrigerants, inclusive of all A2L, A2, A3 and B2L units for safety reasons.

A different commenter questioned whether the proposal should be consistent with the SNAP Rule 25 where Red Pantone® #185 was used to indicate the presence of a flammable refrigerant.

Response: EPA is finalizing as proposed to require as a use condition that the listed refrigerants must be used in refrigerating equipment that has red, PMS #185 or RAL 3020 marked pipes, hoses, and other devices through which the refrigerant is serviced, to indicate the use of a flammable refrigerant. EPA had the same requirement in SNAP Rule 25.

Consistent with other rules promulgated under CAA section 612, EPA's requirements of red markings add an extra layer of safety on top of the labels required under the UL standards, and EPA concludes this extra protection is appropriate for this listing under SNAP. As previously noted, these types of red markings would signal to the technician that the refrigerant circuit that she/he was about to access contained a flammable refrigerant, even if all warning labels were somehow removed or were illegible or not understood (e.g., for non-English speakers), and would provide similar notification to consumers, retail store owners, building owners and operators, first responders, and those disposing the appliance. We understand that UL 60335-2-89 treats A2L and A3 refrigerants differently and that red markings are required by the UL standard for A2 and A3 refrigerants, but not for A2L refrigerants. For this SNAP listing, as in our past listings for A3 (and also A2L) refrigerants, EPA concluded that it is most important to warn technicians that there is a flammable refrigerant present, not whether it is specifically an A2L, A2, or A3 refrigerant. Once warned, we would expect the technician to then seek to

know which refrigerant is used and to proceed accordingly. While we understand that the flammability risk can be considered 'lower' when using A2L refrigerants compared to A3 refrigerants because of their higher LFL and higher minimum ignition energy, a risk does exist compared to nonflammable refrigerants. The red markings provide an additional warning to technicians, consumers, retail store owners, building owners and operators, first responders, and those disposing the appliance. We also note that the use of red markings is already required for past actions for flammable refrigerants (76 FR 78832, December 20, 2011; and 80 FR 19454, April 10, 2015; and 86 FR 24444, May 6, 2021), and we are not aware that the marking requirements have led to any confusion.

Concerning the comment that to meet the proposed use condition, all piping would need to be red, EPA does not intend such a broad interpretation of the use condition for red markings. The requirement is intended to mandate red markings of at least one inch in each direction to go on locations such as a servicing port or processing tube. For self-contained equipment that does not have a servicing port or processing tube, a red marking, ring, or sleeve that extends at least one inch in each direction from a location on tubing that is likely or recommended for servicing or recovering refrigerant is sufficient.

EPA is finalizing that such markings apply to these A2L refrigerants as well, to establish a common, familiar, and standard means of identifying the use of a flammable refrigerant. After considering all the public comments on this proposal, we are finalizing this use condition as proposed.

Comment: Five commenters mentioned the labeling requirements as they pertain to SNAP Rules 23 and/or 25. Three commenters asked that EPA remove the labeling requirements from this rule as well as earlier SNAP rules to eliminate inconsistencies with existing standards. One commenter noted concerns around label size, stating that the font must be legible, but not so large that the label cannot fit on the product. They noted that small condensing units have limited space and meeting the existing requirements is a challenge.

Response: EPA agrees with the commenter that the font must be legible and fit on the product. EPA is finalizing that the labels must be provided in letters no less than 6.4 mm (1/4 inch) high, as proposed, as this is a reasonable size even for small condensing units with limited space. The warning labels EPA is finalizing are similar to those

required as use conditions in SNAP Rule 23 and 25 (86 FR 24463, May 6, 2021). Labels indicating flammability risk are critical to assuring proper identification and handling of equipment containing potentially dangerous refrigerants. Using a common set of labels aids in recognition and compliance, especially for a manufacturer that uses more than one refrigerant. EPA also notes that comments requesting changes to requirements in other SNAP rules such as SNAP Rule 23 or 25 fall outside the scope of this rulemaking.

Comment: A commenter stated that EPA's proposal to add a new diamond symbol would unduly burden manufacturers, asserting that the proposed new symbol fails to serve any additional purpose given the presence of the red triangle.

Response: The Agency agrees with the comment that requiring the ISO 7000–W021 flammability warning symbol in addition to the one that is presently required by UL 60335–2–89 may place a burden on manufacturers. As explained by the commenter, the existing edition of UL 60336–2–89, the 2nd edition, requires a red triangle while the 3rd edition under development, which the Agency understands will require a GHS equal-sided diamond with a red outline and a flame symbol on a white background for hazard category 1 flammable gases, is not yet published. The Agency also understands after consulting with fire service groups that the red triangle symbol in the present edition of UL 2–89 may not be immediately recognized in the presence of a flammable refrigerant. This is because a similar black symbol on a yellow triangle would refer first responder fire servicers to a highly reactive oxidizer, rather than a flammable substance. This is relevant because first responders would take different actions for an oxidizer from those for a flammable substance.

Therefore, rather than requiring both symbols at this time, EPA is finalizing to incorporate by reference UL 60335–2–89, with the exception that manufacturers may choose which of the two proposed flammability symbols to use. Manufacturers may choose to include either the red triangle warning symbol required in UL 60335–2–89, 2nd edition, or manufacturers may choose to include the red diamond proposed. At least one of these two symbols must be placed on refrigeration equipment covered by this rule that uses flammable (e.g., A2L or A3) refrigerants. If manufacturers choose to include the red triangle symbol instructed in the 2nd edition of UL 60335–2–89, then all

requirements, including those that refer to placement and size, must be followed accordingly. If manufacturers choose to include the red diamond symbol proposed by EPA, all of the following requirements, including those that refer to placement and size, must be followed accordingly. EPA notes that if the diamond symbol is adopted in the 3rd edition of UL 60335–2–89, manufacturers would be able to use it before the Agency would adopt the 3rd edition, potentially reducing conflicts between EPA's regulations and the UL standard.

Comment: Three commenters requested that EPA increase the charge limits for R–454A in the final rule. One of these commenters requested that EPA not limit the use of R–454A to less than 200 pounds in the IPR, cold storage warehouse, and ice skating rink sectors. The commenter stated that systems in these sectors require charge sizes larger than 200 pounds and that R–454A is a more energy efficient and higher capacity alternative with a GWP of less than 150. The commenter stated that charge limits for systems in these sectors are not restricted by UL 60355–2–89 and that listing and installation requirements of this standard would apply to few systems in industrial occupancies. Another commenter stated that for R–454A applying a 200-pound charge limit is not appropriate. Another of these commenters noted that the proposal stated that the 200-pound limit for use of R–454A in remote condensing units and supermarkets is inconsistent with ASHRAE 15 and UL 60335–2–89. The commenter stated that systems following both of the standards could have charge sizes greater than 260 times the LFL, or 200 pounds, if the releasable charges in an indoor space did not exceed either standard's limits. They requested that EPA harmonize with UL 60335–2–89 and ASHRAE 15 on charge limits rather than imposing a charge limit distinct from the safety standards. This commenter also provided comments on use conditions for R–454A. A third commenter requested that EPA include language specifying the allowance of an “unlimited charge” of R–454A in cold storage and the high-temperature side of cascade systems.

Response: EPA acknowledges that the 200-pound limit for remote condensing units and supermarkets may be inconsistent with ASHRAE 15 and UL 60335–2–89. EPA recognizes that systems following either of these standards could have charge sizes up to 260 times the LFL, which under certain circumstances may exceed 200 pounds if the releasable charge in an indoor space does not exceed either standard's

limit. However, EPA disagrees that the 200-pound limit should be implemented through using the charge limits that flow out of UL 60335–2–89 or ASHRAE 15. By requiring this charge limit as its own use condition separate from the standards, EPA is highlighting that this charge limit applies, even for use outdoors or in a machinery room. The Agency is requiring this use condition specifically for R–454A so that users may select lower-GWP refrigerants such as R–290, R–454C, R–455A, R–457A, R–516A, or R–744 with GWPs from one to 150, for use in locations that are not space constrained, such as in machinery rooms or outdoors; the use condition still allows use of the higher-GWP and higher volumetric capacity refrigerant R–454A in space-constrained locations. Also see responses explaining EPA's rationale for listing R–454A for supermarket systems and remote condensing units with a use condition that refrigerant charge capacity be less than 200 pounds in sections II.A.6 and II.F.6 of this preamble.

EPA intends in this rule to differentiate between smaller systems that are used in occupied spaces with public access, where the greater volumetric capacity of R–454A is needed to fit into more constrained spaces, versus less constrained (or unconstrained) spaces, such as outdoors or in machinery rooms. R–454A has a higher GWP than most of the other refrigerants that EPA is listing in this rule–237 compared to 150 or less—and has a greater volumetric capacity, as pointed out by the commenters. Thus, it is best used in those situations where it may be more difficult to use other alternatives with even lower GWPs because size constraints are greater—namely, where charge sizes would be less than 200 pounds. In highly constrained spaces, however, refrigerants with lower volumetric capacity and lower GWP may not technologically provide sufficient performance, only allowing the use of a higher-GWP refrigerant, like R–454A. In situations that are less space constrained and where only the ASHRAE 15 standard governs, such as in machinery rooms or outdoors, other refrigerants with lower GWP and lower volumetric capacity may be used and would reduce overall risk to human health and the environment more than R–454A. Therefore, EPA disagrees with commenters' requests to allow charge sizes greater than 200 pounds of R–454A in IPR and cold storage warehouses. EPA elaborates that although the charge limits for some systems in these sectors are not

restricted by UL 60335–2–89 for industrial occupancies and could exceed the 200-pound threshold, under the Technology Transitions Rule (88 FR 73098, October 24, 2023), refrigerants with a GWP between 150 and 300 can still be used in accordance with the Technology Transitions Rule for charges less than 200 pounds in IPR, supermarket systems, remote condensing units, and cold storage warehouses, as well as for the high-temperature side of a cascade system. In light of this limitation and after consideration of the commenters' requests that EPA include language specifying the allowance of an "unlimited charge" of R-454A in cold storage and the high-temperature side of cascade systems, EPA is listing R-454A as proposed in those end-uses. EPA clarifies that there is not a charge size limit on R-454A in the high-temperature side of a cascade system for any of the end-uses in this final rule, except to the extent that such a limit would be needed to be consistent with UL 60335–2–89 or ASHRAE 15.

For the ice skating rinks end-use, EPA notes that the Agency did not propose to list R-454A as acceptable, either with or without a charge size limit. See section II.G.6 of this preamble concerning comments on listing R-454A as acceptable in ice skating rinks.

I. Exemption for R-290 From the Venting Prohibition Under CAA Section 608 for Refrigerated Food Processing and Dispensing Equipment

1. What is EPA's final determination regarding whether venting, releasing, or disposing of R-290 in refrigerated food processing and dispensing equipment would pose a threat to the environment?

Under section 608(c)(2) of the CAA, it is unlawful for any person, in the course of maintaining, servicing, repairing, or disposing of an appliance or IPR, to knowingly vent or otherwise knowingly release or dispose of any substitute substance for a class I or class II substance used as a refrigerant in such appliance (or IPR) in a manner which permits such substance to enter the environment. Under section 608(c)(2), this prohibition applies to any substitute refrigerant unless the Administrator determines that such venting, releasing, or disposing does not pose a threat to the environment. As discussed in section II.B of this preamble, EPA is listing the refrigerant substitute R-290 under the SNAP program as acceptable, subject to use conditions, in newly manufactured refrigerated food processing and dispensing equipment. EPA is also

exempting R-290 in this end-use from the venting prohibition under CAA section 608(c)(2), on the basis of existing evidence that the venting, release, or disposal of this substance in this end-use and subject to the use conditions in this final action does not pose a threat to the environment. Further, as discussed in greater detail below, this exemption is consistent with decisions in past rulemakings to exempt R-290 in other specific end-uses from the venting prohibition under CAA section 608(c)(2), and it reflects EPA's concern that there is not yet sufficient recovery equipment suitable for use with highly flammable (A3) refrigerants.

For purposes of CAA section 608(c)(2), EPA considers two factors in determining whether or not venting, release, or disposal of a substitute refrigerant during the maintenance, servicing, repairing, or disposing of appliances poses a threat to the environment (69 FR 11948, March 12, 2004; 79 FR 29682, May 23, 2014; 80 FR 19453, April 10, 2015; and 81 FR 86778, December 1, 2016). First, EPA analyzes the threat to the environment due to inherent characteristics of the refrigerant substitute, such as GWP or photochemical reactivity. Second, EPA determines whether and to what extent such venting, release, or disposal actually takes place during the maintenance, servicing, repairing, or disposing of appliances, and to what extent such actions are controlled by other authorities, regulations, or practices. To the extent that such releases are adequately controlled by other authorities, EPA defers to those authorities.

Potential Environmental Impacts

EPA has evaluated the potential environmental impacts of releasing into the environment R-290, a substitute refrigerant that we are listing in this rule as acceptable, subject to use conditions, in refrigerated food processing and dispensing equipment. We assessed the potential impact of the release of R-290 on local air quality and its ability to decompose in the atmosphere to form ground-level ozone, its ODP, its GWP, and its potential impacts on ecosystems. We found that the magnitudes of these impacts were not large enough to pose a threat to the environment. R-290's ODP is zero, and its GWP is approximately three. R-290 is highly volatile and typically evaporates or partitions to air, rather than contaminating surface waters. Thus, R-290's effects on aquatic life are expected to be small.

As to potential effects on local air quality, R-290 meets the definition of

VOC under CAA regulations (40 CFR 51.100(s)) and is not excluded from that definition for the purpose of developing SIPs to attain and maintain the NAAQS. R-290's maximum incremental reactivity (MIR) of 0.56 g O₃/g R-290 is higher and more reactive than that of ethane (MIR of 0.26 g O₃/g ethane), which EPA uses as a threshold to determine whether substances may have negligible photochemical reactivity in the lower atmosphere (troposphere). EPA performed air quality modeling on a number of scenarios to determine whether emissions of HC refrigerants could have a significant impact on local air quality, particularly in certain cities with particularly difficult challenges in achieving attainment of the NAAQS for ground-level ozone. The comparison of HC refrigerant emissions was matched to the level of the NAAQS for the purposes of illustrating that the even under a worst-case scenario the projected impacts on ground-level ozone are small. Based on the analysis and modeling results described in section II.B.3 of this preamble, EPA concludes that the release of R-290 from the refrigerated food processing and dispensing end-use, in addition to the HCs previously exempted from the venting prohibition and listed as acceptable, subject to use conditions, for their specific end-uses, is expected to have little impact on local air quality. In this regard, EPA found particularly noteworthy that even assuming 100 percent market penetration of R-290 and the other acceptable HCs in the acceptable end-uses, which is a conservative assumption, the highest impact for a single 8-hour average ozone concentration based on that analysis would be 0.05 ppb in Los Angeles, 0.008 in Houston, and 0.005 in Atlanta compared to the level of the 2015 ozone NAAQS at 70 ppb.⁸¹ The highest impact refers to the greatest amount of ground-level ozone that could be created by the release of R-290 and other HC refrigerants under the analysis' most conservative scenarios.

In addition, EPA examined all HC substitute refrigerants in those uses for which UL currently has standards in place for flammable refrigerants, for which the SNAP program has already listed the uses as acceptable, subject to use conditions, and for which the SNAP program is reviewing a submission, including the one in this action. We found that even if all the HC refrigerant substitutes in appliances in end-uses

⁸¹ ICF, 2016. Additional Follow-on Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. September, 2016.

listed acceptable, subject to use conditions, in this action and listed as acceptable in previous rules were to be emitted, as well as two hydrocarbon refrigerants that EPA ultimately listed as unacceptable in certain end-uses, there would be a worst-case impact of less than 0.15 ppb for ground-level ozone in the Los Angeles area.⁸² The use conditions established in the prior SNAP listings limited the total amount of R-290 in each refrigerant circuit to 60 g or less (for water coolers) or 150 g or less (for other end-uses), depending on the end-use. Changes in standards that are incorporated by reference as use conditions (requirements) in the final SNAP listings in this rule would allow maximum charge sizes of R-290 up to 494 g in retail food refrigeration-stand-alone units and retail food refrigeration-refrigerated food processing and dispensing equipment, and self-contained commercial ice machines. The analyses also assume R-290 and other, more reactive HC refrigerants, may also be used in these end-uses, so our analysis assuming complete market penetration of HCs is conservative.

EPA also has performed more recent air quality analysis before the publication of this rule, considering additional end-uses and refrigerants that have been listed acceptable more recently (e.g., R-1150 in very low temperature refrigeration), looking out to 2040, and using updated models.⁸³ EPA found that the revised air quality models showed slightly greater impacts compared to our 2014 and 2016 analyses in all scenarios. For example, in the worst-case scenarios where the most reactive HC refrigerant reviewed, propylene, was used broadly across the refrigeration and AC industry, the worst-case increase in ground-level ozone was 8.62 ppb in Los Angeles in the 2022 analysis compared to 7.8 ppb in Los Angeles in an analysis in 2016 looking at the same scenario with the same refrigerant. EPA made this comparison to see if that refrigerant, which the SNAP program had previously listed as unacceptable in certain end-uses due to its potential air quality impacts, would have similar, greater, or less impact using the updated model for the same scenario compared to the earlier version of the model. Changes to the Community Multiscale

Air Quality (CMAQ) model, more updated refrigerant emissions estimates from EPA's Vintaging Model, as well as the longer time-period considered, resulted in the changes. The 2016 analysis found that even assuming 100 percent market penetration of R-290 and the other acceptable HCs in the end-uses where they are already listed as acceptable, subject to use conditions, or were under review, which is a conservative assumption, the highest impact for a single 8-hour average ozone concentration based on the 2016 analysis would be 0.05 ppb in Los Angeles and less than 0.01 ppb in Houston and Atlanta.⁸⁴ Looking at the 2022 analysis, in the scenarios that estimated emissions assuming that HC refrigerants listed as acceptable, subject to use conditions, reached 100 percent market penetration, the worst-case increase in ground-level ozone in Los Angeles was 0.012 ppb, in Houston was 0.009 ppb, and in Atlanta was 0.006 ppb. Unlike the 2014 and 2016 analyses, the 2022 analysis did not include modeling of propylene or the propylene blend R-443A in certain end-uses, as those refrigerants were listed as unacceptable in SNAP Rule 21 (81 FR 86778, December 1, 2016). For purposes of the analysis under CAA section 608(c)(2), the Agency considers the modeled changes to ground-level ozone levels to be extremely small. For instance, the modeled impacts on daily maximum 8 hour average ozone concentrations are less than 0.017 percent of the level of the 2015 ozone NAAQS of 70 ppb.⁸⁵ EPA considers the 2022 modeling to further support the Agency's earlier conclusions in 2015 and 2016 that use of saturated HCs as refrigerants, including release of R-290, R-600a, and R-441A during repairing, maintaining, servicing, or disposing of appliances, would not result in a significant increase in ground-level ozone, for purposes of determining whether to exempt these refrigerants in specific end-uses from the venting prohibition under CAA section 608(c)(2).

Considering our evaluation of these potential environmental impacts, EPA concludes that R-290 in the refrigerated food processing and dispensing end-use is not expected to pose a threat to the environment on the basis of the inherent characteristics of this substance and the limited quantities used in the relevant end-use.

Authorities, Controls, or Practices

The determination of whether venting, release, or disposal of a substitute refrigerant poses a threat to the environment includes considering whether such venting, release, or disposal is adequately controlled by other authorities, regulations, or practices. EPA expects that existing authorities, controls, and/or practices will mitigate environmental risk from the release of R-290. Analyses performed for both this rule and the SNAP rules issued in 1994, 2011, 2015, and 2016 (59 FR 13044, March 17, 1994; 76 FR 38832, December 20, 2011; 80 FR 19453, April 10, 2015; and 81 FR 86778, December 1, 2016, respectively) indicate that existing regulatory requirements and industry practices limit and control the emission of R-290. For reasons discussed in proceeding paragraphs, EPA concludes that the limits and controls under other authorities, regulations, or practices adequately control the release of and exposure to R-290 and mitigate risks from any possible release.

Industry service practices and OSHA standards and guidelines that address HC refrigeration equipment include monitoring efforts, engineering controls, and operating procedures. OSHA requirements that apply during servicing include continuous monitoring of explosive gas concentrations and oxygen levels. In general, HC emissions from refrigeration systems are likely to be significantly smaller than those emanating from the industrial process and storage systems, which are controlled for safety reasons. In Sections II.B.7, "What updates to existing use conditions for stand-alone units is EPA finalizing?" and II.D.5, "What updates to existing use conditions for commercial ice machines is EPA finalizing?" we note that the amount of R-290 from a refrigerant loop is effectively limited to roughly 500 g or 300 g in the end-uses listed in this rule. This indicates that HC emissions from such uses are likely to be relatively small.

As discussed in Section II.B.3, "What is R-290 and how does it compare to other refrigerants in the refrigerated food processing and dispensing equipment end-use category?", EPA's SNAP program evaluated the flammability and toxicity risks from R-290 in the new end-use in this final rule. EPA is providing some of that information in this section as well, to provide information on the potential for leaks and exposure due to R-290.

R-290 is classified as an A3 refrigerant by ASHRAE 34-2022 and

⁸² ICF, 2014a. Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. February 2014.

⁸³ ICF, 2022. Additional Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. May 2022. Updated models included VM IO file_v5.1_10.01.19 and CMAQ 5.2.1 with carbon bond 06 (CB06) mechanism, as cited in ICF, 2022.

⁸⁴ ICF, 2016. Additional Follow-on Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. September 2016.

⁸⁵ ICF, 2020. *Op cit*.

subsequent addenda, indicating that it has low toxicity and high flammability. R-290 has an LFL of 2.1 percent. To address flammability risks, this document provides recommendations and use conditions for its safe use (see Section II.H.2, “What additional information is EPA including in these listings?”). The SNAP program’s analysis finds that the use conditions in this rule will mitigate flammability risks.

Like most refrigerants, at high concentrations HCs can displace oxygen and cause asphyxiation. Various industry and regulatory standards exist to address asphyxiation and toxicity risks. The SNAP program’s analysis of asphyxiation and toxicity risks suggests that the use conditions in this final rule will mitigate asphyxiation and toxicity risks. Furthermore, it is the Agency’s understanding that flammability risks and occupational exposures to HCs are adequately regulated by OSHA and building and fire codes at a local and national level.

The release and/or disposal of many refrigerant substitutes, including R-290, are controlled by other authorities including various standards and State and local building codes. The industry consensus safety standard UL 60335-2-89, which EPA is incorporating by reference in use conditions in the SNAP listing for R-290 in refrigerated food processing and dispensing equipment, is one of these standards, and industry also applies the standard ASHRAE 15. Code-making organizations, such as the International Code Council (ICC), are in the process of updating references to the most recent industry standards that address use of R-290 and other flammable refrigerants in the International Building Code (IBC). The specific editions of UL 60335-2-89 and ASHRAE 15 that are incorporated in this rulemaking as use conditions are in the process of being adopted in the next version of the IBC; once the IBC adopts those standards, State and localities may adopt those revisions into their State or local building codes. To the extent that release during maintaining, repairing, servicing, or disposing of appliances is controlled by regulations and standards of other authorities, these practices and controls for the use of R-290 are sufficiently protective. These practices and controls mitigate the risk to the environment that may be posed by the venting, release, or disposal of R-290 during the maintaining, servicing, repairing, or disposing of appliances.

EPA is aware of equipment that can be used to recover HC refrigerants. While there are no relevant U.S. standards for such recovery equipment

currently, to the extent that R-290 is recovered rather than vented in specific end-uses and equipment, EPA recommends the use of recovery equipment designed specifically for flammable refrigerants in accordance with applicable safe handling practices.

2. What is EPA’s final determination regarding whether venting of R-290 from refrigerated food processing and dispensing equipment is exempted from the venting prohibition under CAA section 608(c)(2)?

Consistent with the listing under SNAP in this action, EPA determines that venting, releasing, or disposing of R-290 in refrigerated food processing and dispensing equipment is not expected to pose a threat to the environment during the maintaining, servicing, repairing, or disposing of appliances. As discussed in section II.A.1 of this preamble, EPA is making this determination on the basis of the inherent characteristics of this substance, the limited quantities used in the relevant end-use, and the limits and controls under other authorities, regulations, or practices that adequately control the release of and exposure to R-290 and mitigate risks from any possible release. Accordingly, EPA is revising the regulations at 40 CFR 82.154(a)(1) to add R-290 in this end-use to the list of substitute refrigerants that are exempt from the venting prohibition under CAA section 608(c)(2).

3. When will the exemption from the venting prohibition apply?

This exemption for R-290 in refrigerated food processing and dispensing equipment applies 30 days after the publication of this final rule in the **Federal Register**, on and after July 15, 2024. This is the same as the effective date of the SNAP listing of R-290 in refrigerated food processing and dispensing equipment.

4. What is the relationship between this exemption under CAA section 608(c)(2) and other EPA rules?

This final exemption from the CAA section 608(c)(2) venting prohibition does not mean that R-290 used in refrigerated food processing and dispensing equipment can be vented in all situations. R-290 released or otherwise disposed of from commercial and industrial appliances is likely to be hazardous waste under RCRA (see 40 CFR parts 260 through 270). As discussed in the final rules addressing the venting of ethane (R-170), R-600a, R-290, and R-441A as refrigerant substitutes in certain end-uses,

incidental releases may occur during the maintenance, service, and repair of appliances subject to CAA section 608 (79 FR 29682, May 23, 2014; 80 FR 19454, April 10, 2015; 81 FR 86778, December 1, 2016). Such incidental releases would not be subject to RCRA requirements for the disposal of hazardous waste, as such releases would not constitute disposal of the refrigerant charge as a solid waste, *per se*. For commercial appliances such as refrigerated food processing and dispensing equipment, it is likely that R-290 and other flammable HC refrigerant substitutes would be classified as hazardous waste, and recycling, reclamation or disposal of R-290 from such appliances would need to be managed as hazardous waste under the RCRA regulations (40 CFR parts 260 through 270), unless it is subject to a limited exception in those regulations if the ignitable refrigerant is to be reused without first being processed to remove contamination.

5. How is EPA responding to comments on the exemption for R-290 from the venting prohibition?

Comment: Four commenters suggested that R-290 should not be exempt from the CAA section 608 venting prohibition. Three of these commenters were in favor of applying section 608 to all refrigerants, including hydrocarbons. One of these commenters supported a prohibition on venting due to R-290’s flammability hazards. Another commenter noted the flammability concern when larger charge sizes are involved. A different commenter further specified that R-290’s flammability and safety concerns could be magnified with charge sizes of 494g allowed by UL 60335-2-89 and potentially other U.S. standards based on proposed updates (e.g., ASHRAE 15.2). One commenter noted flammability concerns related to system designs for hydrocarbon refrigerants. They specified that in these systems, venting does not typically remove all the refrigerant and the residual hydrocarbon refrigerant can create flammability concerns if the system is brazed or welded.

Response: For the reasons discussed in Section II.I of this preamble, “Exemption for R-290 from the venting prohibition under CAA section 608 for refrigerated food processing and dispensing equipment,” EPA disagrees with the commenters and finds that venting, release, or disposal of R-290 in the retail food refrigeration—refrigerated food processing and dispensing end-use and subject to the use conditions listed in this action does not pose a threat to

the environment. EPA's decision is based on consideration of multiple environmental characteristics. The comments do not provide sufficient analysis to support a reason for EPA to change our proposed conclusion that the venting permitted by this exemption of these refrigerant substitutes in these end-uses, subject to the required use conditions, do not pose a threat to the environment, or to change this final rule so that they would not be exempt from the venting prohibition. EPA evaluated risk associated with scenarios with charge sizes larger than 494 g in stand-alone units and refrigerated food processing and dispensing equipment and concluded that R-290 is acceptable for these specific end-uses with use conditions according to industry standards. For example, flammability risks can be addressed for stand-alone units and refrigerated food processing and dispensing equipment by installing the equipment in a space with appropriate capacity and charge size for the intended area, and following manufacturer guidelines and safety standards (ASHRAE 15, ASHRAE 34, UL 60335-3-89). EPA also notes that its evaluation of substitutes is based on the information currently available; proposed updates that are not yet released did not factor into the listings of this rule. As discussed in the use conditions for R-290, venting is allowed during the maintenance, servicing, repair, or disposal of specific appliances, like stand-alone and refrigerated food processing and dispensing equipment. Regarding the commenter's concern that venting does not typically remove all the refrigerant from these systems, EPA responds that proper handling and flammability warning labels as described in section II.H of this preamble serve a preventative role by notifying trained personnel handling equipment about the presence of a flammable refrigerant, even in the unlikely event that there would be a sufficient residue of R-290 left after venting to create a flammability risk. EPA has also made the same finding for R-290 in the past, as well as for other alkane refrigerants (e.g., R-600a, R-441A). EPA recognizes that there are flammability risks both during venting and during use of recovery equipment with A3 refrigerants; until the refrigeration and air-conditioning industry has further development and market penetration of recovery equipment with non-sparking components, the flammability risks of potentially using inappropriate recovery equipment with R-290 may be greater

than the flammability risk of controlled releases of R-290 outdoors.

In addition, EPA's exemption from the CAA venting prohibition of these substances in these end-uses is consistent with how other countries, including Australia, Japan, and those in the European Union, regulate the venting of hydrocarbons.

Comment: Four commenters drew comparisons between R-290 and other refrigerants or classes of refrigerants. Three of these commenters expressed concern that allowing the venting of one type of flammable refrigerant may cause confusion in the industry as the use of low-GWP refrigerants becomes widespread. One commenter noted that if EPA's rationale for exempting R-290 is its low GWP, then HFOs should likewise be exempt. This commenter also stated that unlike R-290, HFOs are not VOC and do not contribute to ground-level ozone. A different commenter raised a climate impact concern due to the reactivity of R-290 to form ground-level ozone, which is also a greenhouse gas, and thus R-290 should not be exempted from refrigerant recovery requirements. A different commenter noted that if hydrocarbons become more widely used, volumes of hydrocarbons vented could increase; while hydrocarbons generally have low GWPs, the GWP values do not take into account the total emissions from the supply chain.

Response: In response to comments about confusion over venting only one type of flammable refrigerant, EPA notes that technicians should already be aware of these differences for other types of self-contained equipment using R-290, R-600a, or R-441A, and this would not change substantially for refrigerated food processing and dispensing equipment, which is less common than those other types of self-contained equipment. Further, it is EPA's understanding that it is relatively uncommon for self-contained equipment to be serviced, compared to equipment with remote compressors, so removing R-290 from equipment would typically occur at disposal of the equipment.

Concerning the comment suggesting that EPA should also exempt HFOs, EPA did not propose and is not finalizing an exemption for HFOs from the CAA prohibition to knowingly vent or otherwise knowingly release refrigerants. EPA disagrees with the comment that R-290's low GWP is the sole reason EPA is exempting R-290 from the venting prohibition. EPA has discussed in this section the multiple factors that it considers, and the fact that HFOs are subject to the venting

prohibition is irrelevant to the R-290 analysis. Further, if EPA were to evaluate exempting one or more HFOs in a particular end-use from the venting prohibition, that analysis would appropriately focus on the inherent characteristics and other authorities, practices and controls that are relevant to HFOs in that end-use, not on the analysis for R-290, which differs from HFOs in some respects, such as with respect to flammability risks and availability of appropriate recovery equipment. In response to the comment that there is a climate impact from formation of ground-level ozone, EPA acknowledges that ground-level ozone is a greenhouse gas; however, given the small additional amounts of ground-level ozone that EPA has calculated would be generated, even in the worst case, the additional climate impact is negligible. Concerning the comment regarding indirect climate impacts from emissions along the supply chain, EPA acknowledges that there are also other climate impacts in addition to direct GWP of emissions of a substitute. However, there would also be the same indirect climate impacts from emissions along the supply chain, whether EPA exempts R-290 in refrigerated food processing and dispensing equipment from the CAA 608(c)(2) venting prohibition or not. The Agency has addressed the possibility of greater use of HC refrigerants by conservatively assuming complete market penetration (i.e., being the only refrigerants used) in all end-uses where there has been interest in the use of hydrocarbons to date. Thus, after considering public comments received, EPA's conclusions concerning exempting R-290 in refrigerated food processing and dispensing equipment remain the same and EPA is finalizing as proposed.

Comment: A couple of commenters noted concerns related to the status of R-290 as a VOC. One commenter stated that HC refrigerants are VOC and can impact local air quality particularly in densely populated areas that are likely to have the most air conditioning and refrigeration equipment. Another commenter expressed concern for the apparent inconsistency presented by the proposed exemption of R-290 from the CAA section 608(c)(2) venting prohibition versus other EPA regulations where R-290 is not considered VOC-exempt (i.e., is not excluded from the definition of VOC for the purpose of developing SIPs to attain and maintain the NAAQS). This commenter stated that R-290 has a MIR value more than twice the MIR of ethane, which EPA has used as a

reference point for determining whether to allow a substance to obtain an VOC exemption. This commenter stated that the EPA should use the same approach to determine whether propane should be exempt from the CAA section 608(c)(2) venting prohibition as whether it should be VOC-exempt. The commenter stated that using a “worst-case impact approach” is inconsistent with previous approaches that determined VOC exemptions based on information showing that 1) VOC are of low photochemical reactivity and they can be ignored in oxidant control programs, or that 2) compounds more reactive than ethane continue to be considered VOC for regulatory purposes.

Response: In response to these comments, EPA notes that the second commenter fails to recognize the distinctions between two different regulatory provisions. To the extent the comments relate to whether propane should be excluded from the definition of VOC (see 40 CFR 51.100(s)) for the purpose of addressing the development of SIPs to attain and maintain the NAAQS, they are beyond the scope of this rulemaking and require no further response. EPA did not reopen and is not making any changes to 40 CFR 51.100(s) in this action.

EPA’s regulations under 40 CFR part 82, subpart F prohibit individuals from knowingly venting or otherwise releasing into the environment ozone-depleting substances or their substitutes used as a refrigerant while maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration. See 40 CFR 82.154. Consistent with section 608(c)(2) of the CAA, EPA has established regulatory exemptions from this prohibition for certain refrigerants used in specific end-uses where EPA has determined that the release does not pose a threat to the environment. The Agency considers multiple factors on a refrigerant-by-refrigerant basis before deciding to establish such an exemption from the venting prohibition under 40 CFR 82.154. EPA has previously established exemptions from the venting prohibition for propane in particular end-uses. See 40 CFR 82.154(a)(1)(viii) (exemption for R-290 in retail food refrigerators and freezers (stand-alone units only); household refrigerators, freezers, and combination refrigerators and freezers; self-contained room air conditioners for residential and light commercial air-conditioning and heat pumps; vending machines; and self-contained commercial ice machines, very low temperature refrigeration equipment, and water coolers). Among

other things, in establishing these exemptions EPA has described the analysis supporting its determination that venting, releasing, or disposing of propane in the particular end-uses at issue does not pose a threat to the environment, and it has explained that the controlled release of propane outdoors may be the safest option in certain circumstances as many recovery machines are not equipped to properly recover highly flammable refrigerants (e.g., recovery machines without spark proof components).⁸⁶ EPA is taking a similar approach here and its conclusions are consistent with those prior EPA actions. The potential environmental impact of releases of propane and other HC refrigerants in multiple analyses, as described above in section II.I.1 of this preamble. We considered the inherent characteristics of these substitute refrigerants and the limited quantities used in the relevant applications. Those analyses show that use of saturated HCs as refrigerants, including release of R-290, R-600a, and R-441A during repairing, maintaining, servicing, or disposing of appliances, would not result in a significant increase in ground-level ozone. Based on this review, EPA concludes that the venting, releasing, or disposing of propane in these end-uses and subject to these use conditions are not expected to pose a threat to the environment.

Regarding both commenters’ concerns with propane’s status as a VOC and the first commenter’s concerns regarding the potential for local air quality impacts, the Agency clarifies that even if a substance is defined as a VOC under 40 CFR 51.100(s), it can still be exempted from the venting prohibition under CAA section 608 and 40 CFR 82.154, if the appropriate determination under CAA section 608(c)(2) is made. While EPA may consider a substance’s status as a VOC under CAA regulations (40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS in making that determination, that may not be the sole or determinative factor in making a determination under section 608(c)(2), as other factors may also affect whether such venting poses a threat to the environment. EPA’s prior decisions to provide a limited exemption to the venting prohibition for R-290, and other refrigerants that are VOC under the Agency’s regulatory definition under CAA regulations (40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS, in particular end uses are examples of this result. In those situations, EPA also

evaluated potential local air quality impacts using conservative assumptions and has provided a limited exemption from the venting prohibition for these substitutes in these end-uses under section 608(c)(2) of the CAA because the Agency concluded that it was appropriate to make the statutory determination that supports the exemption from the venting prohibition. EPA is taking a similar approach here, as described above in section II.I.1 of this preamble, and is reaching the same conclusion.

Comment: One commenter expressed concern that EPA has arbitrarily set a “de minimis” part per billion level (i.e., 0.15 ppb resulting from the Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations (ICF, 2014) for purposes of evaluating the ozone impacts of this rule. The commenter also notes that there is no such impact threshold applied by EPA when considering whether State Implementation Plans (SIPs) adequately address sources within a State that may contribute to nonattainment or interference with maintenance of the NAAQS implying that EPA should not use an ozone impact threshold for the purposes of evaluating the impacts of this rule.

Response: EPA disagrees with the commenter that the incremental value from the 2014 analysis of 0.15 ppb was applied as an arbitrary “de minimis” threshold for evaluating local ozone impacts. EPA used the 2014 analysis containing the 0.15 ppb value in previous SNAP rulemakings listing HC refrigerants, as well as for this rulemaking, to illustrate that even the worst-case impact from HC refrigerants, including R-290, would be small. These analyses were considered as part of the overall evaluation of risks to human health and the environment that supported certain listing decisions in this rule, as discussed above. More recent analyses were performed prior to this rule’s development and came to similar conclusions that potential local air quality impacts of emissions of saturated hydrocarbons used as refrigerants would be small; these analyses are in the docket for this rulemaking. For the SNAP program, as part of the analysis under 40 CFR 82.180(a)(7), the Agency considers whether there will be increased overall risk to the population due to ambient exposure to increased ground-level ozone as a result of using the alternative refrigerants in the final rule, among several other criteria. The commenter appears to conflate the requirements for evaluating air quality impacts and general population risk due to exposure

⁸⁶ 81 FR 86778 at 86801.

to increased ground-level ozone for the purpose of SNAP with the requirements for developing State Implementation Plans to implement the NAAQS. The two are unrelated. This rule has no effect on development of State Implementation Plans or other aspects of NAAQS implementation, and to the extent comments are related to those subjects, they are beyond the scope of this rulemaking and require no further response. Finally, as described in this preamble, the more recent air quality modeling performed in 2022 demonstrated that the largest worst-case increase in ground-level ozone due to use of acceptable HC refrigerants was 0.012 ppb, which is even lower than the worst-case value, 0.15 ppb, from previous analysis in 2014. For purposes of a benchmark for comparison, the level of the 2015 NAAQS, which is currently in effect, is 70 ppb (as the fourth-highest daily maximum 8-hour concentration, averaged across three consecutive years), more than four orders of magnitude higher.

Comment: One commenter suggested that EPA align its RCRA regulations to allow for the venting of R-290 and the other flammable refrigerants as allowed under 40 CFR 82.154(a). The commenter noted that most of the refrigerated food processing and dispensing end-use appliances will not be in household locations; therefore, these appliances will not fall under the RCRA household exemption, and the refrigerant cannot be vented due to RCRA regulations. The commenter added that R-290 from the refrigerated food processing and dispensing end-use will be required to be managed as hazardous waste (characteristic of ignitability) (e.g., recovered and managed as RCRA hazardous waste as opposed to venting).

Response: EPA did not propose to revise regulations issued under RCRA in this rulemaking, and thus the request to revise those rules is outside the scope of this rulemaking.

J. How is EPA responding to other comments?

Comment: Nine commenters broadly supported Proposed Rule 26. One commenter added that choice of alternatives is an important factor regarding assuring economic success of the ozone protection program, and they are generally supportive of proposed decisions that offer flexibility of choice and improve overall environmental performance. Another commenter indicated that they support EPA's application of the new refrigerants to cold storage warehouses, ice skating rinks, and industrial processes. A different commenter supported the

Agency's efforts to further enable lower-GWP solutions in the end-uses regulated under the SNAP program but proposed that standard clarifications, listing of additional substitutes, use condition modifications, and R-290 venting prohibitions should be included in the final SNAP Rule 26 to advance the safe and orderly transition to lower-GWP solutions. These commenters' detailed comments appear under the appropriate section headings within this document.

Response: EPA acknowledges the commenters' support of the listings in this rulemaking. EPA is finalizing many listing decisions as proposed and is finalizing other listing decisions with relatively minor changes that address and incorporate information provided in comments as described throughout the preamble. EPA acknowledges the commenter's concern for the GWPs of various refrigerants and for the commenter's recognition that new alternatives will be more widely adopted in the future. EPA plans to continue to review substitutes consistent with the SNAP program criteria, including atmospheric impacts such as GWP impacts. EPA addresses comments about standard clarifications and use conditions in section II.H.2 of this preamble and R-290 exemptions in section II.I.5 of this preamble.

Comment: One commenter noted support for listing HFO-1234yf. The commenter stated that industry has made significant investments in research and development, and expanded capacity for production of HFO refrigerants, which are used as refrigerants or components in refrigerant blends.

Response: EPA acknowledges the commenter's support for listing HFO-1234yf in this rulemaking. EPA is finalizing acceptable listings for HFO-1234yf as proposed.

Comment: A different commenter provided detailed comments cautioning against listing HFO-1234yf due to environmental and public health concerns. This commenter stated that HFO-1234yf stands apart from the other substitutes because of a higher toxicity concern. They mentioned a by-product of breakdown called trifluoroacetic acid (TFA)—a substance they described as a per- and polyfluoroalkyl substance (PFAS). They stated that these short-chain PFAS are widely detected, persistent, and mobile in aquatic systems. The commenter noted that the TFA yield for HFO-1234yf (1.0) is higher than that of HFC-134a (0.2). They asserted negative impacts of TFA include toxicity to plants, harm to aquatic organisms, and potential harm to human and ecosystem health. The

commenter urged EPA not to list HFO-1234yf as there are other safer alternatives available for cold storage, IPR, commercial ice machines, food retail, chillers, ice skating rink and other end-uses, including low global warming potential hydrocarbons, carbon dioxide, and ammonia.

Response: EPA appreciates the information provided by a commenter on the atmospheric decomposition of HFO-1234yf to TFA. We note that several studies and reports provide further information about this topic. A 2014 study by Kazil, et al. analyzed TFA deposition in the United States assuming 100 percent of all motor vehicle air conditioning systems use HFO-1234yf, which was the largest use of HFO-1234yf at that time.⁸⁷ The results indicated that rainwater TFA concentrations, while varying strongly geographically, would on average be low compared to the levels at which toxic effects are observed in aquatic systems. Similarly, low TFA concentrations were estimated for emissions of HFO-1234yf from Asia in a 2021 study by David, et al.⁸⁸ The World Meteorological Organization (WMO) also provided a summary of key information pertaining to TFA in their 2022 report to the Montreal Protocol.⁸⁹ The report states:

The formation in the atmosphere of trifluoroacetic acid (TFA) is expected to increase in the coming decades due to increased use of HFOs and HCFOs. TFA, a breakdown product of some HFCs, HCFCs, HFOs and HCFOs, is a persistent chemical with potential harmful effects on animals, plants, and humans. The concentration of TFA in rainwater and ocean water is, in general, significantly below known toxicity limits at present. Potential environmental impacts of TFA require future evaluation due to its persistence. (p. 14)

Most TFA currently found in the environment resulting from decomposition of refrigerants likely

⁸⁷ Kazil et al., 2014. "Deposition and rainwater concentrations of trifluoroacetic acid in the United States from the use of HFO-1234yf" J. Kazil, S. McKeen, S.-W. Kim, R. Ahmadov, G.A. Grell, R.K. Talukdar, A.R. Ravishankara. *JGR Atmospheres*. Volume 119, Issue 24. December 27, 2014. Pages 14,059–14,079. October 31, 2014. Available online at <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2014JD022058>.

⁸⁸ David et al., 2021. "Trifluoroacetic acid deposition from emissions of HFO-1234yf in India, China, and the Middle East," Volume 21, issue 19. *Atmos. Chem. Phys.*, 21, 14833–14849, 2021. <https://doi.org/10.5194/acp-21-14833-2021>. Available online at <https://acp.copernicus.org/articles/21/14833/2021>.

⁸⁹ WMO, 2022. Executive Summary. Scientific Assessment of Ozone Depletion: 2022, GAW Report No. 278, 56 pp.; WMO: Geneva, 2022. Available online at <https://ozone.unep.org/system/files/documents/Scientific-Assessment-of-Ozone-Depletion-2022-Executive-Summary.pdf>.

derived from HFC-134a, which is being phased down and the use of which is anticipated to decrease in end-uses where safer alternatives are found acceptable under the SNAP program. EPA also notes that the modeling studies referenced generally assume a one-to-one substitution of HFO-1234yf for HFC-134a to be conservative. Any increase in TFA deposition due to this rule is expected to be less than the modeled increases in TFA from studies that found the levels of TFA in the environment remained, “too small to be a risk to the environment over the next few decades.” Use of HFO-1234yf and concerns about TFA in applications not addressed by this final rule are outside the scope of this rulemaking.

There are ongoing evaluations of the potential risks of TFA exposure. In 2020, the Environmental Effects Assessment Panel (EEAP) to the Montreal Protocol released an update⁹⁰ to its report on the environmental effects of stratospheric ozone depletion, UV radiation, and interactions with climate change, including the potential effects of TFA from ODS and their substitutes. That report noted that TFA “has a no-observed-effect-concentration (NOEC) for aquatic species, which is typically >10,000 µg/L,” while “analysis of 1187 samples of rainwater collected in eight locations across Germany in 2018–2019 showed median and a precipitation-weighted mean concentration of TFA of 0.210 µg/L and 0.335 µg/L, respectively,” and “another recent paper reported TFA . . . in precipitation in the low µg/L range across 28 cities in mainland China.” These studies and others led the EEAP to state, “Trifluoroacetic acid continues to be found in the environment, including in remote regions, although not at concentrations likely to have adverse toxicological consequences.”

In its 2021 Summary Update for Policymakers,⁹¹ the EEAP stated:

TFA likely has natural geochemical sources, is widely used in industry and research laboratories, and is a by-product of the synthesis and degradation of fluorinated

and perfluorinated compounds (PFCs) TFA has recently been found in precipitation, surface waters, and indoor dust in China . . . , although concentrations are below those considered toxic. No additional studies on the toxicity of TFA to organisms have been reported, but prior research has shown that this compound is not highly toxic to mammals and aquatic organisms, although some plants and algae may be sensitive At present, it is not possible to quantify the proportion of anthropogenic sources of TFA resulting from substances not falling under the purview of the Montreal Protocol, but available evidence indicates that this breakdown product is of minimal risk to human health. (p. 10; references in the text omitted here)

Most recently, in its 2022 Assessment Report,⁹² the EEAP stated:

TFA has a long environmental lifetime, accumulates in surface and ground waters, and has been found in blood, drinking water, beverages, dust, plants, and agricultural soils. However, it does not interact with biological molecules and, due to its high solubility in water, it does not bioaccumulate. It is unlikely to cause adverse effects in terrestrial and aquatic organisms. Continued monitoring and assessment are nevertheless advised due to uncertainties in the deposition of TFA and its potential effects on marine organisms (p.5)

The Montreal Protocol has led to the replacement of ODSs with fluorinated chemicals, some of which can undergo degradation in the atmosphere to give TFA in various yields. TFA is known to have a long environmental lifetime and accumulates in surface and ground waters. At present, there are large uncertainties associated with the concentrations of TFA in various environmental compartments in some regions, as well as the relative proportion of anthropogenic sources related to the Montreal Protocol, compared to the other anthropogenic and natural sources. There is some uncertainty in toxicity values because of the limited number of marine species tested. Current and predicted concentrations (to year 2100) of TFA in the oceans provide a large margin of exposure (thousand-fold) when compared to thresholds of toxicity. (p. 294)

EPA considers ecotoxicity as a criterion when evaluating alternatives under SNAP’s comparative risk framework, and the Agency has considered the potential impacts of TFA for the listings in this rule and in past actions that found HFO-1234yf acceptable in certain end-uses. For example, EPA studied the potential generation of TFA when first listing neat (i.e., 100 percent, not in blends) HFO-1234yf as acceptable, subject to use

conditions, in motor vehicle air conditioning. The myriad studies EPA referenced all concluded that the additional TFA from HFO-1234yf did not pose a significant additional risk, even if it were assumed to be used as the only refrigerant in all refrigeration and air conditioning equipment (76 FR 17492–17493, March 29, 2011). The Agency intends to continue its approach to evaluating the potential risks from TFA in future SNAP regulations.

With regard to the commenter’s stance that safer low-GWP substitutes than HFO-1234yf currently exist for these end-uses, EPA disagrees. A number of alternatives can meet low-GWP and safety goals and EPA evaluates these potential alternatives through a holistic risk screen analysis with overall impact to human health and the environment in mind. The SNAP program’s aim is to expand the list of available substitutes that successfully meet conservative risk screen analysis thresholds so that industry may pull from a number of substances that can be used in equipment and that suit their functionality and needs. Risk screens, which can be viewed under this rule’s docket, were performed for industrial process refrigeration, cold storage warehouses, ice skating rinks, commercial ice machines, and retail food refrigeration. The findings of these risk screens conclude that HFO-1234yf does not pose a safety risk if used according to the safety standards required in this rule’s use conditions, such as UL 60335–2–89. HFO-1234yf has a GWP less than one, is excluded from the regulatory definition of VOC for the purpose of addressing the development of SIPs to attain and maintain the NAAQS and can be used without exceeding health-based exposure limits in the end-uses where it is being listed. Therefore, EPA does not consider the overall risk to human health and the environment due to HFO-1234yf in this final rule to be greater than for other available or potentially available substitutes for the same uses.

Comment: One commenter noted support for listing HFO-1234ze. The commenter stated that industry has made significant investments in research and development and has expanded capacity for production of HFOs, which are used as refrigerants or components in refrigerant blends.

Response: EPA acknowledges the commenter’s support for listing HFO-1234ze in this rulemaking. EPA has finalized acceptable listings for HFO-1234ze(E) as proposed.

Comment: One commenter requested that EPA clarify whether the mention of

⁹⁰ EEAP, 2020. “Environmental effects of stratospheric ozone depletion, UV radiation, and interactions with climate change: UNEP Environmental Effects Assessment Panel, Update 2020.” Photochemical & Photobiological Sciences <https://doi.org/10.1007/s43630-020-00001-x>. Available online at: https://engineering.case.edu/centers/sdle/sites/engineering.case.edu.centers.sdle/files/neale_et_al._2021_-_environmental_effects_of_stratospheric_ozone_deple.pdf.

⁹¹ EEAP, 2021. “Summary Update 2021 for Policymakers” UNEP Environmental Effects Assessment Panel. Available online at https://ozone.unep.org/sites/default/files/assessment_panels/EEAP-summary-update-2021-for-policy-makers.pdf.

⁹² EEAP, 2023. 2022 Assessment Report of Stratospheric Ozone Depletion, UV Radiation, and Interactions with Climate Change. UNEP, Environmental Effects Assessment Panel. May, 2023. Available online at: <https://ozone.unep.org/system/files/documents/EEAP-2022-Assessment-Report-May2023.pdf>.

R-424A on page 33731 of the Proposed Rule should have read R-454A.

Response: EPA agrees and clarifies that the mention of R-424A should have instead read R-454A. We have updated this language in this preamble.

Comment: Two commenters expressed support for listing R-455A. They urged swift action by EPA to approve this substitute. One commenter added that R-455A will provide industry with additional options to assist in their transition away from higher-GWP products and will help users achieve a GWP limit of 150 for certain commercial refrigeration applications.

Response: EPA acknowledges the commenters' support for listing R-455A in this rulemaking. EPA is finalizing acceptable listing decisions for R-455A as proposed, including certain commercial refrigeration applications.

Comment: Seven commenters noted related aspects of the current rulemaking to rulemakings under the AIM Act. Three of these commenters explicitly mentioned this SNAP rulemaking as an opportunity to adopt lower-GWP refrigerants in line with the objectives of the Technology Transitions Rule. The three commenters supported EPA listing such additional low-GWP refrigerants.

One commenter noted that they particularly support certain charge size limits in some of the approvals, which will help EPA meet its goals under the proposed Technology Transition rule.

One commenter encouraged EPA to approve refrigerants on a priority basis for end-uses capable of complying with the HFC restrictions in the Technology Transitions Rule. The commenter stated that this will bring about a practical phase down of HFCs in these applications that are critical to health and human comfort.

Response: EPA plans to continue to review substitutes consistent with the SNAP program criteria, including atmospheric impacts such as climate impacts. EPA agrees with commenters that the alternatives addressed in this SNAP rulemaking will provide additional lower-GWP options to comply with the HFC restrictions in the Technology Transition regulations.

Comment: One commenter noted concerns related to a January 1, 2025, deadline under EPA's regulations implementing the AIM Act for transitioning to new lower-GWP refrigerants. This commenter stated that it is not possible to change hundreds of designs, test, and acquire UL approvals in that time period. The commenter mentioned that if suppliers cannot provide the equipment needed for this

transition it would have detrimental business consequences. The commenter added that it is difficult to find qualified engineers to develop these projects; failure to extend deadlines could potentially cause many small refrigeration companies to go out of business.

Response: Comments related to EPA's regulations under the AIM Act are outside the scope of this rulemaking.

Comment: A commenter opposed the use of R-454A (GWP 239) or any other refrigerant with a GWP greater than 150 in self-contained equipment that exceeds the 150 GWP limit proposed under the Technology Transitions Rule.

Response: To the extent that this comment relates to the Technology Transitions Rule, EPA notes that it is outside the scope of this rulemaking. To the extent the commenter is referring to self-contained commercial ice machines, see the response in Section II.C.6 of the preamble. If the commenter is referring to other self-contained equipment in addition to self-contained commercial ice machines, EPA notes that we did not propose to list, and are not listing, any refrigerants with a GWP greater than 150 in retail food refrigeration—stand-alone units or retail food refrigeration—refrigerated food processing and dispensing equipment.

Comment: Three commenters referenced refrigerants or end-uses that were not part of the proposal. Two commenters referenced standards and requirements related to residential and light commercial air conditioning and heat pumps. One of these commenters suggested that rather than designating a specific numerical charge limit for R-290 in the sector, the final rule should refer more generally to the maximum charge size as allowed in UL 484 or UL 60335-2-40, which would provide a mechanism for automatic adjustment in response to new information. Another commenter suggested harmonization of U.S. industry safety standards under UL 60335-2-40 and the ASHRAE 15 standard with the most recent edition of the IEC 60335-2-40 standard. This commenter stated that aligning to the IEC standard would accelerate the transition away from climate polluting substances in many air conditioning and heat-pump systems, such as R-410A (GWP >2,000), to sustainable alternatives, such as R-290 (GWP three). This commenter felt that adopting the IEC standard would usher in uptake of low-GWP refrigerants in the air conditioning and heat pump sectors, as evidenced by the swift transition to R-600a (GWP three) in the refrigerator market following a 2017 update to the UL standard. One commenter asked

EPA to consider listing substitutes that are not part of the proposal. They asked for EPA to consider listing HCFO-1233zd(E) and R-471A for use in commercial refrigeration generally to assist in the transition away from higher-GWP refrigerants.

Response: EPA acknowledges these comments expressing support for hydrocarbons and other lower-GWP refrigerants in AC equipment. EPA did not propose listings for refrigerants in AC, and therefore, these comments are outside the scope of this final rule. The Agency may consider proposing additional listings, including listings for lower-GWP refrigerants in residential and light commercial air conditioning and heat pumps, in future rulemakings and may also consider updating use conditions for existing hydrocarbon listings. The Agency also did not propose to list R-471A and HCFO-1233zd(E) for use in other end-uses; therefore, these comments are beyond the scope of this rulemaking. Every substitute listed under the SNAP program undergoes a comparative risk analysis for submitted end-uses; the substitutes suggested by commenters did not undergo risk screen review. To list the greatest number of low-GWP refrigerant options for industry to use as is possible, the commenters' suggested substitutes and end-uses will not be included within the scope of this rulemaking. EPA also notes that in other listing documents, we have listed both R-471A and HCFO-1233zd(E) as acceptable in some end-uses, e.g., listing of R-471A as acceptable in new equipment for retail food refrigeration, IPR, and cold storage warehouses (88 FR 61977, September 8, 2023).

Comment: One commenter noted that EPA identifies hydrocarbons and R-717 as secondary refrigerants and asserted that these would not be used as secondary fluids.

Response: EPA agrees with the commenter that hydrocarbons and R-717 would not typically be used as a secondary fluid that is pumped throughout a store to cases in a cascade system. Rather, hydrocarbons and R-717 could be used as the primary refrigerant used to cool a secondary fluid in a cascade system or secondary loop system. In the final rule, EPA is revising the statement to read, "Examples of secondary fluids include water, brine, propylene glycol, air, and carbon dioxide (CO₂)."

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be

found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review

This action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094 and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0226. The approved Information Collection Request includes five types of respondent reporting and recordkeeping activities pursuant to SNAP regulations: submission of a SNAP petition, filing a Toxic Substances Control Act (TSCA)/SNAP Addendum, notification for test marketing activity, recordkeeping for substitutes acceptable, subject to use restrictions, and recordkeeping for small volume uses. This rule contains no new requirements for reporting or recordkeeping.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule has no net burden on the small entities subject to the rule. This action lists additional options under SNAP for using HFC–32, HFO–1234yf, HFO–1234ze(E), R–290, R–454A, R–454B, R–454C, R–455A, R–457A, and R–516A in the specified end-uses, but does not mandate such use. Because equipment for HFO–1234yf, HFO–1234ze(E), R–454A, R–454B, R–454C, R–455A, R–457A, and R–516A is not manufactured yet in the U.S. for retail food refrigeration equipment, commercial ice machines, IPR, cold storage warehouses, and ice skating rinks, no change in business practice is

required to meet the use conditions, resulting in no adverse impact compared with the absence of this rule. The new use conditions for R–290 in stand-alone units and self-contained commercial ice machines were requested by industry and are consistent with the most recent, updated industry standard. These allow for greater consistency in business practices for different types of equipment using the same refrigerant, as well as provide greater flexibility in designing and manufacturing equipment. Equipment for R–290 already manufactured prior to the effective date of this rule will not be required to be changed. Stand-alone units and self-contained commercial ice machines using R–290 have been subject to similar use conditions, and thus the updated requirements result in no adverse impact compared with the absence of this rule. Thus, the rule does not impose new costs on small entities. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate of \$100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. 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.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not

apply to this action. EPA periodically updates Tribal officials on air regulations through the monthly meetings of the National Tribal Air Association and will share information on this rulemaking through this and other fora.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. While EPA has not conducted a separate analysis of risks to infants and children associated with this rule, the rule contains use conditions that reduce exposure risks to the general population, with the reduction of exposure being most important to the most sensitive individuals. This action's health and risk assessments are contained in the comparisons of toxicity for the various substitutes, as well as in the risk screens for the substitutes that are listed in this rule. The risk screens are in the docket for this rulemaking. However, EPA's *Policy on Children's Health* applies to this action.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act and Incorporation by Reference

This action involves technical standards. EPA has decided to use and incorporate by reference UL 60335–2–89, which establishes requirements for the evaluation of commercial refrigeration equipment and commercial ice machines and safe use of flammable refrigerants, among other things. This standard is discussed in greater detail in section II.H.1 of this preamble.

UL 60335–2–89, “Standard for Safety for Household And Similar Electrical Appliances—Safety—Part 2–89: Particular Requirements for Commercial Refrigerating Appliances and Ice-Makers with an Incorporated or Remote Refrigerant Unit or Motor Compressor,” 2nd edition, October 27, 2021, is available at: https://www.shopulstandards.com/ProductDetail.aspx?productId=UL60335-2-89_2_S_20211027, and may be purchased by mail at: COMM 2000, 151 Eastern Avenue, Bensenville, IL 60106; email: orders@shopulstandards.com; Telephone: 1–888–853–3503 in the U.S. or Canada (other countries dial 1–415–352–2178); internet address: <https://ulstandards.ul.com> or <https://www.shopulstandards.com>. The cost of the 2021 standard UL 60335–2–89 is \$519 for an electronic copy and \$649 for a hard copy. UL also offers a subscription service to the Standards Certification Customer Library that allows unlimited access to their standards and related documents. The cost of obtaining this standard is not a significant financial burden for equipment manufacturers and purchase is not necessary for those selling, installing, and servicing the equipment. Therefore, EPA concludes that the UL standard being incorporated by reference is reasonably available.

EPA is also incorporating by reference Chapter 2.2, Flammable Gasses, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition, copyright 2021, which define the GHS diamond symbol (pictogram) for hazard category 1 flammable gasses, in the use conditions for hazard labeling of commercial and industrial refrigeration equipment. Printed versions and electronic editable versions are available for sale at the United Nations Publications section at: <https://shop.un.org/books/global-harmon-syst-class-9-92280> and may be purchased by mail at: United Nations Publications Customer Service, P.O. Box 960, Herndon, VA 20172; by email at order@un.org; and by telephone at 1–703–661–1571. The cost of the 9th edition of the GHS is \$75.00 for an electronic copy or \$150.00 for a printed hard copy. A copyright permission request is not required for the use of up to 2 graphs, charges, tables, and figures. The cost of obtaining this standard is not a significant financial burden for equipment manufacturers or for those selling, installing, and servicing the equipment. Therefore, EPA concludes

that the material incorporated by reference is reasonably available.

EPA is also incorporating by reference ANSI/ASHRAE Standard 15–2022, Safety Standard for Refrigeration Systems, copyright 2022, in the use conditions for refrigerants listed for use in larger refrigeration equipment (see summary in Section II.A.4 of the preamble) and ANSI/ASHRAE Standard 34–2022, Designation and Safety Classification of Refrigerants, copyright 2022, in the use conditions for labeling refrigeration equipment with the safety classification of the refrigerant used (see summary in Section II.A.2 of the preamble). These standards are available at <https://www.ashrae.org/technical-resources/bookstore/ashrae-refrigeration-resources> and may be purchased by mail at: 180 Technology Parkway NW, Peachtree Corners, Georgia 30092; by telephone: 1–800–527–4723 in the U.S. or Canada. ASHRAE 15–2022 and ASHRAE 34–2022 are available as a bundle costing \$169.00 for an electronic copy or hard copy. The cost of obtaining the standard is not a significant financial burden for equipment manufacturers or for those selling, installing, and servicing the equipment. Therefore, EPA concludes that the ASHRAE standards incorporated by reference are reasonably available.

EPA is also incorporating by reference ANSI/ASHRAE Addendum a to ANSI/ASHRAE Standard 34–2022, Designation and Safety Classification of Refrigerants, ANSI/ASHRAE-approved December 20, 2022. This standard is available at <https://www.ashrae.org/technical-resources/standards-and-guidelines/standards-addenda>. Addenda for ASHRAE standards are available online in PDF format for free. Addendum a adds burning velocity data, updates some LFL values, and corrects several calculation errors that were identified, particularly for RCL values driven by flammability versus toxicity.

The following standards are already approved for incorporation by reference at the locations where they appear in the amendatory text: UL 471, UL 541, UL 484, UL 60335–2–24, and UL 60335–2–40.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

The EPA believes that the human health or environmental conditions that exist prior to this action result in or

have the potential to result in disproportionate and adverse human health or environmental effects on communities with environmental justice concerns. EPA's analysis indicates that other environmental impacts and human health impacts of listing HFC–32, HFO–1234yf, HFO–1234ze(E), R–290, R–454A, R–454B, R–454C, R–455A, R–457A, and R–516A in the end-uses addressed in this action are comparable to or less than those of other substitutes that are listed as acceptable for the same end-use. For example, these alternative refrigerants would likely have lower climate impacts because of their lower GWPs compared to other available substitutes for the same uses.

The EPA believes that it is not practicable to assess whether this action is likely to result in new disproportionate and adverse effects on communities with environmental justice concerns. Because adoption of the new substitutes listed in this rule is voluntary, the Agency is unable to quantify when, where, and how much of the listed substitutes will be produced and used. Thus, EPA cannot determine the extent to which this rule will exacerbate or reduce existing disproportionate adverse effects on communities of color and low-income people as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

However, the listings for HFC–32, HFO–1234yf, HFO–1234ze(E), R–290, R–454A, R–454B, R–454C, R–455A, R–457A, and R–516A in the end-uses addressed in this action provide additional lower-GWP or comparable alternatives in their respective end-uses. By providing lower-GWP or comparable alternatives for these end-uses, this rule is anticipated to reduce the use and eventual emissions of potent greenhouse gases in these end-uses, which could help to reduce the effects of climate change, including the existing disproportionate public health and welfare effects on communities with environmental justice concerns. The Agency will continue to evaluate the impacts of this program on communities with environmental justice concerns and consider further action, as appropriate.

The EPA additionally identified and addressed environmental justice concerns by conducting and sharing risk screens and air quality modeling to provide information to the public about the listed refrigerants contained in this rulemaking. The information supporting this Executive Order review is contained in the comparison of health and environmental risks for HFC–32, HFO–1234yf, HFO–1234ze(E), R–290, R–454A, R–454B, R–454C, R–455A, R–

457A, and R-516A as well as in the risk screens that are available in the docket for this rulemaking.

K. Congressional Review Act (CRA)

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

IV. References

Unless specified otherwise, all documents are available electronically at *regulations.gov*, docket number EPA-HQ-OAR-2023-0043.

- ASHRAE, 2022a. ANSI/ASHRAE Standard 15-2022: Safety Standard for Refrigeration Systems. 2022.
- ASHRAE, 2022b. ANSI/ASHRAE Standard 34-2022: Designation and Safety Classification of Refrigerants. 2022.
- ASHRAE, 2022c. Addendum a to ANSI/ASHRAE Standard 34-2022, Designation and Safety Classification of Refrigerants: ANSI—approved December 30, 2022.
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- Hodnebrog, et al., 2013. Hodnebrog, Ø., Etmann, M., Fuglestad, J.S., Marston, G., Myhre, G., Nielsen, C.J., Shine, K.P., and Wallington, T.J. (2013). Global Warming Potentials and Radiative Efficiencies of Halocarbons and Related Compounds: A Comprehensive Review, Reviews of Geophysics, 51, 300–378. Available at: doi.org/10.1002/rog.20013.
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- ICF, 2016. Additional Follow-on Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. September, 2016.
- ICF, 2022. Additional Assessment of the Potential Impact of Hydrocarbon Refrigerants on Ground Level Ozone Concentrations. May, 2022.
- ICF, 2024a. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: HFO-1234yf.
- ICF, 2024b. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: HFO-1234ze(E) (Solstice® ze, Solstice® 1234ze).
- ICF, 2024c. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R-454A (Opteon® XL40).
- ICF, 2024d. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R-454C (Opteon™ XL20).
- ICF, 2024e. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R-455A (Solstice® L40X).
- ICF, 2024f. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R-457A (Forane® 457A).
- ICF, 2024g. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: R-516A (Forane® 516A).
- ICF, 2024h. Risk Screen on Substitutes in Retail Food Refrigeration (New Equipment); Substitute: Propane (R-290).
- ICF, 2024i. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: HFC-32.
- ICF, 2024j. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: HFO-1234yf.
- ICF, 2024k. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-454A (Opteon® XL40).
- ICF, 2024l. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-454B (Opteon® XL41).
- ICF, 2024m. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-454C (Opteon™ XL20).
- ICF, 2024n. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-455A (Solstice® L40X).
- ICF, 2024o. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-457A (Forane® 457A).
- ICF, 2024p. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: R-516A (Forane® 516A).
- ICF, 2024q. Risk Screen on Substitutes in Commercial Ice Machines (New Equipment); Substitute: Propane (R-290).
- ICF, 2024r. Risk Screen on Substitutes in Industrial Process Refrigeration (New Equipment); Substitute: HFC-32 (Difluoromethane).
- ICF, 2024s. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: HFO-1234yf.
- ICF, 2024t. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: HFO-1234ze(E) (Solstice® ze, Solstice® 1234ze).
- ICF, 2024u. Risk Screen on Substitutes in Industrial Process Refrigeration and Cold Storage Warehouses (New Equipment); Substitute: R-454A (Opteon® XL40).
- ICF, 2024v. Risk Screen on Substitutes in Industrial Process Refrigeration (New Equipment); Substitute: R-454B (Opteon® XL41).
- ICF, 2024w. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: R-454C (Opteon™ XL20).
- ICF, 2024x. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: R-455A (Solstice® L40X).
- ICF, 2024y. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: R-457A (Forane® 457A).
- ICF, 2024z. Risk Screen on Substitutes in Industrial Process Refrigeration, Cold Storage Warehouses, and Ice Skating Rinks (New Equipment); Substitute: R-516A (Forane® 516A).
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- UL 471, 2010. Commercial Refrigerators and Freezers. 10th edition. Supplement SB: Requirements for Refrigerators and Freezers Employing a Flammable Refrigerant in the Refrigerating System. November 24, 2010.
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List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Stratospheric ozone layer.

Michael S. Regan,
Administrator.

For the reasons stated in the preamble, EPA amends 40 CFR part 82 as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart F—Recycling and Emissions Reduction

■ 2. Amend § 82.154 by revising paragraph (a)(1)(viii) to read as follows:

§ 82.154 Prohibitions.

(a) * * *

(1) * * *

(viii) Propane (R-290) in retail food refrigerators and freezers—stand-alone units; household refrigerators, freezers, and combination refrigerators and freezers; self-contained room air conditioners for residential and light commercial air-conditioning and heat pumps; vending machines; self-contained commercial ice machines, very low temperature refrigeration

equipment, and water coolers; and effective July 15, 2024, retail food refrigeration—refrigerated food processing and dispensing equipment;

* * * * *

Subpart G—Significant New Alternatives Policy Program

■ 3. Amend appendix R to subpart G of part 82 by:

■ a. Revising the heading; and

■ b. Revising the table titled “Substitutes That Are Acceptable Subject to Use Conditions.”

The revisions read as follows:

Appendix R to Subpart G of Part 82—Substitutes Subject to Use Restrictions Listed in the December 20, 2011, Final Rule, Effective February 21, 2012, in the April 10, 2015, Final Rule, Effective May 11, 2015, in the April 28, 2023, Final Rule, Effective May 30, 2023, and in the June 13, 2024, Final Rule, Effective July 15, 2024

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS

End-use	Substitute	Decision	Use conditions	Further information
1. Household refrigerators, freezers, and combination refrigerators and freezers (New equipment only).	Isobutane (R-600a), Propane (R-290), R-441A.	Acceptable subject to use conditions.	As of September 7, 2018: These refrigerants may be used only in new equipment designed specifically and clearly identified for the refrigerant (<i>i.e.</i> , none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for a different refrigerant). These refrigerants may be used only in a refrigerator or freezer, or combination refrigerator and freezer, that meets requirements listed in UL 60335–2–24. ^{1 2 6}	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation), 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and re-entry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling these refrigerants. Special care should be taken to avoid contact with the skin since these refrigerants, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on refrigerators and freezers with these refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service refrigerators and freezers containing these refrigerants. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
2. Retail Food Refrigeration—stand-alone units only (New equipment only) manufactured on or after February 21, 2012, and up to but not including 7/15/2024.	Isobutane (R-600a) Propane (R-290) R-441A.	Acceptable subject to use conditions.	These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerants (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). These substitutes may only be used in equipment that meets requirements in Supplement SB to UL 471.^{1,2,3} In cases where this listing 2 includes requirements more stringent than those of UL 471, the appliance must meet the requirements of this listing 2 in place of the requirements in the UL Standard. The charge size for the retail food refrigerator or freezer shall not exceed 150 grams (5.3 ounces) in each circuit. As provided in clauses SB6.1.2 to SB6.1.5 of UL 471,^{1,2,3} the following markings shall be attached at the locations provided and shall be permanent: (a) On or near any evaporators that can be contacted by the consumer: “DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing.” (b) Near the machine compartment: “DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (c) Near the machine compartment: “CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.” (d) On the exterior of the refrigerator: “CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (e) Near any and all exposed refrigerant tubing: “CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used.” All of these markings shall be in letters no less than 6.4 mm (¼ inch) high. The refrigerator or freezer must have red, Pantone® Matching System #185 or RAL 3020 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (<i>e.g.</i>, process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed.	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling propane. Special care should be taken to avoid contact with the skin since propane, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on refrigerators and freezers with propane. Recovery equipment designed for flammable refrigerants should be used. Only technicians specifically trained in handling flammable refrigerants should service refrigerators and freezers containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then stand-alone retail food refrigeration units using these refrigerants should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. “Differ” means that either the diameter differs by at least ¼ inch or the thread direction is reversed (<i>i.e.</i>, right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
3. Retail Food Refrigeration—stand-alone units only (New equipment only) manufactured from 7/15/2024, through September 29, 2024, or equipment manufactured on or after September 30, 2024, except for equipment manufactured on or after September 30, 2024, that remains unchanged, other than cosmetic changes, from an earlier model or design that was already certified to the UL 471 ^{1 2 3} standard before September 30, 2024.	Isobutane (R-600a) Propane (R-290) R-441A.	Acceptable subject to use conditions.	These substitutes may only be used in equipment that meets requirements of either: 1. Supplement SB to UL 471 ^{1 2 3} and listing 2 of this table or 2. ASHRAE 15–2022, ^{1 9 12} UL 60335–2–89, ^{1 2 8} and listing 4 of this table.	
4. Retail Food Refrigeration—stand-alone units only (New equipment only) manufactured on or after September 30, 2024, except for equipment manufactured on or after September 30, 2024, that remains unchanged, other than cosmetic changes, from an earlier model or design that was already certified to the UL 471 ^{1 2 3} standard before September 30, 2024.	Isobutane (R-600a) Propane (R-290) R-441A.	Acceptable subject to use conditions.	This refrigerant may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, this substitute may not be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). This refrigerant may be used in new stand-alone units if and only if such equipment meets all requirements listed in ASHRAE 15–2022.^{1 9 12} In cases where this listing 4 includes requirements different than those of ASHRAE 15–2022, the appliance would need to meet the requirements of this listing in addition to the requirements in ASHRAE 15–2022. This refrigerant may only be used in stand-alone units that meet all requirements in UL 60335–2–89^{1 2 8} except as provided otherwise in UL 60335–2–89, in ASHRAE 15–2022,^{1 9 12} or in this listing 4. In cases where this listing includes requirements more stringent than those of UL 60335–2–89, the appliance must meet the requirements of this listing 4 in addition to requirements in UL 60335–2–89. Where similar requirements of ASHRAE 15–2022 and UL 60335–2–89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 4. The following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(a) On the outside of the equipment: “DANGER—Risk of Fire Or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing” (b) On the outside of the equipment: “WARNING—Risk of Fire Or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the equipment near the compressor: “DANGER—Risk of Fire OR Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed” (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: “WARNING—Risk of Fire Due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations.” a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On the indoor unit near the nameplate: a. At the top of the marking: “Minimum Installation height, X m (W ft).” This marking is only required if required by UL 60335–2–89. The terms “X” and “W” shall be replaced by the numeric height as calculated per UL 60335–2–89. Note that the formatting here is slightly different than UL 60335–2–89; specifically, the height in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis. b. Immediately below a or at the top of the marking if a is not required: “Minimum room area (operating or storage), Y m² (Z ft²).” The terms “Y” and “Z” shall be replaced by the numeric area as calculated per UL 60335–2–89. Note that the formatting here is slightly different than UL 60335–2–89; specifically, the area in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: “WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition.” (g) For fixed equipment that is ducted, near the nameplate: “WARNING—Risk Of Fire Or Explosion—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions.” (h) All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed.	when working on equipment containing flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Any person commissioning, maintaining, repairing, decommissioning, and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 60355–2–89, 2nd edition.^{1 2 8} Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from stand-alone units are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
5. Very low temperature refrigeration. Non-mechanical heat transfer (New equipment only).	Ethane (R-170)	Acceptable subject to use conditions.	In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335-2-89,^{1 2 8} the equipment may display the GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border), as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition^{1 13 14} on the following three locations: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes) (service label). The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm (⁹/₁₆ in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34-2022,^{1 9 10 11} in letters at least one-third the height of the diamond symbol. This refrigerant may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, the substitute may not be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). This refrigerant may only be used in equipment that meets requirements in Supplement SB to UL 471.^{1 2 3} In cases where this listing 5 of this table includes requirements more stringent than those of UL 471, the appliance must meet the requirements of listing 5 of this table in place of the requirements in UL 471. The charge size for the equipment must not exceed 150 g (5.29 oz) in each circuit. As provided in clauses SB6.1.2 to SB6.1.5 of UL 471,^{1 2 3} the following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and re-entry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
6. Vending machines (New equipment only).	Isobutane (R-600a), Propane (R-290), R-441A.	Acceptable subject to use conditions.	(a) On or near any evaporators that can be contacted by the consumer: "DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing." (b) Near the machine compartment: "DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing." (c) Near the machine compartment: "CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed." (d) On the exterior of the refrigerator: "CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used." (e) Near any and all exposed refrigerant tubing: "CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used." All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The refrigeration equipment must have red, Pantone® Matching System #185 or RAL 3020 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed. These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerants (i.e., none of these substitutes may be used as a conversion or "retrofit" refrigerant for existing equipment designed for other refrigerants). Detaching and replacing the old refrigeration circuit from the outer casing of the equipment with a new one containing a new evaporator, condenser, and refrigerant tubing within the old casing is considered "new" equipment and not a retrofit of the old, existing equipment. These substitutes may only be used in equipment that meets requirements in Supplement SA to UL 541.^{1,2,5} In cases where this listing 6 of this table includes requirements more stringent than those of UL 541, the appliance must meet the requirements of this listing 6 of this table in place of the requirements in UL 541. The charge size for vending machines must not exceed 150 g (5.29 oz) in each circuit. As provided in clauses SA6.1.2 to SA6.1.5 of UL 541,^{1,2,5} the following markings must be attached at the locations provided and must be permanent:	should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling ethane. Special care should be taken to avoid contact with the skin since ethane, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service equipment containing ethane. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then refrigeration equipment using this refrigerant should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. "Differ" means that either the diameter differs by at least ¼ inch or the thread direction is reversed (i.e., right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor. An example of non-mechanical heat transfer using this refrigerant would be use in a secondary loop of a thermosiphon. Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and re-entry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling these refrigerants. Special care should be taken to avoid contact with the skin since these refrigerants, like many refrigerants, can cause freeze burns on the skin.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
7. Residential and light-commercial air conditioning and heat pumps—self-contained room air conditioners only (New equipment only).	Propane (R-290), R-441A.	Acceptable subject to use conditions.	(a) On or near any evaporators that can be contacted by the consumer: “DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing.” (b) Near the machine compartment: “DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (c) Near the machine compartment: “CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.” (d) On the exterior of the refrigerator: “CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (e) Near any and all exposed refrigerant tubing: “CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used.” All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The refrigeration equipment must have red, Pantone® Matching System #185 or RAL 3020 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (<i>e.g.</i>, process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed. These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerants (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). These refrigerants may only be used in equipment that meets requirements in Supplement SA and Appendices B through F of UL 484.^{1 2 4} In cases where listing 7 of this table includes requirements more stringent than those of UL 484, the appliance must meet the requirements of this listing 7 of this table in place of the requirements in UL 484. The charge size for the entire air conditioner must not exceed the maximum refrigerant mass determined according to Appendix F of UL 484 for the room size where the air conditioner is used. The charge size for these three refrigerants must in no case exceed 1,000 g (35.3 oz or 2.21 pounds) of propane or 1,000 g (35.3 oz or 2.21 pounds) of R-441A. For portable air conditioners, the charge size must in no case exceed 300 g (10.6 oz or 0.66 pounds) of propane or 330 g (11.6 oz or 0.72 pounds) of R-441A. The manufacturer must design a charge size for the entire air conditioner that does not exceed the amount specified for the unit’s cooling capacity, as specified in table A, B, C, D, or E of this appendix R.	A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on refrigeration equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing these refrigerants. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and re-entry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling these refrigerants. Special care should be taken to avoid contact with the skin since these refrigerants, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
8. Residential and light-commercial air conditioning and heat pumps—self-contained room air conditioners only (New equipment only) manufactured from May 10, 2015, and up to but not including May 30, 2023.	HFC-32	Acceptable subject to use conditions.	As provided in clauses SA6.1.2 to SA6.1.5 of UL 484,^{1 2 4} the following markings must be attached at the locations provided and must be permanent: (a) On the outside of the air conditioner: “DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (b) On the outside of the air conditioner: “CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the air conditioner near the compressor: “CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.” (d) On the outside of each portable air conditioner: “WARNING: Appliance shall be installed, operated and stored in a room with a floor area larger the “X” m² (Y ft²).” The value “X” on the label must be determined using the minimum room size in m² calculated using Appendix F of UL 484. For R-441A, use a lower flammability limit of 0.041 kg/m³ in calculations in Appendix F of UL 484. All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The air conditioning equipment must have red, Pantone® Matching System #185 or RAL 3020 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed. This refrigerant may be used only in new equipment specifically designed and clearly identified for the refrigerant (i.e., this substitute may not be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). This refrigerant may only be used in equipment that meets all requirements in Supplement SA and Appendices B through F of UL 484.^{1 2 4} In cases where this listing 8 of this table includes requirements more stringent than those of UL 484, the appliance must meet the requirements of listing 8 of this table in place of the requirements in UL 484. The charge size for the entire air conditioner must not exceed the maximum refrigerant mass determined according to Appendix F of UL 484 for the room size where the air conditioner is used. The manufacturer must design a charge size for the entire air conditioner that does not exceed the amount specified for the unit’s cooling capacity, as specified in table A, B, C, D, or E of this appendix. For equipment following this listing 8, and as provided in clauses SA6.1.2 to SA6.1.5 of UL 484,^{1 2 4} the following markings must be attached at the locations provided and must be permanent:	Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service air conditioning equipment containing these refrigerants. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then air conditioning equipment using this refrigerant should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. “Differ” means that either the diameter differs by at least ⅛ inch or the thread direction is reversed (i.e., right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor. Examples of air conditioning equipment in this category include window air conditioning units, portable room air conditioners, and packaged terminal air conditioners and heat pumps. Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and re-entry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling these refrigerants. Special care should be taken to avoid contact with the skin since these refrigerants, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
9. Residential and light-commercial air conditioning and heat pumps—self-contained room air conditioners only (New equipment only) manufactured from May 30, 2023 through January 1, 2024.	HFC-32	Acceptable subject to use conditions.	(a) On the outside of the air conditioner: “DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (b) On the outside of the air conditioner: “CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the air conditioner near the compressor: “CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.” (d) On the outside of each portable air conditioner: “WARNING: Appliance shall be installed, operated and stored in a room with a floor area larger the “X” m² (Y ft²).” The value “X” on the label must be determined using the minimum room size in m² calculated using Appendix F of UL 484. All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The air conditioning equipment must have red, Pantone® Matching System (PMS) #185 marked pipes, hoses, and other devices through which the refrigerant is serviced, typically known as the service port, to indicate the use of a flammable refrigerant. This color must be present at all service ports and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes). The color mark must extend at least 2.5 centimeters (1 inch) from the compressor and must be replaced if removed. This refrigerant may only be used in equipment that meets all requirements in either: (1) Supplement SA and Appendices B through F of UL 484^{1 2 4} and listing 8 of this table, or (2) UL 60335-2-40^{1 2 7} and listing 10 of this table.	Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing these refrigerants. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then air conditioning equipment using this refrigerant should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. “Differ” means that either the diameter differs by at least ⅛ inch or the thread direction is reversed (i.e., right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor. Air conditioning equipment in this category includes: Window air conditioning units. Portable room air conditioners. Packaged terminal air conditioners and heat pumps.

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
10. Residential and light-commercial air conditioning and heat pumps—self-contained room air conditioners only. (New equipment only) manufactured on or after January 2, 2024.	HFC-32	Acceptable subject to use conditions.	This refrigerant may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, this substitute may not be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). This substitute may only be used in air conditioning equipment that meets all requirements in UL 60335–2–40^{1 2 7} and this listing 10 of this table. In cases where this listing 10 includes requirements more stringent than those of UL 60335–2–40, the appliance must meet the requirements of this listing 10 in place of the requirements in UL 60335–2–40. The following markings must be attached at the locations provided and must be permanent: (a) On the outside of the equipment: “WARNING—Risk of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (b) On the outside of the equipment: “WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the equipment near the compressor: “WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed.”	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flam-

SUBSTITUTES THAT ARE ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: "WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations" a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On the equipment near the nameplate: a. At the top of the marking: "Minimum Installation height, X m (W ft)." This marking is only required if required by the UL 60335–2–40. The terms "X" and "W" shall be replaced by the numeric height as calculated per UL 60335–2–40. Note that the formatting here is slightly different than UL 60335–2–40; specifically, the height in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. b. Immediately below marking (a) of this listing 8 or at the top of the marking if marking (a) is not required: "Minimum room area (operating or storage), Y m² (Z ft²)." The terms "Y" and "Z" shall be replaced by the numeric area as calculated per UL 60335–2–40. Note that the formatting here is slightly different than UL 60335–2–40; specifically, the area in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: "WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition." (g) All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The equipment must have red Pantone Matching System (PMS) #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed.	flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex HH of UL 60335–2–40.^{2,7} CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from residential and light commercial air conditioning appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

¹ The Director of the Federal Register approves this incorporation by reference (5 U.S.C. 552(a) and 1 CFR part 51). You may inspect a copy at the U.S. EPA or at the National Archives and Records Administration (NARA). Contact the U.S. EPA at: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004, <https://www.epa.gov/dockets>, (202) 566–1742. For information on the availability of this material at NARA, visit <https://www.archives.gov/federal-register/cfr/ibr-locations> or email fr.inspection@nara.gov.

² You may obtain the UL material from: Underwriters Laboratories Inc. (UL) COMM 2000; 151 Eastern Avenue; Bensenville, IL 60106; phone: 1–888–853–3503 in the U.S. or Canada (other countries +1–415–352–2168); email: orders@shopulstandards.com; website: <https://ulstandards.ul.com> or www.shopulstandards.com.

³ UL 471. Commercial Refrigerators and Freezers. 10th edition. Supplement SB: Requirements for Refrigerators and Freezers Employing a Flammable Refrigerant in the Refrigerating System. November 24, 2010.

⁴ UL 484. Room Air Conditioners. 8th edition. Supplement SA: Requirements for Room Air Conditioners Employing a Flammable Refrigerant in the Refrigerating System and Appendices B through F. December 21, 2007, with changes through August 3, 2012.

⁵ UL 541. Refrigerated Vending Machines. 7th edition. Supplement SA: Requirements for Refrigerated Venders Employing a Flammable Refrigerant in the Refrigerating System. December 30, 2011.

⁶ UL 60335–2–24. Standard for Safety: Requirements for Household and Similar Electrical Appliances.—Safety—Part 2–24: Particular Requirements for Refrigerating Appliances, Ice-Cream Appliances and Ice-Makers. 2nd edition, dated April 28, 2017.

⁷ UL 60335–2–40. Standard for Safety: Household And Similar Electrical Appliances.—Safety—Part 2–40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers. 3rd edition, dated November 1, 2019.

⁸ UL 60335–2–89. Standard for Safety for Household and Similar Electrical Appliances.—Safety—Part 2–89: Particular Requirements for Commercial Refrigerating Appliances and Ice-Makers with an Incorporated or Remote Refrigerant Unit or Motor-Compressor. 2nd edition, dated October 27, 2021.

⁹ You may obtain the ANSI/ASHRAE material from: American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), 180 Technology Parkway NW, Peachtree Corners, Georgia 30092; phone: 1–800–527–4723 or 1–404–636–8400 in the U.S. or Canada; email: cservice@ashrae.org; website: <https://www.ashrae.org/technical-resources/bookstore/ashrae-refrigeration-resources>.

¹⁰ ANSI/ASHRAE Standard 34–2022. Designation and Safety Classification of Refrigerants, copyright 2022.

¹¹ ANSI/ASHRAE Addendum a to ANSI/ASHRAE Standard 34–2022, Designation and Safety Classification of Refrigerants, ANSI/ASHRAE-approved December 20, 2022.

¹² ANSI/ASHRAE Standard 15–2022. Safety Standard for Refrigeration Systems, copyright 2022.

¹³ You may obtain the material from the United Nations Publications section at: <https://shop.un.org/books/global-harmon-syst-class-9-92280>; United Nations Publications Customer Service, P.O. Box 960, Herndon, VA 20172; phone: 1–703–661–1571; email: order@un.org.

¹⁴ ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition, copyright 2021; Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables.

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The revisions read as follows:

**Appendix V to Subpart G of Part 82—
Substitutes Subject to Use Restrictions
and Unacceptable Substitutes Listed in
the December 1, 2016, Final Rule,
Effective January 3, 2017, and Listed in
the June 13, 2024 Final Rule, Effective
July 15, 2024**

- 4. Amend appendix V to subpart G of part 82 by:
 ■ a. Revising the heading; and
 ■ b. Revising the table titled “Refrigerants—Acceptable Subject to Use Conditions”.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS

End-use	Substitute	Decision	Use conditions	Further information
1. Commercial ice machines (self-contained) (new only) manufactured from January 3, 2017, and up to but not including 7/15/2024.	Propane (R–290) ..	Acceptable subject to use conditions.	This refrigerant may be used only in new equipment designed specifically and clearly identified for the refrigerant—<i>i.e.</i>, this refrigerant may not be used as a conversion or “retrofit” refrigerant for existing equipment. This refrigerant may be used only in self-contained commercial ice machines that meet requirements listed in Supplement SA to UL 563.^{12 5} In cases where this rule includes requirements more stringent than those in UL 563, the equipment must meet the requirements of the final rule in place of the requirements in the UL Standard. The charge size must not exceed 150 g (5.29 oz) in each refrigerant circuit of a commercial ice machine. As provided in clauses SA6.1.1 and SA6.1.2 of UL 563, the following markings must be attached at the locations provided and must be permanent: (a) “DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing.” This marking must be provided on or near any evaporators that can be contacted by the consumer. (b) “DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” This marking must be located near the machine compartment. (c) “CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed.” This marking must be located near the machine compartment. (d) “CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” This marking must be provided on the exterior of the refrigeration equipment. (e) “CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used.” This marking must be provided near all exposed refrigerant tubing. All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The equipment must have red Pantone® Matching System #185 marked pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch in both directions from such locations.	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation), 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and re-entry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling propane. Special care should be taken to avoid contact with the skin since propane, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on equipment with propane. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service equipment containing propane. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added then, commercial ice machines or equipment using propane should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. “Differ” means that either the diameter differs by at least ⅛ inch or the thread direction is reversed (<i>i.e.</i>, right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit and should not be accessed with an adaptor.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
2. Commercial ice machines (self-contained) (new only) manufactured on or after 7/15/2024, through September 29, 2024, or equipment manufactured on or after September 30, 2024, that remains unchanged, other than cosmetic changes, from an earlier model or design that was already certified to the UL 563 ^{1 2 5} standard before September 30, 2024.	Propane (R-290) ..	Acceptable subject to use conditions.	This refrigerant may be used only in self-contained commercial ice machines that meet requirements in either: 1. Supplement SA to UL 563 ^{1 2 5} and listing 1 of this table or 2. ASHRAE 15-2022, ^{1 7 8} UL 60335-2-89, ^{1 2 6} and listing 3 of this table.	
3. Commercial ice machines (self-contained) (new only) manufactured on or after September 30, 2024, except for equipment manufactured on or after September 30, 2024, that remains unchanged, other than cosmetic changes, from an earlier model or design that was already certified to the UL 563 ^{1 2 5} standard before September 30, 2024.	Propane (R-290) ..	Acceptable subject to use conditions.	This refrigerant may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). This refrigerant may be used in new commercial ice machines if and only if such equipment meets all requirements in ASHRAE 15-2022^{1 7 8}. In cases where this listing 3 includes requirements different than those of ASHRAE 15-2022^{1 7 8} the appliance would need to meet the requirements of this listing in place of the requirements in ASHRAE 15-2022. This refrigerant may only be used in commercial ice machines that meet all requirements in UL 60335-2-89,^{1 2 6} except as provided otherwise in UL 60335-2-89, in ASHRAE 15-2022, or in this listing 3. In cases where this listing includes requirements more stringent than those of UL 60335-2-89, the appliance must meet the requirements of this listing 3 in place of the requirements in the UL 60335-2-89. Where similar requirements of ASHRAE 15-2022 and UL 60335-2-89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 3. The following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(a) On the outside of the equipment: “DANGER—Risk of Fire Or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (b) On the outside of the equipment: “WARNING—Risk of Fire OR Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the equipment near the compressor: “DANGER—Risk of Fire Or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed.” (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: “DANGER—Risk of Fire or Explosion due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations” a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On indoor units near the nameplate: a. At the top of the marking: “Minimum Installation Height, X m (W ft)”. This marking is only required if required by UL 60335–2–89. The terms “X” and “W” shall be replaced by the numeric height as calculated per UL 60335–2–89. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: “Minimum room area (operating or storage), Y m² (Z ft²)”. The terms “Y” and “Z” shall be replaced by the numeric area as calculated per UL 60335–2–89. Note that the formatting here is slightly different than UL 60335–2–89; specifically, the area in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the appliance: “WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition.” (g) For fixed equipment that is ducted, near the nameplate: “WARNING—Risk of Fire Or Explosion—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions.” (h) All of these markings must be in letters no less than 6.4 mm (¼ inch) high.	Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 60355–2–89.^{1 2 5} Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from ice machine appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
4. Very low temperature refrigeration equipment (new only).	Propane (R-290) ..	Acceptable subject to use conditions.	The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25 mm) in both directions from such locations and shall be replaced if removed. In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335-2-89, the equipment may display the Globally Harmonized System of Classification and Labelling of Chemicals GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border), as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition^{1 11 12}: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes) (service label). The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm (9/16 in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34-2022,^{1 7 9 10} in letters at least one-third the height of the diamond symbol. As of January 3, 2017: This refrigerant may be used only in new equipment designed specifically and clearly identified for the refrigerant—i.e., this refrigerant may not be used as a conversion or “retrofit” refrigerant for existing equipment. This refrigerant may only be used in equipment that meets requirements in Supplement SB to UL 471.^{1 2 4} In cases where this listing 4 of this table includes requirements more stringent than those of UL 471, the appliance must meet the requirements of this listing 4 of this table in place of the requirements in UL 471. The charge size for the equipment must not exceed 150 grams (5.29 ounces) in each refrigerant circuit of the very low temperature refrigeration equipment. As provided in clauses SB6.1.2 to SB6.1.5 of UL 471, the following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and re-entry should occur only after the space has been properly ventilated.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
5. Water coolers (new only).	Propane (R-290) ..	Acceptable subject to use conditions.	(a) "DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing." This marking must be provided on or near any evaporators that can be contacted by the consumer. (b) "DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing." This marking must be located near the machine compartment. (c) "CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed." This marking must be located near the machine compartment. (d) "CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used." This marking must be provided on the exterior of the refrigeration equipment. (e) "CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used." This marking must be provided near all exposed refrigerant tubing. All of these markings must be in letters no less than 6.4 mm (1/4 inch) high. The equipment must have red Pantone® Matching System #185 marked pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch in both directions from such locations. This refrigerant may be used only in new equipment designed specifically and clearly identified for the refrigerant—<i>i.e.</i>, this refrigerant may not be used as a conversion or "retrofit" refrigerant for existing equipment. This refrigerant may be used only in water coolers that meet requirements listed in Supplement SB to UL 399^{1 2 3}. In cases where this listing 5 includes requirements more stringent than those of UL 399, the appliance must meet the requirements of this listing 5 in place of the requirements in UL 399. The charge size must not exceed 60 grams (2.12 ounces) per refrigerant circuit in the water cooler. The equipment must have red Pantone® Matching System #185 marked pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch in both directions from such locations. As provided in clauses SB6.1.2 to SB6.1.5 of UL 399, the following markings must be attached at the locations provided and must be permanent:	Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling propane. Special care should be taken to avoid contact with the skin since propane, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service equipment containing propane. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added, then very low temperature equipment using propane should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. "Differ" means that either the diameter differs by at least 1/16 inch or the thread direction is reversed (<i>i.e.</i>, right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor. Very low temperature equipment using propane may also use another acceptable refrigerant substitute in a separate refrigerant circuit or stage (<i>e.g.</i>, one temperature stage with propane and a second stage with ethane). Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), 1910.157 (portable fire extinguishers), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing hydrocarbon refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated and re-entry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling propane. Special care should be taken to avoid contact with the skin since propane, like many refrigerants, can cause freeze burns on the skin. A Class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on equipment with flammable refrigerants.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(a) "DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. Do Not Use Mechanical Devices To Defrost Refrigerator. Do Not Puncture Refrigerant Tubing." This marking must be provided on or near any evaporators that can be contacted by the consumer. (b) "DANGER—Risk of Fire or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing." This marking must be located near the machine compartment. (c) "CAUTION—Risk of Fire or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting To Service This Product. All Safety Precautions Must be Followed." This marking must be located near the machine compartment. (d) "CAUTION—Risk of Fire or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used." This marking must be provided on the exterior of the refrigeration equipment. (e) "CAUTION—Risk of Fire or Explosion Due To Puncture Of Refrigerant Tubing; Follow Handling Instructions Carefully. Flammable Refrigerant Used." This marking must be provided near all exposed refrigerant tubing.	Any recovery equipment used should be designed for flammable refrigerants. Any refrigerant releases should be in a well-ventilated area, such as outside of a building. Only technicians specifically trained in handling flammable refrigerants should service equipment containing propane. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. If a service port is added, then water coolers or equipment using propane should have service aperture fittings that differ from fittings used in equipment or containers using non-flammable refrigerant. "Differ" means that either the diameter differs by at least 1/16 inch or the thread direction is reversed (<i>i.e.</i>, right-handed vs. left-handed). These different fittings should be permanently affixed to the unit at the point of service and maintained until the end-of-life of the unit, and should not be accessed with an adaptor.

¹ The Director of the Federal Register approves this incorporation by reference (5 U.S.C. 552(a) and 1 CFR part 51). You may inspect a copy at the U.S. EPA or at the National Archives and Records Administration (NARA). Contact the U.S. EPA at: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004, www.epa.gov/dockets; (202) 202-1744. 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.

² You may obtain the UL material from: Underwriters Laboratories Inc. (UL) COMM 2000; 151 Eastern Avenue; Bensenville, IL 60106; phone: 1-888-853-3503 in the U.S. or Canada (other countries +1-415-352-2168); email: orders@shopulstandards.com; website: <https://ulstandards.ul.com> or www.shopulstandards.com.

³ UL 399, Standard for Safety: Drinking Water Coolers—Supplement SB: Requirements for Drinking Water Coolers Employing a Flammable Refrigerant in the Refrigerating System, 7th edition, dated August 22, 2008, including revisions through October 17, 2013.

⁴ UL 471, Standard for Safety: Commercial Refrigerators and Freezers. Supplement SB: Requirements for Refrigerators and Freezers Employing a Flammable Refrigerant in the Refrigerating System, 10th edition, dated November 24, 2010.

⁵ UL 563, Standard for Safety: Ice Makers. Supplement SA: Requirements for Ice Makers Employing a Flammable Refrigerant in the Refrigerating System, 8th edition, dated July 31, 2009, including revisions through November 29, 2013.

⁶ UL 60335-2-89, Standard for Safety for Household and Similar Electrical Appliances—Safety—Part 2-89: Particular Requirements for Commercial Refrigerating Appliances, 2nd edition, dated October 27, 2021.

⁷ You may obtain the ANSI/ASHRAE material from: American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), 180 Technology Parkway NW, Peachtree Corners, Georgia 30092; phone: 1-800-527-4723 or 1-404-636-8400 in the U.S. or Canada; email: cservice@ashrae.org; website: <https://www.ashrae.org/technical-resources/bookstore/ashrae-refrigeration-resources>.

⁸ ANSI/ASHRAE Standard 15-2022. Safety Standard for Refrigeration Systems, copyright 2022.

⁹ ANSI/ASHRAE Standard 34-2022. Designation and Safety Classification of Refrigerants, copyright 2022.

¹⁰ ANSI/ASHRAE Addendum a to ANSI/ASHRAE Standard 34-2022, Designation and Safety Classification of Refrigerants, ANSI/ASHRAE-approved December 20, 2022.

¹¹ You may obtain the UN material from the United Nations Publications section at: <https://shop.un.org/books/global-harmon-syst-class-9-92280>; by mail: United Nations Publications Customer Service, PO Box 960, Herndon, VA 20172; phone: 1-703-661-1571; email: order@un.org.

¹² ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition, copyright 2021; Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables.

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■ 5. Add appendix Y to subpart G of part 82 to read as follows:

**Appendix Y to Subpart G of Part 82—
Substitutes Listed in the June 13, 2024,
Final Rule, Effective July 15, 2024**

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS

End-use	Substitute	Decision	Use conditions	Further information
1. Retail Food Refrigeration—Stand-alone units and refrigerated food processing and dispensing equipment, excluding refrigerated food processing and dispensing equipment that is within the scope of UL 621 (Ice Cream Makers) (New only).	HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A.	Acceptable subject to use conditions.	These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). These refrigerants may be used in stand-alone units and refrigerated food processing and dispensing equipment if and only if such equipment meets requirements listed in ASHRAE 15–2022.^{1 4 5} In cases where this listing includes requirements different than those of ASHRAE 15–2022, the appliance would need to meet the requirements of this listing 1 in place of the requirements in ASHRAE 15–2022. These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335–2–89,^{1 2 3} except as provided otherwise in UL 60335–2–89, in ASHRAE 15–2022, or in this listing 1. This listing 1 does not apply to refrigerated food processing and dispensing equipment that is within the scope of UL 621 (Ice Cream Makers). In cases where this listing includes requirements more stringent than those of UL 60335–2–89, the appliance must meet the requirements of this listing 1 in place of the requirements in UL 60335–2–89. Where similar requirements of ASHRAE 15–2022 and UL 60335–2–89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 1. The following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). It is the obligation of regulated entities to inform themselves of and comply with any other applicable legal obligations or restrictions. Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(a) On the outside of the equipment: "WARNING—Risk of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing." (b) On the outside of the equipment: "WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used." (c) On the inside of the equipment near the compressor: "WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed." (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: "WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations" a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On the equipment near the nameplate: a. At the top of the marking: "Minimum Installation Height, X m (W ft)". This marking is only required if required by UL 60335–2–89. The terms "X" and "W" shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: "Minimum room area (operating or storage), Y m² (Z ft²)". The terms "Y" and "Z" shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: "WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition." (g) For fixed equipment that is ducted, near the nameplate: "WARNING—Risk of Fire—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions." (h) All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed.	Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 60355–2–89.^{1 2 3} CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from retail food refrigeration appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
2. Retail Food Refrigeration—Refrigerated food processing and dispensing equipment (New only)—excluding refrigerated food processing and dispensing equipment that is within the scope of UL 621 (Ice Cream Makers).	Propane (R-290) ..	Acceptable subject to use conditions.	In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335–2–89, the equipment may display the GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border) as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition^{1 8 9} on the following three locations: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes) (service label). The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm (⁹/₁₆ in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34–2022,^{1 4 6 7} in letters at least one-third the height of the diamond symbol. This refrigerant may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, the substitute may not be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). This refrigerant may be used in refrigerated food processing and dispensing equipment if and only if such equipment meets requirements listed in ASHRAE 15–2022.^{1 4 5} In cases where this listing 2 includes requirements different than those of ASHRAE 15–2022, the appliance would need to meet the requirements of this listing 2 in place of requirements in the ASHRAE Standard. These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335–2–89,^{1 2 3} except as provided otherwise in UL 60335–2–89, in ASHRAE 15–2022, or in this listing 2. This listing 2 does not apply to refrigerated food processing and dispensing equipment that is within the scope of UL 621 (Ice Cream Makers). In cases where this listing includes requirements more stringent than those of UL 60335–2–89, the appliance must meet the requirements of this listing 2 in place of the requirements in UL 60335–2–89. Where similar requirements of ASHRAE 15–2022 and UL 60335–2–89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 2. The following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). It is the obligation of regulated entities to inform themselves of and comply with any other applicable legal obligations or restrictions. Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(a) On the outside of the equipment: “DANGER—Risk of Fire Or Explosion. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (b) On the outside of the equipment: “WARNING—Risk of Fire Or Explosion. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the equipment near the compressor: “DANGER—Risk Of Fire Or Explosion. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed.” (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: “DANGER—Risk of Fire or Explosion due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations” a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On the equipment near the nameplate: a. At the top of the marking: “Minimum Installation Height, X m (W ft)”. This marking is only required if required by UL 60335–2–89. The terms “X” and “W” shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: “Minimum room area (operating or storage), Y m² (Z ft²)”. The terms “Y” and “Z” shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: “WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition.” (g) For fixed equipment that is ducted, near the nameplate: “WARNING—Risk of Fire or Explosion—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions.” (h) All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed.	Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 260355–2–89.^{1 2 3} CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from retail food refrigeration appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
3. Retail Food Refrigeration—Remote condensing units and supermarket systems (New only).	HFO-1234yf, HFO-1234ze(E), R-454A, R-454C, R-455A, R-457A, and R-516A.	Acceptable subject to use conditions.	In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335-2-89, the equipment may display the GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border), as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition^{1 8 9} on the following three locations: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (<i>e.g.</i>, process tubes) (service label). The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm (⁹/₁₆ in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34-2022,^{1 4 6 7} in letters at least one-third the height of the diamond symbol. These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). These refrigerants may be used in remote condensing units and supermarket systems if and only if such equipment meets requirements listed in ASHRAE 15-2022.^{1 4 5} In cases where this listing includes requirements different than those of ASHRAE 15-2022, the appliance would need to meet the requirements of this listing 3 in place of requirements in the ASHRAE Standard. These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335-2-89,^{1 2 3} except as provided otherwise in UL 60335-2-89, in ASHRAE 15-2022, or in this listing 3. In cases where this listing includes requirements more stringent than those of UL 60335-2-89, the appliance must meet the requirements of this listing 3 in place of the requirements in UL 60335-2-89. Where similar requirements of ASHRAE 15-2022 and UL 60335-2-89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 3. The following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). It is the obligation of regulated entities to inform themselves of and comply with any other applicable legal obligations or restrictions. Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(a) On the outside of the equipment: "WARNING—Risk of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing." (b) On the outside of the equipment: "WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used." (c) On the inside of the equipment near the compressor: "WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed." (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: "WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations" a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On the equipment near the nameplate: a. At the top of the marking: "Minimum Installation Height, X m (W ft)". This marking is only required if required by UL 60335–2–89. The terms "X" and "W" shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: "Minimum room area (operating or storage), Y m² (Z ft²)". The terms "Y" and "Z" shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: "WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition." (g) For fixed equipment that is ducted, near the nameplate: "WARNING—Risk of Fire—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions." (h) All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25 mm) in both directions from such locations and shall be replaced if removed.	Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 260355–2–89.^{1 2 3} CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from retail food refrigeration appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
4. Commercial Ice Machines (New only).	HFO-1234yf, R-454C, R-455A, R-457A, and R-516A.	Acceptable subject to use conditions.	In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335-2-89, the equipment may display the GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border), as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition,^{1 8 9} on the following three locations: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (<i>e.g.</i>, process tubes) (service label) The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm ($\frac{9}{16}$ in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34-2022,^{1 4 6 7} in letters at least one-third the height of the diamond symbol. The substitute R-454A may only be used in equipment with a refrigerant charge capacity less than 200 pounds, or in the high-temperature side of a cascade system. These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, none of these substitutes may be used as a conversion or "retrofit" refrigerant for existing equipment designed for other refrigerants). These refrigerants may be used in new commercial ice machines if and only if such equipment meets requirements listed in ASHRAE 15-2022.^{1 4 5} In cases where this listing includes requirements different than those of ASHRAE 15-2022, the appliance would need to meet the requirements of this listing 4 in place of the requirements in ASHRAE 15-2022. These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335-2-89,^{1 2 3} except as provided otherwise in UL 60335-2-89, in ASHRAE 15-2022, or in this listing 4. In cases where this listing includes requirements more stringent than those of UL 60335-2-89, the appliance must meet the requirements of this listing 4 in place of the requirements in UL 60335-2-89. Where similar requirements of ASHRAE 15-2022 and UL 60335-2-89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 4. condition shall apply unless superseded by this listing 4. The following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). It is the obligation of regulated entities to inform themselves of and comply with any other applicable legal obligations or restrictions. Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(a) On the outside of the equipment: "WARNING—Risk of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing." (b) On the outside of the equipment: "WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used." (c) On the inside of the equipment near the compressor: "WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed." (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: "WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations" a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On the equipment near the nameplate: a. At the top of the marking: "Minimum Installation Height, X m (W ft)". This marking is only required if required by UL 60335–2–89. The terms "X" and "W" shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: "Minimum room area (operating or storage), Y m² (Z ft²)". The terms "Y" and "Z" shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: "WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition." (g) For fixed equipment that is ducted, near the nameplate: "WARNING—Risk of Fire—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions." (h) All of these markings must be in letters no less than 6.4 mm (¼ inch) high.	Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 260355–2–89.¹²³ CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from commercial ice machine appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
5. Commercial Ice Machines (New only)—as of 7/15/2024, for commercial ice machines with a remote compressor, for batch-type self-contained automatic commercial ice machines with a harvest rate above 1,000 lb ice per 24 hours and for continuous type self-contained automatic commercial ice machines with a harvest rate above 1,200 lb ice per 24 hours; for other types, as of [date reserved].	HFC-32, R-454A, R-454B.	Acceptable subject to use conditions.	The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed. In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335-2-89, the equipment may display the GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border), as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition,^{1 8 9} on the following three locations: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes) (service label). The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm (⁹/₁₆ in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34-2022,^{1 4 6 7} in letters at least one-third the height of the diamond symbol. These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). These refrigerants may be used in new commercial ice machines if and only if such equipment meets requirements in ASHRAE 15-2022.^{1 4 5} In cases where this listing includes requirements different than those of ASHRAE 15-2022, the appliance would need to meet the requirements of this listing 5 in place of the requirements in ASHRAE 15-2022. These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335-2-89,^{1 2 3} except as provided otherwise in UL 60335-2-89, in ASHRAE 15-2022, or in this listing 5. In cases where this listing includes requirements more stringent than those of UL 60335-2-89, the appliance must meet the requirements of this listing 5 in place of the requirements in UL 60335-2-89. Where similar requirements of ASHRAE 15-2022 and UL 60335-2-89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 5. The following markings must be attached at the locations provided and must be permanent:	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). It is the obligation of regulated entities to inform themselves of and comply with any other applicable legal obligations or restrictions. Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(a) On the outside of the equipment: "WARNING—Risk of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing." (b) On the outside of the equipment: "WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used." (c) On the inside of the equipment near the compressor: "WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed." (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: "WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations" a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On the equipment near the nameplate: a. At the top of the marking: "Minimum Installation Height, X m (W ft)". This marking is only required if required by UL 60335-2-89. The terms "X" and "W" shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: "Minimum room area (operating or storage), Y m² (Z ft²)". The terms "Y" and "Z" shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: "WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition." (g) For fixed equipment that is ducted, near the nameplate: "WARNING—Risk of Fire—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions." (h) All of these markings must be in letters no less than 6.4 mm (¼ inch) high. The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed.	Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 260355-2-89.^{1 2 3} CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from commercial ice machine appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
6. Industrial Process Refrigeration (New only).	HFC-32, HFO-1234yf, HFO-1234ze(E), R-454A, R-454B, R-454C, R-455A, R-457A, and R-516A.	Acceptable subject to use conditions.	In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335-2-89, the equipment may display the GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border), as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition^{1 8 9} on the following three locations: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes) (service label). The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm (⁹/₁₆ in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34-2022,^{1 4 6 7} in letters at least one-third the height of the diamond symbol. These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). These refrigerants may be used in industrial process refrigeration equipment if and only if such equipment meets requirements in ASHRAE 15-2022.^{1 4 5} In cases where this listing includes requirements different than those of ASHRAE 15-2022, the appliance would need to meet the requirements of this listing 6 in place of the requirements in ASHRAE 15-2022. These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335-2-89,^{1 2 3} except as provided otherwise in UL 60335-2-89, in ASHRAE 15-2022, or in this listing 6. In cases where this listing includes requirements more stringent than those of UL 60335-2-89, the appliance must meet the requirements of this listing 6 in place of the requirements in UL 60335-2-89. Where similar requirements of ASHRAE 15-2022 and UL 60335-2-89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 6.	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			The following markings must be attached at the locations provided and must be permanent: (a) On the outside of the equipment: “WARNING—Risk of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (b) On the outside of the equipment: “WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the equipment near the compressor: “WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed.” (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: “WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations” a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate. (e) On the equipment near the nameplate: a. At the top of the marking: “Minimum Installation Height, X m (W ft)”. This marking is only required if required by UL 60335–2–89. The terms “X” and “W” shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: “Minimum room area (operating or storage), Y m² (Z ft²)”. The terms “Y” and “Z” shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word “and” has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: “WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition.” (g) For fixed equipment that is ducted, near the nameplate: “WARNING—Risk of Fire—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions.” (h) All of these markings must be in letters no less than 6.4 mm (¼ inch) high.	Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 260355–2–89.¹²³ CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from industrial process refrigeration appliances are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed. In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335-2-89, the equipment may display the GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border), as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition,^{1 8 9} on the following three locations: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes) (service label). The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm (9/16 in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34-2022,^{1 4 6 7} in letters at least one-third the height of the diamond symbol. The substitute R-454A may only be used in chillers for industrial process refrigeration, in equipment with the refrigerant temperature entering the evaporator less than or equal to -30 °C, in equipment with a refrigerant charge capacity less than 200 pounds and with the refrigerant temperature entering the evaporator higher than -30 °C, and in the high-temperature side of a cascade system with the refrigerant temperature entering the evaporator higher than -30 °C. The substitutes HFC-32 and R-454B may only be used in chillers for industrial process refrigeration, or in equipment with the refrigerant temperature entering the evaporator less than or equal to -30 °C.	

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
7. Cold Storage Warehouses (New only).	HFO-1234yf, HFO-1234ze(E), R-454A, R-454C, R-455A, R-457A, and R-516A.	Acceptable subject to use conditions.	These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). These refrigerants may be used in cold storage warehouses if and only if such equipment meets requirements in ASHRAE 15–2022.^{1 4 5} In cases where this listing includes requirements different than those of ASHRAE 15–2022, the appliance would need to meet the requirements of this listing 7 in place of the requirements in ASHRAE 15–2022. These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335–2–89,^{1 2 3} except as provided otherwise in UL 60335–2–89, in ASHRAE 15–2022, or in this listing 7. In cases where this listing includes requirements more stringent than those of UL 60335–2–89, the appliance must meet the requirements of this listing 7 in place of the requirements in UL 60335–2–89. Where similar requirements of ASHRAE 15–2022 and UL 60335–2–89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 7. The following markings must be attached at the locations provided and must be permanent: (a) On the outside of the equipment: “WARNING—Risk of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (b) On the outside of the equipment: “WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the equipment near the compressor: “WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner's Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed.” (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: “WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations” a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate.	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 260355–2–89.^{1 2 3} CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from cold storage warehouses are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(e) On the equipment near the nameplate: a. At the top of the marking: "Minimum Installation Height, X m (W ft)". This marking is only required if required by UL 60335–2–89. The terms "X" and "W" shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: "Minimum room area (operating or storage), Y m² (Z ft²)". The terms "Y" and "Z" shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: "WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition." (g) For fixed equipment that is ducted, near the nameplate: "WARNING—Risk of Fire—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions." (h) All of these markings must be in letters no less than 6.4 mm (1/4 inch) high. The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed. In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335–2–89, the equipment may display the GHS warning symbol for hazard category 1 flammable gases (black flame on a white background in a diamond with equal length sides with a red border), as defined in Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables, of ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition,¹⁸⁹ on the following three locations: • Outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes) (service label).	

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
8. Ice Skating Rinks (New only; Equipment with remote compressors).	HFO-1234yf, HFO-1234ze(E), R-454C, R-455A, R-457A, and R-516A.	Acceptable subject to use conditions.	The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm ($\frac{9}{16}$ in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant to ASHRAE 34–2022,^{1,4,6,7} in letters at least one-third the height of the diamond symbol. The substitute R-454A may only be used either in equipment with a refrigerant charge capacity less than 200 pounds or in the high-temperature side of a cascade system. These refrigerants may be used only in new equipment specifically designed and clearly identified for the refrigerant (<i>i.e.</i>, none of these substitutes may be used as a conversion or “retrofit” refrigerant for existing equipment designed for other refrigerants). These refrigerants may be used in ice skating rinks with remote compressors if and only if such equipment meets requirements in ASHRAE 15–2022.^{1,4,5} In cases where this listing includes requirements different than those of ASHRAE 15–2022, the appliance would need to meet the requirements of this listing 8 in place of the requirements in ASHRAE 15–2022. These refrigerants may only be used in refrigeration equipment that meets all requirements in UL 60335–2–89,^{1,2,3} except as provided otherwise in UL 60335–2–89, in ASHRAE 15–2022, or in this listing 8. In cases where this listing includes requirements more stringent than those of UL 60335–2–89, the appliance must meet the requirements of this listing 8 in place of the requirements in UL 60335–2–89. Where similar requirements of ASHRAE 15–2022 and UL 60335–2–89 differ, the more stringent or conservative condition shall apply unless superseded by this listing 8. The following markings must be attached at the locations provided and must be permanent: (a) On the outside of the equipment: “WARNING—Risk of Fire. Flammable Refrigerant Used. To Be Repaired Only By Trained Service Personnel. Do Not Puncture Refrigerant Tubing.” (b) On the outside of the equipment: “WARNING—Risk of Fire. Dispose of Properly In Accordance With Federal Or Local Regulations. Flammable Refrigerant Used.” (c) On the inside of the equipment near the compressor: “WARNING—Risk of Fire. Flammable Refrigerant Used. Consult Repair Manual/Owner’s Guide Before Attempting to Service This Product. All Safety Precautions Must be Followed.” (d) For any equipment pre-charged at the factory, on the equipment packaging or on the outside of the equipment: “WARNING—Risk of Fire due to Flammable Refrigerant Used. Follow Handling Instructions Carefully in Compliance with National Regulations” a. If the equipment is delivered packaged, this label shall be applied on the packaging. b. If the equipment is not delivered packaged, this label shall be applied on the outside of the equipment near the control panel or nameplate.	Applicable OSHA requirements at 29 CFR part 1910 must be followed, including those at 29 CFR 1910.94 (ventilation) and 1910.106 (flammable and combustible liquids), 1910.110 (storage and handling of liquefied petroleum gases), and 1910.1000 (toxic and hazardous substances). Proper ventilation should be maintained at all times during the manufacture and storage of equipment containing flammable refrigerants through adherence to good manufacturing practices as per 29 CFR 1910.106. If refrigerant levels in the air surrounding the equipment rise above one-fourth of the lower flammability limit, the space should be evacuated, and reentry should occur only after the space has been properly ventilated. Technicians and equipment manufacturers should wear appropriate personal protective equipment, including chemical goggles and protective gloves, when handling flammable refrigerants. Special care should be taken to avoid contact with the skin which, like many refrigerants, can cause freeze burns on the skin. A class B dry powder type fire extinguisher should be kept nearby. Technicians should only use spark-proof tools when working on air conditioning equipment with flammable refrigerants. Any recovery equipment used should be designed for flammable refrigerants. Only technicians specifically trained in handling flammable refrigerants should service refrigeration equipment containing this refrigerant. Technicians should gain an understanding of minimizing the risk of fire and the steps to use flammable refrigerants safely. Room occupants should evacuate the space immediately following the accidental release of this refrigerant. Personnel commissioning, maintaining, repairing, decommissioning and disposing of appliances with this refrigerant should obtain training and follow practices consistent with Annex 101.DVT of UL 260355–2–89.^{2,3} CAA section 608(c)(2) prohibits knowingly venting or otherwise knowingly releasing or disposing of substitute refrigerants in the course of maintaining, servicing, repairing or disposing of an appliance or industrial process refrigeration. Department of Transportation requirements for transport of flammable gases must be followed. Flammable refrigerants being recovered or otherwise disposed of from ice skating rinks are likely to be hazardous waste under the Resource Conservation and Recovery Act (RCRA) (see 40 CFR parts 260 through 270).

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			(e) On the equipment near the nameplate: a. At the top of the marking: "Minimum Installation Height, X m (W ft)". This marking is only required if required by UL 60335-2-89. The terms "X" and "W" shall be replaced by the numeric height as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the height in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. b. Immediately below (a) above or at the top of the marking if (a) is not required: "Minimum room area (operating or storage), Y m² (Z ft²)". The terms "Y" and "Z" shall be replaced by the numeric area as calculated per the UL Standard. Note that the formatting here is slightly different than the UL Standard; specifically, the area in Inch-Pound units is placed in parentheses and the word "and" has been replaced by the opening parenthesis. (f) For non-fixed equipment, on the outside of the product: "WARNING—Risk of Fire or Explosion—Store in a well-ventilated room without continuously operating flames or other potential ignition." (g) For fixed equipment that is ducted, near the nameplate: "WARNING—Risk of Fire—Auxiliary devices which may be ignition sources shall not be installed in the ductwork, other than auxiliary devices listed for use with the specific appliance. See instructions." (h) All of these markings must be in letters no less than 6.4 mm (1/4 inch) high. The equipment must have red Pantone® Matching System #185 or RAL 3020 marked service ports, pipes, hoses, or other devices through which the refrigerant passes, to indicate the use of a flammable refrigerant. This color must be applied at all service ports and other parts of the system where service puncturing or other actions creating an opening from the refrigerant circuit to the atmosphere might be expected and must extend a minimum of one (1) inch (25mm) in both directions from such locations and shall be replaced if removed. In addition to or instead of the markings described in Clause 7.6DV D1 of UL 60335-2-89, the equipment may display the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) warning symbol for hazard category 1 flammable gases^{1 7 8} (black flame on a white background in a diamond with equal length sides with a red border) on the following three locations: • outside of the equipment (label (a)); • on the appliance packaging for a factory-charged unit or adjacent to the control panel or nameplate of a unit charged in place (label (d)); and • in a location visible when accessing a service port and where service puncturing or otherwise creating an opening from the refrigerant circuit to the atmosphere might be expected (e.g., process tubes) (service label).	

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

End-use	Substitute	Decision	Use conditions	Further information
			The perpendicular height of the diamond containing the GHS warning symbol for hazard category 1 flammable gases shall be at least 15 mm ($\frac{9}{16}$ in). In addition, next to the GHS warning symbol for hazard category 1 flammable gases must be text of the refrigerant safety class of the refrigerant according to ASHRAE 34–2022, ^{1 4 6 7} in letters at least one-third the height of the diamond symbol.	

¹ The Director of the Federal Register approves this incorporation by reference (5 U.S.C. 552(a) and 1 CFR part 51). You may inspect a copy at the U.S. EPA or at the National Archives and Records Administration (NARA). Contact the U.S. EPA at: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004, www.epa.gov/dockets; (202) 202–1744. 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.

² You may obtain the UL material from: Underwriters Laboratories Inc. (UL) COMM 2000; 151 Eastern Avenue; Bensenville, IL 60106; phone: 1–888–853–3503 in the U.S. or Canada (other countries +1–415–352–2168); email: orders@shopulstandards.com; website: <https://ulstandards.ul.com> or www.shopulstandards.com.

³ UL 60335–2–89, Standard for Safety for Household and Similar Electrical Appliances—Safety—Part 2–89: Particular Requirements for Commercial Refrigerating Appliances, 2nd edition, dated October 27, 2021.

⁴ You may obtain the ANSI/ASHRAE material from: American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), 180 Technology Parkway NW, Peachtree Corners, Georgia 30092; phone: 1–800–527–4723 or 1–404–636–8400 in the U.S. or Canada; email: cservice@ashrae.org; website: <https://www.ashrae.org/technical-resources/bookstore/ashrae-refrigeration-resources>.

⁵ ANSI/ASHRAE Standard 15–2022. Safety Standard for Refrigeration Systems, copyright 2022.

⁶ ANSI/ASHRAE Standard 34–2022. Designation and Safety Classification of Refrigerants, copyright 2022.

⁷ ANSI/ASHRAE Addendum a to ANSI/ASHRAE Standard 34–2022, Designation and Safety Classification of Refrigerants, ANSI/ASHRAE-approved December 20, 2022.

⁸ You may obtain the UN material from the United Nations Publications section at: <https://shop.un.org/books/global-harmon-syst-class-9-92280>; by mail: United Nations Publications Customer Service, P.O. Box 960, Herndon, VA 20172; phone: 1–703–661–1571; email: order@un.org.

⁹ ST/SG/AC.10/30/Rev.9, Global Harmonized System (GHS) of Classification and Labelling of Chemicals, Ninth revised edition, copyright 2021; Chapter 2.2, Flammable Gases, and Annex 1, Classification and Labelling Summary Tables.

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