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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.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0235; Project Identifier MCAI–2022–01376–R; Amendment 39–22747; AD 2024–10–02]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW189 helicopters. This AD was prompted by a report of an uncommanded deployment of the emergency life-raft system (ELS). This AD requires a one-time inspection of the life-raft installations and, depending on the results, accomplishing additional actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 22, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 22, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0235; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the EASA AD, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

• You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2024–0235.

Other Related Service Information: For Leonardo Helicopters service information identified in this final rule, contact Leonardo S.p.A., Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; phone (+39) 0331–225074; fax (+39) 0331–229046; website *customerportal.leonardocompany.com/en-US/.* You may also view this service information at the FAA contact information under *Material Incorporated by Reference* above.

FOR FURTHER INFORMATION CONTACT: Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0214, dated October 21, 2022 (EASA AD 2022–0214), to correct an unsafe condition on certain serial-numbered Leonardo S.p.A. Model AW189 helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Leonardo S.p.a. Model AW189 helicopters. The NPRM published in the **Federal Register** on February 27, 2024 (89 FR 14420). The NPRM was prompted by a report of an uncommanded deployment of the ELS. Subsequent investigation determined incorrect installation of its control cable could have caused the occurrence. The NPRM proposed to require a one-time inspection of the life-raft installations and, depending on the results, accomplishing additional actions, as specified in EASA AD 2022–0214.

The FAA is issuing this AD to address unintended activation and deployment of the ELS. The unsafe condition, if not addressed, could result in unintended activation and deployment of the ELS in flight with possible impact on the rotors, resulting in reduced control of the helicopter.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0214 requires a one-time inspection of both the left- and right-side life-raft installations for certain serial-numbered helicopters and, depending on findings, replacing its control cable and checking the assembly, replacing a cable pulley cover, correcting the cable installation, and replacing the life-raft assembly, as applicable.

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

Other Related Service Information

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No.189–315, dated October 20, 2022. This service information specifies procedures for inspecting the ELS.

Differences Between This AD and the EASA AD

The service information referenced in EASA AD 2022–0214 specifies taking pictures, completing an inspection report, and sending removed parts to the

manufacturer, whereas this AD does not include those actions.

The service information referenced in EASA AD 2022–0214 cautions that step 3.3 shall be performed by trained operators or by authorized service stations only, whereas this AD requires that step to be accomplished by persons authorized under 14 CFR 43.3.

EASA AD 2022–0214 refers to the emergency life-raft assembly inspection as a ''check,'' whereas this AD refers to that action as an ''inspection'' because that action must be accomplished by persons authorized under 14 CFR 43.3.

EASA AD 2022–0214 allows installing inoperative placard(s) in clear view of both pilots to defer certain corrective action, provided all flight crews are informed and, thereafter, the helicopter is operated accordingly. FAA regulations mandate compliance with placards. However, this AD does not require informing flight crews or operating the helicopter accordingly because compliance with such requirements in an AD is impracticable to demonstrate or track on an ongoing basis; therefore, a requirement to operate the aircraft in such a manner is unenforceable. Nonetheless, flight crews of the helicopters identified in the applicability must operate in accordance with the placard(s) in this AD.

Costs of Compliance

The FAA estimates that this AD affects 4 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Inspecting the left- and right-hand side life-raft installations will take approximately 4 work-hours for an estimated cost of $340 per helicopter and $1,360 for the U.S. fleet.

If required, replacing a control cable and inspecting the life-raft assembly will take approximately 1 work-hour and parts cost approximately $1,665 for an estimated cost of $1,750 per side. If required, replacing a pulley cover will take approximately 0.5 work-hour and parts cost approximately $100 for an estimated cost of $143 per side. If required, correcting the cable installation will take approximately 4 work-hours and cost approximately $340 per side. If required, replacing a life raft assembly will take approximately 4 work-hours and parts cost approximately $125,700 for an estimated cost of $126,040 per side.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–10–02 Leonardo S.p.a.: Amendment 39–22747; Docket No. FAA–2024–0235; Project Identifier MCAI–2022–01376–R.

(a) Effective Date

This airworthiness directive (AD) is effective July 22, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW189 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0214, dated October 21, 2022 (EASA AD 2022–0214).

(d) Subject

Joint Aircraft Service Component (JASC) Code 2564, Life Raft.

(e) Unsafe Condition

This AD was prompted by a report of an uncommanded deployment of the Emergency life-raft system (ELS), possibly due to an incorrect installation of its control cable. The FAA is issuing this AD to address unintended activation and deployment of the ELS. The unsafe condition, if not addressed, could result in unintended activation and deployment of the ELS in flight with possible impact on the rotors, resulting in reduced control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0214.

(h) Exceptions to EASA AD 2022–0214

(1) Where EASA AD 2022–0214 refers to ''flight hours,'' this AD requires replacing those words with ''hours time-in-service.''

(2) Where EASA AD 2022–0214 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 specifies taking pictures and completing the inspection report, this AD does not include those requirements.

(4) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 states, ''damage (*e.g.,* wear or bird caging)'' or ''damaged'' when referring to the control cable that comes out from the sheath; for this AD, replace that text with, ''damage, which may be indicated by wear, corrosion, a broken wire, a necked down section, a kink, bird-caging, a flattened area, abrasion, or gouging.''

(5) Where the service information referenced in paragraph (1) of EASA AD

2022–0214 states, ''condition (no sign of damage, cracks or missing parts)'' or ''damaged'' when referring to the break-away pin; for this AD, replace that text with, ''damage, which may be indicated by wear, corrosion, nick, cracks, or distortion.''

(6) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 states, ''condition,'' ''damage/wear,'' and ''damages'' when referring to the pulley cover; for this AD, replace that text with, ''damage, which may be indicated by abrasion, cracks, punctures, cuts, corrosion, or distortion.''

(7) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 specifies removing the pully cover in case it is not possible to properly inspect the whole cover; for this AD, removing the pulley cover to inspect the whole cover is required.

(8) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 cautions that step 3.3 shall be performed by trained operators or by authorized service stations only, this AD does not include those cautions. For this AD, step 3.3 must be accomplished by persons authorized under 14 CFR 43.3.

(9) Where paragraph (2) of EASA AD 2022–0214 specifies ''accomplish a check of the affected emergency life-raft assembly,'' this AD requires replacing that text with ''accomplish an emergency life-raft assembly inspection.''

(10) Where paragraph (4) of EASA AD 2022–0214 specifies ''during the check of the emergency life-raft assembly as required by paragraph (2) of this AD,'' this AD requires replacing that text with ''during the life-raft assembly inspection as required by paragraph (2) of this AD.''

(11) Where paragraph (5) of EASA AD 2022–0214 specifies ''before next flight after the check as required by paragraph (2) of this AD,'' this AD requires replacing that text with ''before next flight after the life-raft assembly inspection as required by paragraph (2) of this AD.''

(12) Where paragraph (5) of EASA AD 2022–0214 specifies to inform all flight crews and, thereafter, operate the helicopter accordingly, this AD does not require those actions.

(13) Where Table 1 of paragraph (5) of EASA AD 2022–0214 specifies ''Within 120 days after accomplishment of the inspection as required by paragraph (1) of this AD'', this AD requires replacing that text with ''Before next flight over water.''

(14) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0214.

(i) No Reporting or Return of Parts

Although the service information referenced in EASA AD 2022–0214 specifies to submit certain information and send removed parts to the manufacturer, this AD does not include those requirements.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(k) Related Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0214, dated October 21, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0214, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find the EASA material on the EASA website *ad.easa.europa.eu.*

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

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

Issued on May 8, 2024.

James D. Foltz,

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

[FR Doc. 2024–13163 Filed 6–14–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1292; Project Identifier MCAI–2023–00908–T; Amendment 39–22743; AD 2024–09–01]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A11 airplanes. This AD was prompted by a design review that found that the heat generated by a thermal runaway event, caused by the lithium batteries of the wardrobe personal locator beacon (PLB) would not be sufficiently mitigated by the PLB design to prevent any adverse effect on the two portable oxygen cylinder assemblies located near the PLB installation. This AD requires relocation and replacement of the existing PLB with a new PLB part number at the left-side forward wardrobe assembly, as specified in a Transport Canada AD, which is incorporated by reference. This AD also prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 2, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 2, 2024.

The FAA must receive comments on this AD by August 1, 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–2024–1292; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca;* website *tc.canada.ca/en/aviation.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1292.

FOR FURTHER INFORMATION CONTACT: William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–1292; Project Identifier MCAI–2023–00908–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2023–57, dated July 25, 2023 (Transport Canada AD CF–2023–57) (also referred to after this as the MCAI), to correct an unsafe condition on certain Airbus Canada Limited Partnership Model BD–500–1A11 airplanes. The MCAI states that a design review of the wardrobe PLB with lithium batteries indicated that certain original design assumptions were incorrect. The subject PLB, if installed, is in the left-side forward wardrobe. It was found that the heat generated by a thermal runaway event, caused by the lithium batteries, would not be sufficiently mitigated by the PLB design to prevent any adverse effect on the two portable oxygen cylinder assemblies (POCAs) located near the PLB installation. As a result, a thermal runaway could lead to the release of oxygen from each POCA, which could feed the fire caused by the thermal runaway of the lithium batteries.

The FAA is issuing this AD to prevent a lithium battery fire of the PLB at the left-side forward wardrobe assembly. The unsafe condition, if not addressed, could result in fire and smoke in the cabin leading to reduced ability of the flightcrew to maintain the safe flight and landing of the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1292.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2023–57, which specifies procedures for removal of the PLB part number (P/N) 500–12Y, modification of the left-side forward wardrobe assembly, and installation of a new PLB P/N 500–32–2Y–H with a new mounting bracket and hardware attachments. 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 AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in Transport Canada AD CF–2023–57 described previously, except for any differences identified as exceptions in the regulatory text of this AD. This AD also prohibits the installation of affected parts.

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, Transport Canada AD CF–2023–57 is incorporated by reference in this AD. This AD requires compliance with Transport Canada AD CF–2023–57 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Service information required by Transport Canada AD CF–2023–57 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1292 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those

procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Registry in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product
3 work-hours × $85 per hour = $255	(*)	$255

* The FAA has received no definitive data on which to base the cost estimates for the parts specified in this AD.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–09–01 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–22743; Docket No. FAA–2024–1292; Project Identifier MCAI–2023–00908–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 2, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2023–57, dated July 25, 2023 (Transport Canada AD CF–2023–57).

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by a design review that found that the heat generated by a thermal runaway event, caused by the lithium batteries of the wardrobe personal locator beacon (PLB) would not be sufficiently mitigated by the PLB design to prevent any adverse effect on the two portable oxygen cylinder assemblies located near the PLB installation. The FAA is issuing this AD to prevent a lithium battery fire at the left-side forward wardrobe assembly. The unsafe condition, if not addressed, could result in fire and smoke in the cabin leading to reduced ability of the flightcrew to maintain the safe flight and landing of the airplane.

(f) Compliance

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

(g) PLB Relocation and Replacement

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2023–57.

(h) Exception To Transport Canada AD CF–2023–57

Where Transport Canada AD CF–2023–57 refers to its effective date, this AD requires using the effective date of this AD.

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install a PLB part number 500–12Y on any airplane.

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

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

(k) Additional Information

For more information about this AD, contact William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2023–57, dated July 25, 2023.

(ii) [Reserved]

(3) For Transport Canada AD CF–2023–57, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca;* website *tc.canada.ca/en/aviation.*

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

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

Issued on June 11, 2024.

Suzanne Masterson,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2024–13141 Filed 6–14–24; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 146

RIN 3038–AF22

Privacy Act Regulations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is adopting amendments to certain of its regulations regarding exemptions for certain systems of records from one or more provisions of the Privacy Act of 1974 (Privacy Act) in order to better conform to the requirements of the Privacy Act and the guidance contained in Office of Management and Budget (OMB) Circular A–108, *Federal Agency Responsibilities for Review, Reporting, and Publication Under the Privacy Act* (OMB A–108). The final rule more specifically identifies the systems of records currently included in the regulation, adds additional systems of records that the Commission is exempting, enumerates the sections of the Privacy Act from which the Commission is exempting each system of records, sets forth the reasons for those exemptions, and reorganizes the regulations for ease of reference.

DATES: This rule is effective July 17, 2024.

FOR FURTHER INFORMATION CONTACT: Kellie Cosgrove Riley, Chief Privacy Officer, *privacy@cftc.gov,* 202–418–5610, Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Privacy Act

The Privacy Act [1] establishes a code of fair information practice principles that govern Federal agencies' collection, maintenance, use, and dissemination of an individual's personal information. The Privacy Act applies to information that is maintained in a ''system of records,'' defined as a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.[2]

In addition to establishing a code of fair information practice principles, the Privacy Act restricts disclosure of records containing personal information that an agency maintains.[3] The Privacy Act also grants individuals an increased right of access to records maintained about themselves as well as the right to request amendment of those records upon a showing that they are not accurate, relevant, timely, or complete.[4] The Privacy Act also permits agencies, where certain requirements are met and subject to limitations set forth in the Privacy Act, to specifically exempt systems of records from certain provisions of the Privacy Act, mainly pertaining to the Privacy Act's provisions permitting individuals to access and request amendment of their records.[5] In order to claim an exemption, the agency must engage in a rulemaking process pursuant to the Administrative Procedure Act [6] and make clear to the public why particular exemptions are being invoked.[7]

II. The Proposal

On February 2, 2024, the Commission published a notice of proposed rulemaking (NPRM) [8] to revise certain of the Commission's part 146 regulations.[9] Current Commission regulations §§ 146.12 and 146.13 (together, Privacy Act regulations) assert exemptions for certain of the Commission's systems of records that contain records related to the Commission's investigatory mission and personnel security obligations. After reviewing those regulations, the Commission preliminarily determined that the current Privacy Act regulations do not include all of the systems of records for which the Commission would, in fact, assert exemptions, and those systems of records that are currently referenced are not clearly identified with each system of records' number and accurate title. The Commission also preliminarily determined to add more specificity regarding the rationale for exempting each of the systems of records in order to better demonstrate the Commission's compliance with sections (j) and (k) of the Privacy Act [10] and the corresponding guidance in OMB CircularA–108. [11]

[1] 5 U.S.C. 552a.

[2] 5 U.S.C. 552a(a)(5).

[3] 5 U.S.C. 552a(b).

[4] 5 U.S.C. 552a(d).

[5] 5 U.S.C. 552a(j) and (k).

[6] 5 U.S.C. 553.

[7] 5 U.S.C. 552a(j) and (k).

[8] 89 FR 7307 (Feb. 2, 2024).

[9] 17 CFR part 146.

[10] 5 U.S.C. 552a(j) and (k).

[11] OMB A–108, available at *https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A108/omb_circular_a-108.pdf, at page 25.*

OMB A–108, issued in 2016, provides that, at minimum, an agency's Privacy Act exemption regulations shall include the specific name of any systems of records that will be exempt pursuant to the regulations, the specific provisions of the Privacy Act from which the systems of records will be exempt and the reasons therefor, and an explanation of why the exemption is necessary and appropriate.

In the NPRM, the Commission proposed to identify more specifically CFTC–10 Investigatory Records, CFTC–31 Closed Commission Meetings, and CFTC–44 Personnel Clearance System, identified in the current Privacy Act regulations as Exempted Investigatory Records, Exempted Closed Commission Meetings, and Exempted Employee Background Investigation Material, respectively; and proposed to add CFTC–1 Enforcement Matter Register and Matter Indices, CFTC–12 National Futures Association (NFA) Applications Suite System, and CFTC–49 Whistleblower Records. The Commission also proposed to remove Privacy Act regulation § 146.13, which provides for exempting CFTC–32 Office of the Inspector General Investigative Files, in favor of incorporating that system of records and the corresponding exemptions into Privacy Act regulation § 146.12. In addition, for all of the identified systems of records, the Commission proposed to specifically enumerate each provision of the Privacy Act from which each system of records was being exempted and the rationale for each exemption. Finally, the Commission proposed to reorganize the regulations for ease of reference.

III. Comments

The Commission requested comment on the justification for and the scope of each of the proposed exemptions. The Commission received no comments regarding the proposed modification to its Privacy Act regulations nor regarding any of the related matters for which comment was requested in the NPRM. Accordingly, the Commission is adopting the proposed modifications with no changes for the reasons set forth in the NPRM, as explained below.

IV. Final Rule

The Commission is modifying Privacy Act regulation § 146.12 to add additional systems of records that the Commission is exempting from certain provisions of the Privacy Act, clearly identify those which it has previously exempted, remove current Privacy Act regulation § 146.13 in favor of adding the exemptions for the Office of Inspector General's system of records to § 146.12, and add more specificity regarding the rationale for exempting each of the systems of records in order to better demonstrate the Commission's compliance with sections (j) and (k) of the Privacy Act [12] and the corresponding guidance in OMB Circular A–108.[13] Specifically, the Commission is exempting the following systems of records:

1. CFTC–1 Enforcement Matter Register and Matter Indices (CFTC–1)

CFTC–1 contains an index and registry of enforcement investigations. The Commission is exempting this system of records because the records are compiled for law enforcement purposes and must be protected from disclosure in order to maintain the integrity of the investigative process and not provide to any individual an opportunity to access records and compromise that process, such as through the destruction of evidence, interference with witnesses, or otherwise. In addition, the Commission is exempting this system of records in order to keep confidential the identity of sources who provided information to the Commission during the course of the investigation under an express promise that their identities would remain confidential. If an individual can access the identities of confidential sources, those sources may be unwilling to provide information that the Commission needs for its law enforcement activities. Specifically, the Commission is exempting CFTC–1, pursuant to section (k)(2) of the Privacy Act [14] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f).

2. CFTC–10 Investigatory Records (CFTC–10)

CFTC–10 contains records compiled for law enforcement purposes, including records developed during an investigation of violations or potential violations of the Commodity Exchange Act (CEA or Act).[15] The Commission is identifying this system of records by its proper title and number, rather than as ''Exempted Investigatory Records'' as it was previously identified in the regulations, and setting forth the specific reasons for which it is being exempted from particular provisions of the Privacy Act. To that end, the Commission is exempting this system of records because the records must be protected from disclosure in order to maintain the integrity of the investigative process and not provide an individual an opportunity to access records and compromise that process, such as through the destruction of evidence, interference with witnesses, or otherwise. In addition, the Commission is exempting this system of records in order to keep confidential the identity of sources who provided information to the Commission during the course of the investigation under an express promise that their identities would remain confidential. If an individual can access the identities of confidential sources, those sources may be unwilling to provide information that the Commission needs for its law enforcement activities. Specifically, the Commission is exempting CFTC–10, pursuant to section (k)(2) of the Privacy Act [16] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f).

3. CFTC–12 National Futures Association (NFA) Applications Suite System (CFTC–12)

CFTC–12 contains records held by NFA on behalf of the Commission by delegated authority to support the Commission's registration and other regulatory authority. These records include records pertaining to the fitness of individuals to be registered with the Commission and engage in business activities that are subject to the Commission's jurisdiction and records pertaining to disciplinary or other adverse action investigated or taken with respect to individual registrants. The Commission is exempting this system of records because, to the extent the records pertaining to individuals that NFA holds on behalf of the Commission are investigatory records compiled for law enforcement purposes, they must be protected from disclosure in order to maintain the integrity of the investigative process and not provide to any individual an opportunity to access records and compromise that process, such as through the destruction of evidence, interference with witnesses, or otherwise. In addition, the Commission is exempting this system of records in order to keep confidential the identity of sources who provided information to NFA acting on behalf of the Commission during the course of the investigation under an express promise

[12] 5 U.S.C. 552a(j) and (k).

[13] OMB A–108, available at *https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A108/omb_circular_a-108.pdf, at page 25.*

[14] 5 U.S.C. 552a(k)(2).

[15] 7 U.S.C. 1 *et seq.*

[16] 5 U.S.C. 552a(k)(2).

that their identities would remain confidential. If an individual can access the identities of confidential sources, those sources may be unwilling to provide information that the Commission needs for its law enforcement activities. Specifically, the Commission is exempting CFTC–12, pursuant to section (k)(2) of the Privacy Act [17] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f).

4. CFTC–31 Closed Commission Meetings (CFTC–31)

CFTC–31 contains records about individuals who are the subject of discussion at closed Commission meetings, including those who are the subject of investigations or who are being considered for employment. The Commission is identifying this system of records by its proper title and number rather than ''Exempted Closed Commission Meetings'' as it was previously identified in the regulations and setting forth the specific reasons for which it is being exempted from particular provisions of the Privacy Act. To that end, to the extent the records in this system of records pertain to law enforcement investigations, the Commission is exempting this system of records because the records must be protected from disclosure in order to maintain the integrity of the investigative process and not provide to any individual an opportunity to compromise that process, such as through the destruction of evidence, interference with witnesses, or otherwise. In addition, the Commission is exempting this system of records in order to keep confidential the identity of sources who provided information to the Commission during the course of the investigation under an express promise that their identities would remain confidential. If an individual can access the identities of confidential sources, those sources may be unwilling to provide information that the Commission needs for its law enforcement activities. Finally, to the extent records in this system of records are compiled solely for the purpose of determining the suitability, eligibility, or qualifications of an individual who is being considered for employment with the Commission, the Commission is exempting this system of records where the disclosure of records would reveal the identity of somebody who provided information in the context of the Commission's determination and who had expressly requested that their identity remain confidential. The Commission has determined that such an exemption is necessary in order to obtain information relevant to its eligibility determinations. Accordingly, the Commission is exempting CFTC–31, pursuant to sections (k)(2) and (5) of the Privacy Act [18] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f).

5. CFTC–32 Office of the Inspector General Investigative Files (CFTC–32)

CFTC–32 contains records relevant to criminal and civil investigations conducted by the Office of the Inspector General (OIG). This system of records was previously included in the Commission regulation § 146.13 with exemptions promulgated pursuant to sections (j)(2) and (k)(2) of the Privacy Act, the former for records related to the OIG's criminal law enforcement activities and the latter for investigatory records compiled for law enforcement purposes not within the scope of section (j)(2). The Commission concluded that a separate Privacy Act regulation § 146.13 for exemptions taken for this OIG system of records is not required by the Privacy Act or OMB guidance. Accordingly, the Commission, after consultation with the OIG, is removing current Commission regulation § 146.13 and incorporating the exemptions for CFTC–32 into Commission regulation § 146.12. Moreover, the Commission is setting forth the specific reasons for which this system of records is being exempted from particular provisions of the Privacy Act. To that end, the Commission is exempting this system of records because the records must be protected from disclosure in order to maintain the integrity of the investigative process and not provide to any individual an opportunity to access records and compromise that process, such as through the destruction of evidence, interference with witnesses, or otherwise. In addition, the Commission is exempting this system of records in order to keep confidential the identity of sources who provided information to the Commission during the course of the investigation under an express promise that their identities would remain confidential. This is consistent with the Inspector General Act of 1978, as amended, which prohibits disclosing the identities of Federal employees who submit complaints or other information related to investigations to the Office of the Inspector General.[19]

If an individual can access the identities of confidential sources, those sources may be unwilling to provide information that the Commission needs for its law enforcement activities, Federal employee and contractor witnesses may risk retaliation in the Federal workplace, and any witness may risk witness interference tactics including threats, harassment, and physical and emotional harm. Specifically, the Commission is exempting this system of records, pursuant to section (j)(2) of the Privacy Act [20] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3) and (4); (d)(1) through (4); (e)(1) through (3), (e)(4)(G) through (I), (e)(5) and (8); (f); and (g). In addition, the Commission is exempting this system of records, pursuant to section (k)(2) of the Privacy Act [21] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f).

6. CFTC–44 Personnel Clearance System (CFTC–44)

CFTC–44 contains records related to the background investigations and security clearances of individuals who have been or are being considered for access to Commission facilities, information technology systems, and classified or confidential information. These records may include statements from individuals who have provided information in the course of a background investigation and have requested that their identity remain confidential, and records that constitute investigatory materials compiled for law enforcement purposes. The Commission is identifying this system of records by its proper title and number, rather than as ''Exempted Employee Background Investigation Material'' as it was previously identified in the regulations, and setting forth the specific reasons for which it is being exempted from particular provisions of the Privacy Act pursuant to both section (k)(2) and (5) of the Privacy Act.[22] To that end, to the extent records in this system of records are compiled solely for the purpose of determining an individual's suitability, eligibility, or qualifications for employment with the Commission, the Commission is explaining in

[17] 5 U.S.C. 552a(k)(2).

[18] 5 U.S.C. 552a(k)(2) and (5), respectively.

[19] 5 U.S.C. 407(b).

[20] 5 U.S.C. 552a(j)(2).

[21] 5 U.S.C. 552a(k)(2).

[22] 5 U.S.C. 552a(k)(2) and (5).

Commission regulation § 146.12 that this system of records is exempt where the disclosure of records would reveal the identity of somebody who provided information in the context of the Commission's determination and who had expressly requested that their identity remain confidential in order to maintain the promised confidentiality and enable the Commission to obtain information relevant to its eligibility determinations. In addition, to the extent records in this system of records pertain to law enforcement investigations, the Commission is exempting this system of records because the records must be protected from disclosure in order to maintain the integrity of the investigative process and not provide to any individual the opportunity to compromise that process, such as through the destruction of evidence, interference with witnesses, or otherwise. The Commission also is exempting this system of records in order to keep confidential the identity of sources who provided information to the Commission during the course of the investigation under an express promise that their identities would remain confidential. If an individual can access the identities of confidential sources, those sources may be unwilling to provide information that the Commission needs for its law enforcement activities. Specifically, the Commission is exempting this system of records, pursuant to sections (k)(2) and (5) of the Privacy Act [23] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f).

7. CFTC–49 Whistleblower Records (CFTC–49)

CFTC–49 contains records related to whistleblower tips, complaints and referrals, records related to investigations and inquiries into whistleblower complaints, and records related to the whistleblower award claim and determination process. The Commission is exempting this system of records because the records are compiled for law enforcement purposes and must be protected from disclosure in order to maintain the integrity of the whistleblower process and not provide to any individual an opportunity to access records and compromise an investigation, such as through the destruction of evidence, interference with witnesses, or otherwise. In addition, the Commission is exempting this system of records in order to keep confidential the identity of sources who provided information during the course of the investigation under an express promise that their identities would remain confidential. If an individual can access the identities of confidential sources, those sources may be unwilling to provide information that the Commission needs to investigate whistleblower tips, complaints, and referrals. Specifically, the Commission is exempting this system of records, pursuant to section (k)(2) of the Privacy Act [24] and subject to the requirements and limitations set forth therein, from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f).

[23] 5 U.S.C. 552a(k)(2) and (5).

V. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires Federal agencies to consider whether the rules they adopt will have a significant economic impact on a substantial number of small entities and, if so, to provide a regulatory flexibility analysis regarding the economic impact on those entities.[25] This final rule provides additional specificity regarding the systems of records that the Commission is exempting from the Privacy Act, sets forth the reasons for those exemptions, and reorganizes the regulations for ease of reference. These changes clarify the exemptions established under the Commission's regulations and do not impose any additional burden on individuals who may seek access to records under the Privacy Act.

Moreover, the final rules will not impact small entities as defined under the RFA. The modified regulations, issued under the Privacy Act, exempt certain systems of records maintained by the Commission from certain provisions of the Privacy Act, primarily those provisions related to an individual's right to access and seek amendment of those records. Individuals are defined in the Privacy Act as United States citizens or aliens lawfully admitted to the United States for permanent residence.[26] Small entities, as defined in the RFA, are not individuals under the Privacy Act and are not provided rights thereunder; therefore, the final rules do not impact small entities as defined under the RFA. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

[24] 5 U.S.C. 552a(k)(2).

[25] 5 U.S.C. 601 *et seq.*

[26] 5 U.S.C. 552a(a)(2).

B. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) imposes certain requirements on Federal agencies in connection with their conducting or sponsoring any collection of information.[27] The Commission may not conduct or sponsor, and a respondent is not required to respond to, a request for collection of information unless the information collection request displays a currently valid control number issued by OMB. This rule does not contain a ''collection of information,'' as defined in the PRA. Accordingly, the requirements imposed by the PRA are not applicable to this rule.

C. Cost-Benefit Considerations

Section 15(a) of the CEA provides that, before promulgating a regulation under the CEA or issuing an order, the Commission shall consider the costs and benefits of the action of the Commission.[28] Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of the futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations.[29] The modified rules are being promulgated under the Privacy Act and pertain to the rights of individuals with respect to records the Commission maintains about them. The modified rules are not being promulgated under the CEA. Therefore, the Commission finds that the considerations enumerated in section 15(a)(2) of the CEA are not applicable here.

D. Antitrust Considerations

Section 15(b) of the CEA requires the Commission to ''take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the purposes of this Act, in issuing any order or adopting any Commission rule or regulation (including any exemption under section 4(c) or 4c(b)), or in requiring or approving any bylaw, rule, or regulation of a contract market or registered futures association established pursuant to section 17 of this Act.'' [30]

[27] 5 U.S.C. 3501 *et seq.*

[28] 7 U.S.C. 19(a).

[29] 7 U.S.C. 19(a)(2).

[30] 7 U.S.C. 19(b).

The Commission believes that the public interest to be protected by the antitrust laws is generally to protect competition. The Commission requested comment on whether the proposed rule implicates any other specific public interest to be protected by the antitrust laws; the Commission received no comments in response to this request.

The Commission has considered the modified rule to determine whether it is anticompetitive and has preliminarily identified no anticompetitive effects. The Commission requested comment on whether the proposed rule is anticompetitive and, if it is, what the anticompetitive effects are; the Commission received no comments in response to this request.

Because the Commission has determined that the modified rule is not anticompetitive and has no anticompetitive effects, the Commission has not identified any less anticompetitive means of achieving the purposes of the Act. The Commission requested comment on whether there are less anticompetitive means of achieving the relevant purposes of the Act that would otherwise be served by adopting the proposed rule; the Commission received no comments in response to this request.

List of Subjects in 17 CFR Part 146

Privacy.

For the reasons stated in the preamble, the Commodity Futures Trading Commission amends 17 CFR part 146 as follows:

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

■ 1. The authority citation for part 146 continues to read as follows:

Authority: 88 Stat. 1896 (5 U.S.C. 552a), as amended; 88 Stat. 1389 (7 U.S.C. 4a(j)).

■ 2. Revise § 146.12 to read as follows:

§ 146.12 Exemptions.

The Commission is exempting from certain provisions of the Privacy Act the systems of records set forth in this section. In addition, when these systems of records and any other of the Commission's systems of records maintain a record received from another system of records that is exempted from one or more provisions of the Privacy Act, the Commission will claim the same exemptions for that record that are claimed for the system of records from which it originated.

(a) *CFTC–1 Enforcement Matter Register and Matter Indices.* The system of records identified as CFTC–1 Enforcement Matter Register and Matter Indices contains an index and registry of enforcement investigations. Pursuant to 5 U.S.C. 552a(k)(2) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f), and from the following corresponding sections of these rules: §§ 146.3; 146.5; 146.6(d); 146.11(a)(7) through (9); and 146.7(a). Exemptions from these particular sections of the Privacy Act and CFTC's rules promulgated thereunder are justified for the following reasons:

(1) From section (c)(3) (Accounting of Certain Disclosures), because release of the accounting of certain disclosures could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and the recipient entity. Release of such information to the subject of an investigation could reasonably be anticipated to impede and interfere with the Commission's efforts to identify and investigate unlawful activities.

(2) From sections (d)(1) through (4) (Access and Amendment), because individual access to these records could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and others. Providing a subject with access to these records could impair the effectiveness of the Commission's investigations and could significantly impede the investigation by providing the opportunity for the subject to destroy documentary evidence, improperly influence witnesses and confidential sources, fabricate testimony, and engage in other activities that could compromise the investigation. In addition, providing an individual with access to these records may reveal the identity of a source who furnished information under an express promise that their identity would remain confidential. Allowing the subject of the investigation to amend records in this system of records could likewise interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(3) From section (e)(1) (Relevancy and Necessity of Information), because in the course of investigations into potential violations of law, the significance of certain information may not be clear or the information may not be strictly relevant or necessary to a specific investigation; but, effective law enforcement requires the retention of all information that may aid in establishing patterns of unlawful activity and providing investigative leads.

(4) From section (e)(4)(G) through (I) (Agency Requirements), and (f) (Agency Rules), because the Commission is not required to establish requirements, rules, or procedures related to access and amendment of records in a system of records that is exempt from the individual access and amendment provisions in section (d) of the Privacy Act.

(b) *CFTC–10 Investigatory Records.* The system of records identified as CFTC–10 Investigatory Records contains records compiled for law enforcement purposes, including records developed during an investigation of violations or potential violations of the CEA. Pursuant to 5 U.S.C. 552a(k)(2) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f), and from the following corresponding sections of these rules: §§ 146.3; 146.5; 146.6(d); 146.11(a)(7) through (9); and 146.7(a). Exemptions from these particular sections of the Privacy Act and CFTC's rules promulgated thereunder are justified for the following reasons:

(1) From section (c)(3) (Accounting of Certain Disclosures), because release of the accounting of certain disclosures could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and the recipient entity. Release of such information to the subject of an investigation could reasonably be anticipated to impede and interfere with the Commission's efforts to identify and investigate unlawful activities.

(2) From sections (d)(1) through (4) (Access and Amendment), because individual access to these records could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and others. Providing a subject with access to these records could impair the effectiveness of the Commission's investigations and could significantly impede the investigation by providing the opportunity for the subject to destroy documentary evidence, improperly influence witnesses and confidential sources, fabricate testimony, and engage in other activities that could compromise the

investigation. In addition, providing an individual with access to these records may reveal the identity of a source who furnished information under an express promise that their identity would remain confidential. Allowing the subject of the investigation to amend records in this system of records could likewise interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(3) From section (e)(1) (Relevancy and Necessity of Information), because in the course of investigations into potential violations of law, the significance of certain information may not be clear or the information may not be strictly relevant or necessary to a specific investigation; but, effective law enforcement requires the retention of all information that may aid in establishing patterns of unlawful activity and providing investigative leads.

(4) From sections (e)(4)(G) through (I) (Agency Requirements), and (f) (Agency Rules), because the Commission is not required to establish requirements, rules, or procedures related to access and amendment of records in a system of records that is exempt from the individual access and amendment provisions in section (d) of the Privacy Act.

(c) *CFTC–12 National Futures Association (NFA) Applications Suite System.* The system of records identified as CFTC–12 National Futures Association (NFA) Applications Suite System contains records held by NFA on behalf of the Commission, by delegated authority to support the Commission's registration and other regulatory authority. These records include records pertaining to the fitness of individuals to be registered with the Commission and engage in business activities that are subject to the Commission's jurisdiction and records pertaining to disciplinary or other adverse action investigated or taken with respect to individual registrants. Pursuant to 5 U.S.C. 552a(k)(2) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f), and from the following corresponding sections of these rules: §§ 146.3; 146.5; 146.6(d); 146.11(a)(7) through (9); and 146.7(a). Exemptions from these particular sections of the Privacy Act are justified for the following reasons:

(1) From section (c)(3) (Accounting of Certain Disclosures), because release of accountings of certain disclosures could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and the recipient entity. Release of such information to the subject of an investigation could reasonably be anticipated to impede and interfere with the Commission's efforts to identify and investigate unlawful activities.

(2) From sections (d)(1) through (4) (Access and Amendment), because individual access to these records could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and others. Providing a subject with access to these records could impair the effectiveness of the Commission's investigations and could significantly impede the investigation by providing the opportunity for the subject to destroy documentary evidence, improperly influence witnesses and confidential sources, fabricate testimony, and engage in other activities that could compromise the investigation. In addition, providing an individual with access to these records may reveal the identity of a source who furnished information under an express promise that their identity would remain confidential. Allowing the subject of the investigation to amend records in this system of records could likewise interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(3) From section (e)(1) (Relevancy and Necessity of Information), because in the course of investigations into potential violations of law, the significance of certain information may not be clear or the information may not be strictly relevant or necessary to a specific investigation; but, effective law enforcement requires the retention of all information that may aid in establishing patterns of unlawful activity and providing investigative leads.

(4) From sections (e)(4)(G) through (I) (Agency Requirements), and (f) (Agency Rules), because the Commission is not required to establish requirements, rules, or procedures related to access and amendment of records in a system of records that is exempt from the individual access and amendment provisions in section (d) of the Privacy Act.

(d) *CFTC–31 Closed Commission Meetings.* The system of records identified as CFTC–31 Closed Commission Meetings contains records about individuals who are the subject of discussion at closed Commission meetings, including those who are the subject of investigations or who are being considered for employment. These records may include statements from individuals who have provided information in the course of an applicant's or employee's background investigation or other Commission investigation and who have requested that their identities remain confidential. Pursuant to 5 U.S.C. 552a(k)(2) and (5) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f), and from the following corresponding sections of these rules: §§ 146.3; 146.5; 146.6(d); 146.11(a)(7) through (9); and 146.7(a). Exemptions from these particular sections of the Privacy Act are justified for the following reasons:

(1) From section (c)(3) (Accounting of Certain Disclosures), because release of the accounting of certain disclosures could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and the recipient entity. Release of such information to the subject of an investigation could reasonably be anticipated to impede and interfere with the Commission's efforts to identify and investigate unlawful activities.

(2) From sections (d)(1) through (4) (Access and Amendment), because individual access to these records could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and others. Providing a subject with access to these records could impair the effectiveness of the Commission's investigations and could significantly impede the investigation by providing the opportunity for the subject to destroy documentary evidence, improperly influence witnesses and confidential sources, fabricate testimony, and engage in other activities that could compromise the investigation. In addition, providing an individual with access to these records may reveal the identity of a source who furnished information under an express promise that their identity would remain confidential. Allowing the subject of the investigation to amend

records in this system of records could likewise interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(3) From section (e)(1) (Relevancy and Necessity of Information), because in the course of investigations into potential violations of law, the significance of certain information may not be clear or the information may not be strictly relevant or necessary to a specific investigation; but, effective law enforcement requires the retention of all information that may aid in establishing patterns of unlawful activity and providing investigative leads.

(4) From section (e)(4)(G) through (I) (Agency Requirements), and (f) (Agency Rules), because the Commission is not required to establish requirements, rules, or procedures related to access and amendment of records in a system of records that is exempt from the individual access and amendment provisions in section (d) of the Privacy Act.

(e) *CFTC–32, Office of the Inspector General Investigative Files.* The system of records identified as CFTC–32 Office of the Inspector General Investigative Files contains records relevant to criminal and civil investigations conducted by the Office of the Inspector General, including records about individuals being investigated for fraudulent and abusive activities. Pursuant to 5 U.S.C. 552a(j)(2) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3) and (4); (d)(1) through (4); (e)(1) through (3), (e)(4)(G) through (I), and (e)(5) and (8); (f); and (g), and from the following corresponding sections of these rules: §§ 146.3; 146.4; 146.5; 146.6(b), (d), and (e); 146.7(a), (c), and (d); 146.8; 146.9; 146.10; and 146.11(a)(7) through (9). In addition, pursuant to 5 U.S.C. 552a(k)(2) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f), and from the following corresponding sections of these rules: §§ 146.3; 146.5; 146.6(d); 146.11(a)(7) through (9); and 146.7(a). Exemptions from these particular sections of the Privacy Act are justified for the following reasons:

(1) From section (c)(3) (Accounting of Certain Disclosures), because release of the accounting of certain disclosures could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and the recipient entity. Release of such information to the subject of an investigation could reasonably be anticipated to impede and interfere with the Commission's efforts to identify and investigate unlawful activities.

(2) From section (c)(4) (Notice of Correction), because this system is exempt from the access and amendment provisions of section (d), as noted below.

(3) From sections (d)(1) through (4) (Access and Amendment), because individual access to these records could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and others. Providing a subject with access to these records could impair the effectiveness of the Commission's investigations and could significantly impede the investigation by providing the opportunity for the subject to destroy documentary evidence, improperly influence witnesses and confidential sources, fabricate testimony, and engage in other activities that could compromise the investigation. In addition, providing an individual with access to these records may reveal the identity of a source who furnished information under an express promise that their identity would remain confidential. Allowing the subject of the investigation to amend records in this system of records could likewise interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(4) From section (e)(1) (Relevancy and Necessity of Information) and (5) (Accuracy, Timeliness, Relevance, and Completeness), because in the course of investigations into potential violations of law, the significance of certain information may not be clear or the information may not be strictly relevant or necessary to a specific investigation; but, effective law enforcement requires the retention of all information that may aid in establishing patterns of unlawful activity and providing investigative leads. (5) From section (e)(2) (Collect from Individual), because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement, in that the subject of the investigation would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations or duties.

(6) From section (e)(3) (Privacy Act Statement), because to comply with the requirements of this section during the course of an investigation could impede the information gathering process and hamper the investigation.

(7) From sections (e)(4)(G) through (I) (Agency Requirements), and (f) (Agency Rules), because the Commission is not required to establish requirements, rules, or procedures related to access and amendment of records in a system of records that is exempt from the individual access and amendment provisions in section (d) of the Privacy Act.

(8) From section (e)(8) (Serve Notice), because the application of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation, present a serious impediment to law enforcement by interfering with the ability to issue subpoenas or otherwise gather information, and reveal investigative techniques, procedures, or evidence.

(9) From section (g) (Civil Remedies), because this system of records is exempt from the individual access and amendment provisions in section (d) of the Privacy Act for the reasons stated in paragraph (e)(3) of this section; therefore, the Commission is not subject to civil action for failure to adhere to those requirements.

(f) *CFTC–44 Personnel Clearance System.* The system of records identified as CFTC–44 Personnel Clearance System contains records related to the background investigations and security clearances of individuals who have been or are being considered for access to Commission facilities, information technology systems, and classified or confidential information. These records may include statements from individuals who have provided information in the course of a background investigation and have requested that their identity remain confidential. Pursuant to 5 U.S.C. 552a(k)(2) and (5) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f), and from the following corresponding sections of these rules: §§ 146.3; 146.5; 146.6(d); 146.11(a)(7) through (9); and 146.7(a). Exemptions from these particular sections of the Privacy Act are justified for the following reasons:

(1) From sections (c)(3) (Accounting of Certain Disclosures), because release of the accounting of certain disclosures could alert the subject of an investigation to the extent of that investigation and reveal investigative interests of the Commission and the recipient entity that were previously unknown to the individual. Release of such information to the subject of an investigation could reasonably be anticipated to impede and interfere with the Commission's efforts to adequately assess an individual when making a decision about the individual's access to Commission facilities, information technology systems, and classified and confidential information.

(2) From sections (d)(1) through (4) (Access and Amendment), because the records contained in this system may be related to ongoing investigations, and individual access to these records could alert the subject of an investigation to the extent of that investigation and reveal investigative interests of the Commission and others that were previously unknown to the individual. Providing a subject with access to these records could impair the effectiveness of the Commission's investigations and could significantly impede the investigation by providing the opportunity for the subject to destroy documentary evidence, improperly influence witnesses and confidential sources, fabricate testimony, and engage in other activities that could compromise the investigation. In addition, providing an individual with access to these records may reveal the identity of a source who furnished information under an express promise that their identity would remain confidential. Amendment of the records in this system of records would interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(3) From section (e)(1) (Relevancy and Necessity of Information), because in the course of conducting and adjudicating background investigations, the significance of certain information may not be clear or the information may not be strictly relevant or necessary to a specific investigation; but, effective investigations require the retention of all information that may aid in the investigation and provide investigative leads.

(4) From sections (e)(4)(G) through (I) (Agency Requirements), and (f) (Agency Rules), because the Commission is not required to establish requirements, rules, or procedures related to access and amendment of records in a system of records that is exempt from the individual access and amendment provisions in section (d) of the Privacy Act.

(g) *CFTC–49 Whistleblower Records.* The system of records identified as CFTC–49 Whistleblower Records contains records related to whistleblower tips, complaints and referrals, records related to investigations and inquiries into whistleblower complaints, and records related to the whistleblower award claim and determination process. Pursuant to 5 U.S.C. 552a(k)(2) and subject to the requirements and limitations set forth therein, the Commission is exempting this system of records from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d)(1) through (4); (e)(1); (e)(4)(G) through (I); and (f), and from the following corresponding sections of these rules: §§ 146.3; 146.5; 146.6(d); 146.11(a) through (9); and 146.7(a). Exemptions from these particular sections of the Privacy Act are justified for the following reasons:

(1) From section (c)(3) (Accounting of Certain Disclosures), because release of the accounting of certain disclosures could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and the recipient entity. Release of such information to the subject of an investigation could reasonably be anticipated to impede and interfere with the Commission's efforts to identify and investigate unlawful activities.

(2) From sections (d)(1) through (4) (Access and Amendment), because individual access to these records could alert the subject of an investigation to the existence and extent of that investigation and reveal the investigative interests of the Commission and others. Providing a subject with access to these records could impair the effectiveness of the Commission's investigations and could significantly impede the investigation by providing the opportunity for the subject to destroy documentary evidence, improperly influence witnesses and confidential sources, fabricate testimony, and engage in other activities that could compromise the investigation. Allowing the subject of the investigation to amend records in this system of records could likewise interfere with ongoing law enforcement proceedings and impose an impossible administrative burden by requiring law enforcement investigations to be continuously reinvestigated.

(3) From section (e)(1) (Relevancy and Necessity of Information), because in the course of investigations, the significance of certain information may not be clear or the information may not be strictly relevant or necessary to a specific investigation; but, effective investigations require the retention of all information that may aid in the investigation or aid in establishing patterns of activity and provide investigative leads. (4) From sections (e)(4)(G) through (I) (Agency Requirements) and (f) (Agency Rules), because the Commission is not required to establish requirements, rules, or procedures related to access and amendment of records in a system of records that is exempt from the individual access and amendment provisions in section (d) of the Privacy Act.

§ 146.13 [Removed]

■ 3. Remove § 146.13.

Issued in Washington, DC, on June 5, 2024, by the Commission.

Robert Sidman,

Deputy Secretary of the Commission.

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

Appendix to Privacy Act Regulations—Voting Summary

Appendix 1—Voting Summary

On this matter, Chairman Behnam and Commissioners Johnson, and Goldsmith Romero, Mersinger, and Pham voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2024–12685 Filed 6–14–24; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0425]

RIN 1625–AA00

Fixed and Moving Safety Zone; Vicinity of the M/V HAPPY DIAMOND; Houston Ship Channel and Seabrook, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones, a moving safety zone and a fixed safety zone, around the M/V HAPPY DIAMOND in the navigable waters of the Houston Ship Channel and its vicinity. The temporary safety zones are

necessary to protect persons, property, and the marine environment from potential hazards associated with the transfer of rubber tire gantry cranes. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zones unless specifically authorized by the Captain of the Port Houston-Galveston or a designated representative.

DATES: This rule is effective from 5 a.m. on June 15, 2024, through 4 p.m. on June 30, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0425 in the search box, and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Junior Grade Linda I. Duncan, Sector Houston-Galveston Waterways Management Division, Coast Guard; telephone 713–398–5823, email *houstonwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency, for good cause, finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard received all relevant information for the transfer of the rubber tire gantry cranes and the need for the safety zone on May 15, 2024. Insufficient time remains to publish an NPRM and receive and consider public comments because the rulemaking process would not be completed before June 15, 2024. Proceeding with the NPRM process would delay the establishment of the safety zones beyond the event date, compromising the safety of the M/V HAPPY DIAMOND, the crew, and other vessels navigating in surrounding waterways. Therefore, it is impracticable to publish an NPRM because we must establish the temporary safety zone by June 15, 2024.

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 potential safety hazards associated with the transfer of rubber tire gantry cranes beginning on June 15, 2024.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Houston-Galveston (COTP) has determined that potential hazards associated with the transfer of rubber tire gantry cranes starting June 15, 2024, will be a safety concern for anyone within a 100-yard radius while the M/V HAPPY DIAMOND is in transit and for anyone within 25-yard radius while the M/V HAPPY DIAMOND is moored. This rule is needed to protect persons, property, and the marine environment within the navigable waters of the safety zones while the M/V HAPPY DIAMOND transits to and unloads in Seabrook, Texas.

IV. Discussion of the Rule

This rule establishes two temporary safety zones from 5 a.m. on June 15, 2024, through 4 p.m. on June 30, 2024. The temporary safety zones include a moving safety zone, covering all navigable waters within 100 yards of the M/V HAPPY DIAMOND general cargo ship, and a fixed safety zone, covering all navigable waters within 25 yards of M/V HAPPY DIAMOND. The duration of the zones is intended to ensure the safety of the public and navigable waters in the specified areas during the transit of the rubber tire gantry cranes in the Houston Ship Channel and while the vessel is moored and unloading. No vessel or person will be permitted to enter, transit through, anchor in, or remain within the safety zones without obtaining permission from the COTP or a designated representative.

Moving Safety Zone: This area includes all waters within 100 yards of the M/V HAPPY DIAMOND as the vessel transits from the Gulf of Mexico off the coast of Galveston and through the Houston Ship Channel. The approximate start position is 29°19′01.21″ N, 094°38′38.1″ W, located in the Gulf of Mexico off the coast of Galveston, Texas.

Fixed Safety Zone: This area includes all waters within 25 yards of the M/V HAPPY DIAMOND once the M/V HAPPY DIAMOND is moored at Bayport Terminal in Seabrook, Texas, 29°36′18.61″ N, 095°0′25.12″ W.

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 the 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, the Office of Management and Budget has not reviewed this rule.

This regulatory action determination is based on the safety zones' size, location, duration, and time-of-day. The safety zones will be enforced for 15 days during the transfer of rubber tire gantry cranes in the Houston Ship Channel. Although the rule prohibits persons and vessels from entering, transiting through, anchoring in, or remaining within the regulated area without authorization from the COTP or a designated representative, they may operate in the surrounding areas during the enforcement period. The Coast Guard will provide advance notification of the safety zones to the local maritime community by Local Notice to Mariners and/or Broadcast Notice to Mariners, and the rule would allow vessels to seek permission to enter the zones.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the 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 businesses. 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 principles of federalism 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 safety zones that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within the regulated area during the transfer of rubber tire gantry cranes in the Houston Ship Channel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T08–0425 to read as follows:

§ 165.T08–0425 Fixed and Moving Safety Zone; Around the M/V HAPPY DIAMOND, Houston Ship Channel and Seabrook, TX.

(a) *Regulated Area.* The following areas are temporary safety zones:

(1) *Moving Safety Zone:* All waters within a 100-yard radius of the M/V HAPPY DIAMOND, as the vessel transits from the approximate coordinates 29°19′01.21″ N, 094°38′38.1″ W, off the coast of Galveston, and proceeds through the Houston Ship Channel to the assigned docking station.

(2) *Fixed Safety Zone:* All waters within a 25-yard radius of the M/V HAPPY DIAMOND, while moored, at the Bayport Terminal in Seabrook, Texas, will be in effect for the event's duration.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP Houston-Galveston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the COTP or the COTP's designated representative.

(2) Designated representatives may control vessel traffic throughout the enforcement area as determined by the prevailing conditions.

(3) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the COTP by telephone at 866–539–8114, or the COTP's designated representative via VHF radio on channel 16. If authorization is granted by the COTP or the COTP's designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP or the COTP's designated representative.

(d) *Enforcement Period.* This rule will be subject to enforcement from 5 a.m. on June 15, 2024, through 4 p.m. on June 30, 2024.

Dated: June 10, 2024.

Keith M. Donohue,

Captain, U.S. Coast Guard, Captain of the Port Sector Houston-Galveston.

[FR Doc. 2024–13146 Filed 6–14–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0519]

RIN 1625–AA00

Safety Zone; Trenton DTE Boiler Demolition, Trenton, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 1,000 foot radius of the Trenton DTE boiler. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by boiler demolition. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Detroit.

DATES: This rule is in effective from 5:45 a.m. on June 21, 2024, through 8 a.m. on June 22, 2024. The safety zone will be enforced from 5:45 a.m. through 8 a.m. on June 21, 2024. In the case of inclement weather on June 21, 2024, this safety zone will be enforced from 5:45 a.m. through 8 a.m. on June 22, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0519 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Tracy Girard, Waterways Management, CG Sector Detroit, Coast Guard; telephone (571) 607–7807–6044, email *Tracy.m.girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Detroit
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the party conducting the work notified the Coast Guard with insufficient time to accommodate a comment period. It is impracticable to publish an NPRM because we must establish this safety zone by June 21, 2024 in order to protect the public with the hazards associated with this demolition project.

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 in order to protect the public with the hazards associated with this demolition project.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Detroit (COTP) has determined that potential hazards associated with the boiler demolition occurring between June 21 and June 22, will be a safety concern for anyone transiting near the Trenton DTE Power plant on the Detroit River. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the boiler is being demolished.

IV. Discussion of the Rule

This rule is in effective from 5:45 a.m. on June 21, 2024, through 8 a.m. on June 22, 2024. The safety zone will be enforced from 5:45 a.m. through 8 a.m. on June 21, 2024. In the case of inclement weather on June 21, 2024, this safety zone will be enforced from 5:45 a.m. through 8 a.m. on June 22, 2024.

The safety zone will cover all navigable waters a 1,000 foot radius of the Trenton DTE Boilers. The duration of the safety zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the boilers are being demolished. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on size, location, duration, and time-of-day of the safety zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the 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 a safety zone that will prohibit entry into the waters of 1,000 foot radius of the Trenton DTE boilers while it is demolished. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T09–0519 to read as follows:

§ 165.T09–0519 Safety Zone; Trenton DTE Boiler Demolition Detroit River, Trenton, MI.

(a) *Location.* The following area is a safety zone: The safety zone will cover all navigable waters within a 1,000 foot radius of the Trenton DTE Boilers located at 42°07.273′ N 83°10.750′ W. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting or anchoring within the safety zone described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port Detroit, or his or her designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated representative.

(3) The ''designated representative'' of the Captain of the Port Detroit is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Detroit to act on his behalf. The designated representative of the Captain of the Port Detroit will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port Detroit or his designated representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Detroit or his designated representative to obtain permission to do so at least 30 minutes prior to transit. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Detroit or his designated representative.

(c) *Enforcement periods.* This section This rule is in effective from 5:45 a.m. on June 21, 2024, through 8 a.m. on June 22, 2024. The safety zone will be enforced from 5:45 a.m. through 8 a.m. on June 21, 2024. In the case of inclement weather on June 21, 2024, this safety zone will be enforced from 5:45 a.m. through 8 a.m. on June 22, 2024.

Dated: June 10, 2024.

Richard P. Armstrong,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2024–13253 Filed 6–14–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0366]

RIN 1625–AA00

Safety Zone; Upper Mississippi River, Prairie du Chien, WI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on the Upper Mississippi River between 636–635, east of Island number one hundred seventy-two. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by high-speed power vessels. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Upper Mississippi River.

DATES: This rule is effective from 6 a.m. on June 21, 2024, through 6 p.m. on June 23, 2024. The rule is subject to enforcement from 6 a.m. through 6 p.m. each day.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0366 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 MST1 Benjamin Conger, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2550, email *Benjamin.D.Conger@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable due to the date the event is taking place. It is impracticable to publish an NPRM because we must establish this safety zone by June 21, 2024, and lacks sufficient time to provide a reasonable comment period and to consider those comments before issuing the rule. 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 and contrary to the public interest due to the date the event is taking place. Delaying the effective date of this rule would be impracticable and contrary to public interest because we must establish the safety zone by June 21, 2024, in order to protect personnel, vessels, and the marine environment from the potential safety hazards associated with the high-speed power vessel racecourse event occurring on that date.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Upper Mississippi River (COTP) has determined that potential hazards associated with Great Lakes Watercross Race, on June 21, 2024, will be a safety concern for anyone within the marked area of the racecourse. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the race is being conducted.

IV. Discussion of the Rule

This rule establishes a safety zone from 6 a.m. through 6 p.m. each day on June 21 to June 23, 2024. The safety zone will cover all navigable waters within the Great Lakes Watercross Race, on the Upper Mississippi River, between Mile Markers 635 to 636 east of Island number one hundred seventy-two. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the race is conducted. No vessel or person will be permitted to transit the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited duration and narrowly tailored geographic areas of the safety zone. Although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterways users will be notified to ensure the safety zone will result in minimal impact. In addition, normal marine traffic will be minimally impacted as race officials will allow traffic to pass between races. The navigation channel west of Island number one hundred seventy-two will not be impacted by the safety zone and will remain open. The vessels desiring to transit through or around the temporary safety zone may do so upon express permission from the COTP or the COTP's designated representative.

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 a safety zone lasting from 6 a.m. to 6 p.m. that will prohibit entry between Mile Markers 635–636 east of Island number one hundred seventy-two. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T08–0366 to read as follows:

§ 165.T08–0366 Safety Zone; Upper Mississippi River, Mile Markers 635–636 east of Island number one hundred seventy-two, Prairie du Chien, WI.

(a) *Location.* The following area is a safety zone: all navigable waters within the Upper Mississippi River, Mile Markers 635–636 east of Island number one hundred seventy-two, Prairie du Chien, WI.

(b) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of the USCG Sector Upper Mississippi River.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM channel 16, or through USCG Sector Upper Mississippi River at 314–269–2332. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Enforcement period:* This safety zone will be subject to enforcement from 6 a.m. through 6 p.m. each day from June 21 to June 23, 2024.

Dated: June 11, 2024.

A.R. Bender,

Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi River.

[FR Doc. 2024–13301 Filed 6–14–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2024–0454]

Safety Zone; Atlantic Ocean, Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Annual Swim Around Key West, Key West, Florida to provide for the safety of life on the navigable waterways during this event. This action is necessary to ensure the safety of event participants and spectators. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the regulated area without approval from the Captain of the Port Key West or a designated representative.

DATES: The regulation in 33 CFR 165.786 will be enforced for the location identified in Item 6.2 of the Table to § 165.786, from 7:45 a.m. through 4 p.m. on June 22, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Hayden Hunt, Sector Key West Waterways Management Department, Coast Guard; telephone 305–292–8823; email *Hayden.B.Hunt@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.786, Table to § 165.786, Item 6.2, for the Annual Swim Around Key West from 7:45 a.m. until 4 p.m. on June 22, 2024. This action is being taken to provide for the safety of life on navigable waterways during this event. The regulation for recurring marine events within Sector Key West Captain of the Port (COTP) zone, § 165.786, Table to § 165.786, Item 6.2, specifies the location of the regulated area. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the established regulated areas without approval from the Captain of the Port Key West or designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

The Coast Guard will provide notice of the regulated area by Local Notice to Mariners and Broadcast Notice to Mariners. If the Captain of the Port Key West determines that the regulated area need not be enforced for the full duration stated in this publication, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 10, 2024.

Jason. D. Ingram,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2024–13231 Filed 6–14–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0472]

RIN 1625–AA00

Safety Zone; Key West July 4th Fireworks, Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters surrounding Key West, Florida, for a fireworks display. The safety zone will encompass all waters within a 800-foot radius of the White Street Pier in Key West, FL. The safety zone is needed to protect personnel, vessels, the marine environment from the potential hazards created by a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Key West or a designated representative.

DATES: This rule is effective from 8 p.m. through 10 p.m. on July 4, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0472 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 Petty Officer Hayden Hunt, Waterways Management Division, Sector Key West, FL, U.S. Coast Guard; telephone 305–292–8823, email *Hayden.B.Hunt@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The Coast Guard did not receive final details of the event until June 4, 2024. It is impracticable to go through the full notice and comment rulemaking process because the Coast Guard must establish this safety zone by July 4, 2024, and lacks sufficient time to provide for a comment period and then consider those comments before issuing the rule. Additionally, immediate action is needed to protect personnel, vessels, and the marine environment in the Beaufort River within the safety zone while the fireworks show is underway.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is necessary to protect personnel, vessels, and the marine environment from the potential safety hazards associated with the firework display launching from White Street Pier in Key West, FL.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The Captain of the Port Key West (COTP) has determined that potential hazards associated with the fireworks display on July 4, 2024, will be a safety concern for anyone within 800 feet of the White Street Pier in Key West, FL. This rule is needed to ensure the safety of vessels and persons in the navigable waters before, during, and after a barge-based fireworks display.

IV. Discussion of the Rule

This rule establishes a safety zone from 8 p.m. until 10 p.m. on July 4, 2024. The safety zone will cover certain navigable waters within an 800-foot radius around the White Street Pier in Key West, FL. The duration of the zone is intended to ensure the safety of vessels and persons before, during, and after the fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the

safety zone. Although the rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterways users will be notified to ensure the safety zone will result in minimal impact during the 2 hours of the fireworks display. Additionally, vessel traffic will be able to safely transit around the safety zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the 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 a safety zone lasting only 2 hours that will prohibit entry within an 800-foot radius from the launching area of the fireworks display. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T07–0369 to read as follows:

§ 165.T07–0369 Safety Zone; Key West, FL.

(a) *Location.* The following regulated area is a safety zone: All waters near White Street Pier within the arc of a circle with a 800-foot radius from approximate position 24°54.5411′ N, −081°78.3422′ W.

(b) *Definition.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Key West (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement Period.* This section will be enforced from 8 p.m. until 10 p.m. on July 4, 2024.

Dated: June 10, 2024.

Jason D. Ingram,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2024–13233 Filed 6–14–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 8

Processing Claims Under the Sergeant First Class Heath Robinson Honoring Our Promise To Address Comprehensive Toxics Act of 2022, or the Honoring Our Pact Act of 2022

AGENCY: Department of Veterans Affairs.

ACTION: Notification of modification of sub-regulatory guidance.

SUMMARY: On August 10, 2022, the President signed the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, or the Honoring our PACT Act of 2022 (PACT Act) into law, establishing substantial legislative changes in laws administered by the Department of Veterans Affairs (VA). VA began processing PACT Act-related claims on January 1, 2023, and provided sub-regulatory guidance while it drafts regulations to implement the PACT Act. The sub-regulatory guidance is now being updated to reflect recent policy changes.

DATES: June 17, 2024.

FOR FURTHER INFORMATION CONTACT: Carla Ryan, Assistant Director, Military Exposures Team, Compensation Service, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 202–461–9700. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VA is drafting regulations to implement the PACT Act. In the interim, VA has provided sub-regulatory guidance to claims processors in the form of a Policy Letter. The Policy Letter was included as a supporting document to the **Federal Register** Notification published on December 22, 2022 (87 FR 78543). As discussed below, the Policy Letter is hereby revised. The revised Policy Letter can be found as a supporting document at *https://www.regulations.gov.*

I. Background

On August 10, 2022, the PACT Act of 2022 was signed into law. This historic, multifaceted law, which triggers changes to disability compensation examination requirements when there is evidence a Veteran has participated in a toxic exposure risk activity, also expands the list of locations eligible for a presumption of exposure to radiation, expands the list of conditions subject to presumptions of service connection associated with herbicide exposure, amends the statute involving certain benefits for Persian Gulf War Veterans, establishes presumptions of service connection for conditions associated with exposure to burn pits and other toxins, and provides an avenue for a claimant-elected reevaluation of previously denied dependency and indemnity compensation (DIC) claims that can result in retroactive effective dates for benefits.

VA currently is drafting regulations to implement the PACT Act and to address any gaps and ambiguity in the statutory language. Due to the time required to promulgate regulations, VA implemented the law and began processing PACT Act-related claims on January 1, 2023, based on the sub-regulatory guidance contained in the Policy Letter issued in December 2022.

II. Update

The Policy Letter has been revised to (1) clarify that under 38 U.S.C. 1168(b) a medical examination and opinion is not warranted where the only participation in a toxic exposure risk activity (TERA) that is established is based on an entry in an exposure tracking record system, such as the Individual Longitudinal Exposure Record (ILER), that does not corroborate or substantiate potential exposure to toxic substances, chemicals, or airborne hazards in service; (2) add breast cancer as a disease that the Secretary has determined has no indication of an association with herbicide exposure, so it is included on the list of conditions not warranting a medical examination and opinion under 38 U.S.C. 1168 when the only TERA is related to herbicide exposure; (3) remove renal cancer (kidney and renal pelvis) from the list of conditions established pursuant to 38 U.S.C. 1168(b) for which a medical examination and opinion is not warranted when the only TERA is related to herbicide exposure; (4) indicate that the expanded list of locations eligible for a presumption of radiation exposure under sections 401 and 402 of the PACT Act have been added to VA regulations; (5) specify that for entitlement to spina bifida benefits under 38 U.S.C. 1822, covered service in Thailand means service in Thailand at any United States or Royal Thai base during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to where on the base the Veteran was located or what military job specialty the Veteran performed; (6) add male breast cancer, urethral cancer, and cancer of the paraurethral glands as reproductive cancers under section 406 of the PACT Act; (7) remove references to ''Lymphomatic cancer of any type'' due to a recent law change under the National Defense Authorization Act for Fiscal Year 2023; and (8) make non-substantive edits for clarity. The revised Policy Letter allows VA to better operationalize the PACT Act and deliver earned benefits to Veterans and their dependents as quickly as possible while simultaneously continuing efforts to promulgate the implementing regulations.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on June 7, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2024–13010 Filed 6–14–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AP39

Adaptive Equipment Allowance

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its regulations governing the provision of a monetary allowance to certain veterans and eligible members of the Armed Forces who require adaptive equipment to operate an automobile or other conveyance. VA proposed establishing in regulation a VA Adaptive Equipment Schedule for Automobiles and Other Conveyances to calculate the amount of the monetary allowance for adaptive equipment based on industry standards and our experience administering this program. We adopt as final this proposed rule, with changes based on public comment. This rulemaking addresses reimbursement to eligible persons who have paid for adaptive

equipment and payments made by VA directly to registered adaptive equipment providers, but not the eligibility requirements to receive adaptive equipment.

DATES: The final rule is effective July 17, 2024.

FOR FURTHER INFORMATION CONTACT: Penny Nechanicky, National Program Director, Prosthetics Sensory Aids Service (10P4R), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–0337 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 3902(b) of Title 38, United States Code (U.S.C.) requires VA to provide eligible persons with ''the adaptive equipment deemed necessary to insure that the eligible person will be able to operate [an] automobile or other conveyance in a manner consistent with such person's own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of such person's residency or other proper licensing authority.'' Under 38 U.S.C. 3901, eligible persons include veterans and active duty members of the Armed Forces who have been diagnosed with one or more specified disabilities. Under section 3901(2), adaptive equipment is defined to include, but is not limited to, power steering, power brakes, power window lifts, power seats, air conditioning, and other equipment necessary to help the eligible individual enter, exit, or operate the automobile or other conveyance. VA implements these statutory authorities through regulation at Title 38 Code of Federal Regulations (CFR) sections 17.155–17.159. Because VA does not have the capacity to build or install adaptive equipment for automobiles or other conveyances, VA instead reimburses eligible persons or pays registered providers for the cost of the adaptive equipment. See 38 CFR 17.156.

On March 12, 2020, VA proposed amending its regulations governing the provision of a monetary allowance to certain veterans and eligible members of the Armed Forces who require adaptive equipment to operate an automobile or other conveyance. Among other things, that proposed rule addressed establishing in regulation a VA Adaptive Equipment Schedule for Automobiles and Other Conveyances (Schedule) to calculate the amount of the monetary allowance for adaptive equipment based on industry standards and our experience administering this program, and reimbursement to eligible persons who have paid for adaptive equipment and payments made by VA directly to registered adaptive equipment providers.

We provided a 60-day period in which interested members of the public could submit comments. The comment period closed May 11, 2020 and we received four comments, two of which raised substantive issues. Based on these comments, we adopt as final this proposed rule, with changes based on public comment.

§ 17.157 Definitions.

We proposed making minor revisions to the definition of ''adaptive equipment'' for purposes of readability and clarity. Adaptive equipment was defined to include ''any term specified by the Under Secretary for Health or designee.'' Because adaptive equipment is generally understood to refer to tangible pieces of equipment rather than words or terms, we proposed amending the definition to refer to any item. As amended the proposed definition stated, inter alia, that adaptive equipment means ''equipment which must be part of or added to a conveyance manufactured for sale to the general public to make it safe for use by the eligible person and enable that person and the conveyance to meet the applicable standards of licensure. Adaptive equipment includes any item specified by the Under Secretary for Health or designee as ordinarily necessary for any of the classes of losses or combination of such losses specified in 38 CFR 17.156, or as deemed necessary in an individual case for an eligible person.''

One commenter requested clarification on whether ''any item'' includes both tangible and non-tangible (*i.e.,* software and other electronic interface technologies) equipment, which are and will continue to be essential for the safe and functional operation of modified automobiles and adaptive equipment. The commenter recommended amending the definition of adaptive equipment to specifically address this issue. We agree with the comment to the extent that software and other electronic interface technologies are and may continue to be essential for the safe and functional operation of modified automobiles and adaptive equipment. However, we do not believe that adding modifying language such as ''tangible,'' ''non-tangible,'' or ''intangible'' to the definition of ''adaptive equipment'' would provide the additional clarity that the commenter seeks. We believe those terms are too subjective, and further we do not know of standardized definitions or characterizations of those terms in National Highway Traffic System Administration (NHTSA) guidance or regulations. We do, however, amend the definition of ''adaptive equipment'' to specifically include language related to equipment being essential for the continued safety and functionality of a modified or altered automobile and adaptive equipment. We believe this will assist to capture software or other electronics-based equipment to ensure it is covered in the definition of ''adaptive equipment.''

One commenter stated that the definition for adaptive equipment deviates from the statutory definition of that same term in 38 U.S.C. 3901(2) and stated that VA should explain why the definitions are not the same. We first note that the definition of adaptive equipment found in § 17.157 is essentially unchanged from when the rule first published in 1988 (53 FR 46608, Nov. 18, 1988). The only prior amendment to this section occurred in 1996, when the section was redesignated and a nonsubstantive change of job title from Chief Medical Director to Under Secretary for Health established. (61 FR 21966, 21968, May 13, 1996). In the present proposed rule, we stated that we would change the phrase ''any term'' to ''any item'' for purposes of clarity. We do not agree with the statement that the regulation deviates from the statute. The statute at 38 U.S.C. 3901(2) does not define the term adaptive equipment per se but does provide examples of the types of equipment or modifications that may fall within the ambit of that term. Section 17.157 defines the term adaptive equipment, incorporates statutory language regarding what types of equipment may be included, and then addresses VA's authority to specify other items as ordinarily necessary for any of the classes of losses or combination of such losses specified in 38 CFR 17.156, or as deemed necessary in an individual case for an eligible person. We make no changes based on this comment.

We proposed adopting several definitions found in the National Traffic and Motor Vehicle Safety Act (Pub. L. 89–563) as amended. We proposed defining the term ''manufacturer'' to mean the same as in 49 U.S.C. 30102(a)(6). One commenter stated that the correct citation is to 49 U.S.C. 30102(a)(5). We disagree. While the definition of manufacturer was originally designated at 49 U.S.C. 30102(a)(5), it was redesignated as paragraph (a)(6) in Public Law 114–94, section 24109(b)(2). We make no changes based on this comment.

We proposed defining registered provider and unregistered provider. We

proposed defining a registered provider as a manufacturer, modifier, or alterer registered with the NHTSA's Modifiers Identification Database currently available at *https://www.nhtsa.gov/apps/modifier/index.htm.* Any manufacturer, modifier, or alterer who is not registered is considered an unregistered provider.

The purpose of the NHTSA Modifiers Identification Database is to provide a running and cumulative listing of all individuals or entities that have sought identification as a vehicle modifier under the requirements of 49 CFR part 595. NHTSA does not approve or endorse any of the modifiers who have furnished information under part 595.

One commenter stated that VA should reconsider its proposed reliance on NHTSA to ensure quality, as NHTSA's expertise in the adaptive equipment arena is focused on vehicle safety and not on the quality of adaptive equipment installation, replacement, or repair. The commenter stated that the data provided in the database is only as accurate as the information submitted by each modifier and is not verified or validated by NHTSA. Furthermore, the database is updated as new information is received but is not purged of those modifiers who may have over time changed names, addresses, or gone out of business. NHTSA does not assess the abilities of any of the listed modifiers to perform any requested or represented modification services. The commenter stated that VA's reliance on the Database as an indicator of vendor competence would be misplaced, misleading, and potentially dangerous. The commenter stated that the Database is not a listing of credible vendors proven to meet objective quality and safety criteria. The commenter also indicated that it believed a better source for identifying qualified modifiers would be reliance on membership in its organization.

We do not agree. The purpose of the NHTSA Modifiers Identification Database is to provide a running and cumulative listing of all individuals and entities that have sought identification as a vehicle modifier under the requirements of 49 CFR part 595. We are using the database because registration is indicative of the provider acknowledging that it is cognizant of the relevant regulatory requirements. The database is available to the public for the purpose of identifying a modifier in a given geographical area. VA believes it is prudent to rely on a database, created by a sister Federal agency with subject matter expertise, that serves as a readily accessible resource for eligible persons seeking registered providers of adaptive equipment installation and repair.

As noted by two commenters, registered providers can be reimbursed for labor costs while unregistered providers cannot. One commenter stated that VA should clearly state that in the regulation. This was stated in proposed 38 CFR 17.158(b)(3)(iii). We make no changes based on these comments.

One commenter asked what manner or by what method VA intends to confirm that unregistered providers are not conducting or being reimbursed for activities intended to be performed exclusively by registered providers. We do not distinguish providers based on the activities they perform and do not possess the necessary knowledge or expertise to delineate identified activities related to adaptive equipment installation, repair, reinstallation, or replacement exclusively to registered or unregistered providers. As stated in proposed 38 CFR 17.158(b)(2)(ii), VA will reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from unregistered providers. However, VA does not reimburse or pay unregistered providers for labor costs as mentioned in the foregoing paragraph. We make no changes based on this comment.

One commenter expressed concern that there may be areas of the country where veterans with disabilities do not have access to registered providers, or perhaps they have a long-standing relationship with an unregistered provider. The commenter indicated VA should create limited exceptions to its rule regarding labor costs so that these veterans are not disadvantaged. The commenter noted that under the provisions of Public Law 114–256, Sec. 3(b)(8), where technically appropriate, VA is to allow veterans to receive vehicle modifications ''at their residence or location of choice.'' We note that any provider of adaptive equipment may register with the NHTSA database regardless of location, in the United States or elsewhere. We make no changes based on this comment.

§ 17.158 Limitations on Assistance.

We proposed amending paragraph (b) to state that VA will reimburse eligible persons or pay registered providers for adaptive equipment that VA determines is needed based on the information submitted and the Schedule. In addition to payment or reimbursement rates for specific types of adaptive equipment listed in the Schedule, VA would pay or reimburse for roadside service, waste disposal fees, and hourly labor rates listed in the Schedule, subject to this section. Payment or reimbursement rates would be based on the information submitted, the Schedule in effect on the date installation, reinstallation, replacement, or repair is complete and the characterization of the equipment as new, used, or unlisted.

Proposed paragraph (b)(3) would establish how VA would use the Schedule for calculating the amount reimbursed to eligible persons or payments made to registered providers for labor costs. VA proposed creating a Schedule that would set national payment/reimbursement rates utilizing the high cost itemized in National Mobility Equipment Dealers Association's (NMEDA) Average Price Survey, which we stated was published annually. One commenter requested that VA correct the reference in the proposed rule to how often the NMEDA's Average Price Survey is published because that survey is conducted and published every other year. We thank the commenter for the correction and clarify that this was a misstatement in the proposed rule rather than a substantive misunderstanding; VA will use the most recently conducted and published survey. However, as this reference to how often the survey is published is not reflected in regulatory language, we make no changes based on this comment.

In the preamble for the proposed rule we included an example of a Schedule, which was intended to provide the public an indication of what the Schedule would look like and the types of adaptive equipment that may be listed consistent with what is listed in NMEDA's Average Price Survey, and payment or reimbursement rates for adaptive equipment or other related services. We used data from the 2018 Average Price Survey to compile this example.

One commenter stated that the Schedule as printed in the proposed regulation and the proposed definition at § 17.157 departs from the statutory definition in 38 U.S.C. 3901, and that VA should explain its departure from the statutory language. As VA did not propose to define the term ''schedule,'' and given the remaining context of the comment, we assume the commenter was referring to the definition of ''adaptive equipment'' as proposed. We reiterate from our response above that the term ''adaptive equipment'' as proposed in § 17.157 is consistent with the definition in 38 U.S.C. 3901(2). Further, the Schedule as printed in the proposed rule is not limited to items

specifically included in the statutory definition, although the equipment and services found in the sample Schedule are wholly within the definition of adaptive equipment found in the statute and implementing regulation. We make no changes based on this comment.

One commenter stated that the Schedule published in the preamble for the proposed rule is based on data collected nearly two years ago. The commenter recommended that VA's proposed Schedule utilize the most current survey of this type.

As we noted in our discussion of the proposed rule, the Schedule we included in the preamble is intended to be an example of what the final version would look like. We agree that the final Schedule published in conjunction with the final rule should be based on the most current data. VA believes there is some confusion on this issue created by a drafting error in proposed paragraph (b)(7) where we stated that ''VA will establish the Schedule for each fiscal year after September 30, 2019 and publish that Schedule on a publicly accessible page on the *www.prosthetics.va.gov* website.'' The reference to September 30, 2019, is an artifact from an earlier internal VA draft of the proposed rule. We amend paragraph (b)(7) to state that VA will establish the Schedule on July 17, 2024 based on the most recent available data and each fiscal year thereafter, and publish that Schedule on a publicly accessible page on the *www.prosthetics.va.gov* website.

In paragraph (b)(4) we proposed addressing payment or reimbursement for installation of new adaptive equipment, where paragraph (b)(4)(i) states that VA will pay the lesser of the amount for the new adaptive equipment listed in either a final itemized: (1) Invoice, (2) paid receipt, or (3) bill of sale for the purchase; or (4) the amount listed in the Schedule. One commenter asked whether paragraph (b)(4)(i)(4) permits a veteran to be reimbursed at the schedule rate if the price of certain adaptive equipment is not set out separately in the receipt of a new vehicle because such equipment has already been installed and included in the overall cost of the vehicle (such as air conditioning or power steering). We clarify that paragraph (b)(4)(i)(4) does provide that VA will reimburse at the schedule rate, which would address situations where the adaptive equipment is already installed on a new vehicle and the price of such equipment is not separately itemized as provided in paragraphs (b)(4)(i)(1) through (3).

We make no changes based on this comment.

Proposed paragraph (b)(4)(i) states that VA will pay the lesser of the amount for the new adaptive equipment listed in either a final itemized: (1) Invoice, (2) paid receipt, or (3) bill of sale for the purchase; or (4) the amount listed in the Schedule. One commenter stated that VA should place the Schedule reference first in this subsection, effectively making the Schedule the default assumption for reimbursement given modern invoicing requirements and dealer practices. Paragraph (b)(4)(i) is not intended as a hierarchical list. The Schedule amount is not the default preference as it relates to payment or reimbursement amounts. We make no change based on this comment.

In paragraph (b)(5) we proposed addressing payment or reimbursement for installation and repair of used adaptive equipment. We proposed that for used adaptive equipment listed in the Schedule that is more than one (1) year old from the date of manufacture VA will depreciate it by twenty (20%) percent per year from the time the equipment was pre-installed or installed as new on an automobile or other conveyance to the time of its reinstallation for which reimbursement or payment is being sought for a period up to five (5) years. VA would reimburse an eligible person, who meets the requirements of (b)(2)(i) or (ii), or pay a registered provider who meets the requirements of (b)(2)(iii) the lesser of the amount of the adaptive equipment listed in the final itemized invoice, paid receipt, or bill of sale for the purchase or the amount listed in the Schedule reduced by twenty (20%) percent for each year from the time the equipment was pre-installed or installed on the automobile or other conveyance for a period up to five (5) years. We proposed that VA would reimburse or pay any labor costs consistent with paragraph (b)(3) of this section, but would not reimburse or pay labor costs for used equipment that is more than five (5) years old from the date of manufacture.

One commenter argues that the proposed rule regarding depreciation is a drastic departure from current practice, and that VA has accelerated the depreciation schedule to the detriment of veterans with disabilities but has not explained its departure from its long-standing practice. The commenter references a VHA policy regarding reimbursement for adaptive equipment when used vehicles are purchased.

The VHA policy the commenter references is VHA Handbook 1173.4 Automobile Adaptive Equipment Program, which bases the reimbursement rate for prescribed adaptive equipment on a used vehicle on the age of the vehicle regardless of the age of the adaptive equipment. However, VHA determined that adaptive equipment depreciates at a faster rate than the vehicle itself and the functional lifespan of that equipment is five years. Because of the finite functional lifespan of adaptive equipment, VA does not recommend use of any specific adaptive equipment older than five years to ensure the continued safety and functionality of a modified automobile and adaptive equipment. VA's adoption of a 20% annual depreciation standard for reimbursement or payment for used adaptive equipment reflected in the proposed rule accounts for the five-year functional lifespan of the adaptive equipment which also aligns with eligible persons being entitled to new adaptive equipment at the end of a four-year period (in other words, every five years). We make no changes based on this comment, but do note that VHA Handbook 1173.4 will be rescinded and replaced with updated guidance upon this final rule being effective. We note that VHA Handbook 1173.4, paragraph 13 is similar to VBA's policy, VA Manual MP4, Part IV, Chapter 18, section 18A.03, which provides payment information for prescribed adaptive equipment on a used vehicle on the age of the vehicle regardless of the age of the adaptive equipment. We will work with VBA to harmonize its guidance with VHA policy and regulation following publication of this rulemaking.

One commenter stated that the deprecation rule affects reimbursement for repair of adaptive equipment, and that decreasing the depreciation period is unreasonable and contradicts 38 U.S.C. 3902(c) which requires reimbursement for repair of adaptive equipment, with no restriction on the age of the equipment.

We do not agree. Section 3902(c) begins with the language ''[i]n accordance with regulations that the Secretary shall prescribe,'' to further mandate, among other things, that VA repair adaptive equipment. This is discretionary language that provides VA authority to determine conditions related to that repair, to include establishing and modifying a depreciation period associated with reimbursements of repair of adaptive equipment. Paragraph (c) of 38 U.S.C. 3902 must also be read in conjunction, and harmonized, with other provisions of Chapter 39. VA must provide each eligible person the adaptive equipment deemed necessary to ensure that the

eligible person will be able to operate the automobile or other conveyance in a manner consistent with such person's own safety and the safety of others. See 38 U.S.C. 3902(b)(1). Adaptive equipment, like any other automotive component, experiences wear and tear after installation from normal use as well as any conditions specific to the environment in which it must operate. In addition, installed adaptive equipment has a finite service life which can be maintained or extended by component repair or replacement. However, service life is reset if the adaptive equipment is replaced, and VA believes that new adaptive equipment is less likely to require repair in order to maintain functionality at a level sufficient to ensure that an eligible person can operate the automobile or other conveyance in a manner consistent with such person's own safety and the safety of others. Further, repeated repair of older installed adaptive equipment rather than replacement deprives an eligible person of any medical benefit that could accrue from design changes or improvements that a manufacturer may incorporate into later models of that adaptive equipment. In addition, adaptive equipment incorporates relevant standards in place at the time of manufacture. By requiring replacement rather than repair of adaptive equipment older than five years VA can ensure, to the greatest extent practicable, that eligible persons have access to and use of adaptive equipment that is manufactured consistent with up to date quality standards. We make no changes based on this comment.

In paragraph (b)(6) we proposed addressing payment or reimbursement for any adaptive equipment that does not appear on the Schedule but meets the definition of adaptive equipment in § 17.157.

One commenter stated that new technologies will be developed independently of VA's Schedule maintenance, and the regulations lack clear instructions for veterans who purchase a vehicle before the Schedule update occurs. The commenter believes that it may be confusing for veterans to have customized equipment lumped together with equipment that is likely to move onto the Schedule. The commenter provided examples of a vehicle manufacturers adding a feature that would qualify as adaptive equipment that becomes available for purchase starting January 1, and veterans purchasing the new equipment earlier. Specifically, the commenter raised the issue of equitable treatment. The commenter also expressed concern that veterans may delay vehicle purchases until the Schedule update is published to be sure their equipment will be included.

For adaptive equipment that is not listed on the Schedule but meets the definition of adaptive equipment, VA will pay or reimburse the lesser of the cost of the adaptive equipment when equal to or less than what VA has paid for a similar item in the past or, when available, the commercially available price for a similar item. In many cases, VA will have paid for a similar item in the past, or VA will be able to compare the item to other items available commercially. If the price of a similar commercially available item is not available, or VA has not previously paid for a similar item, VA will pay or reimburse the billed charges. Authorizing payment of actual cost by obtaining the final invoice, paid receipt, or bill of sale for the purchase would provide VA with information that can be used in future revisions to the Schedule. We make no changes based on this comment.

In proposed paragraph (b)(7) we addressed annual adjustments to the Schedule. We proposed that VA will increase the reimbursement amounts in the Schedule using the indices for two expenditure categories of the Consumer Price Index (CPI) for All Urban Consumers. The index for the expenditure category for ''motor vehicle parts and equipment'' will be used to calculate the increase in the reimbursement amounts for adaptive equipment on the Schedule, and the index for ''motor vehicle maintenance and repair'' will be used to calculate the increase in the reimbursement amounts for labor.

One commenter stated that VA should not rely on CPI to update costs on the Schedule. The commenter stated that vehicular and adaptive equipment technologies are evolving and will continue to evolve, and the associated expenses must be accounted for if VA's Schedule is intended to be accurate and credible. The commenter stated that increasingly sophisticated automobile technology and newly developed adaptive equipment product prices may not be accurately reflected by a CPI-reliant update.

We do not agree. VA believes that the two CPI expenditure categories will adequately reflect changes to both equipment and labor costs, and we have been unable to identify any other alternate categories that would better serve that purpose. We note that our usage of the CPI for all urban consumers as the basis for adjusting payment and reimbursement amounts for adaptive equipment listed on the Schedule is consistent with the statutory scheme found at 38 U.S.C. 3902(e) for annual adjustments for VA payments of the total purchase price of the automobile or other conveyance under paragraph (a) of that section. We make no changes based on this comment.

Miscellaneous

One commenter requested that VA confirm that, consistent with the Veterans Mobility Safety Act of 2016 (Pub. L. 114–256), it will develop a comprehensive policy that covers quality standards for providers (both registered and unregistered) of automobile adaptive equipment services to eligible persons; consistently apply (to both registered and unregistered providers) those standards for safety and quality of both equipment and installation throughout VA; and provide for third-party certification of both registered and unregistered providers. Another commenter requested confirmation that both evaluations and installation reviews will be addressed in subsequent VA rulemaking. The current rulemaking focuses on issues related to payment and reimbursement for the installation, repair, replacement, and reinstallation of new and used adaptive equipment. Quality and safety standards for adaptive equipment are outside the scope of this rulemaking. We make no changes based on these comments.

Lastly, two commenters recommended that VA engage with relevant stakeholders on implementation of this rulemaking when it becomes final. We make no changes based on these comments, but do note that VA has made a longstanding commitment to internal and external stakeholders including eligible persons, veteran services organizations, industry representatives, and others, to engage in meaningful dialogue regarding VA's adaptive equipment program and seek input and advice on how best to serve our Nation's veterans. We reiterate from the proposed rule that VA conducted public hearings with NHTSA, industry representatives, manufacturers of adaptive equipment, and other entities with expertise in the installation, repair, replacement, and manufacturing of adaptive equipment or development of mobility accreditation standards for adaptive equipment in compliance with section 3 of Public Law 114–256. VA published a **Federal Register** Notice (FRN) requesting information and comments to assist in the development of the program required by the Act on February 2, 2017. See 82 FR 9114. VA received numerous comments from adaptive equipment

manufacturers, providers, trade associations, and other interested external stakeholders. Additionally, VA met in person with several parties, including adaptive equipment manufacturers, alterers and modifiers; and adaptive equipment related associations who requested to meet with VA concerning their comments to the FRN.

VA makes nonsubstantive changes to the last sentence of § 17.158(b) as proposed, which characterized ''low technology'' labor. These are editorial revisions that do not change meaning and that are consistent with the proposed characterization of ''high technology,'' where the last sentence of § 17.158(b) now reads ''In Shop (low technology) means labor performed on or modification of adaptive equipment devices that do not meet the definition of High Technology.''

Based on the rationale set forth in the proposed rule and in this document, VA adopts the proposed rule as final, with changes as noted above.

Executive Orders 12866 and 13563 and 14094

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), and Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov*.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612.

In 38 CFR 17.157 as proposed we would define modifier to mean a motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle, and would define alterer to mean the same as in 49 CFR 567.3. Registered provider would also be defined to mean a manufacturer, modifier, or alterer registered with the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) Modifiers Identification Database (''Database'') currently available at *https://vpic.nhtsa.dot.gov/mid/home/ModifierSearch/.* Any manufacturer, modifier, or alterer who is not registered would be considered an unregistered provider. The final rule establishes a national schedule for the maximum allowable reimbursement amounts for the listed adaptive equipment. The schedule also includes the maximum hourly labor rates for installation, repair, reinstallation, and replacement of this equipment and allowable fees that VA will pay for. It also establishes standards for applying for reimbursement or payment for items listed in this schedule and delineate limitations on VA's payment for adaptive equipment and related services.

The database, accessed on February 15, 2024, lists a total of 1,252 modifiers. Many modifiers reflected in the database have multiple listings, with some having more than 15 separate listings.

In conducting this Regulatory Flexibility Act analysis, we looked to the estimated number of modifier respondents as analyzed as part of information collection estimates under the Paperwork Reduction Act for OMB Control Number 2900–0188 (as associated with VA's AAE program, and as has been submitted to OMB for review and approval), who are requesting payment from VA for adaptive equipment. We estimate the number of total respondents to this information collection to be 6,800 annually, of which 6,250 would be eligible persons (veterans or servicemembers) and 550 would be the modifiers themselves. In analyzing the Regulatory Flexibility Act effect here, and based on our proposed definition of modifier, we will refer to these 550 as registered providers. The final rule also addresses unregistered providers. Unregistered providers are those that are not listed in the NHTSA database, and VA believes it is not possible to determine an accurate number for unregistered providers, some of which may be individuals rather than small entities. NHTSA has advised that it does not know the number of modifiers, alterers, or manufacturers of adaptive equipment that have not registered in the database. For purposes of this analysis we will assume 100 unregistered providers would provide services under this rule.

The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. VA has identified three broad categories of NAICS codes that we believe encompass the term manufacturer from the proposed rule. We define that term to mean the same as that found at 49 U.S.C. 30102(a)(6), which includes a person manufacturing or assembling motor vehicles or motor vehicle equipment; or importing motor vehicles or motor vehicle equipment for resale. While the definition of manufacturer found at 49 U.S.C. 30102(a)(6) is broad, including the manufacturing, assembly, or import of motor vehicles, the final rule focuses narrowly on reimbursement and payment for installation, replacement, or repair of adaptive equipment. Applying the relevant part of the statutory definition of manufacturer, the final rule focuses on a person manufacturing or assembling motor vehicle adaptive equipment, or the import of motor vehicle adaptive equipment for resale. We note here that major automobile manufacturers do not convert automobiles or vans for their disabled customers.

NAICS Code 336390—Other Motor Vehicle Parts Manufacturing, comprises establishments primarily engaged in manufacturing and/or rebuilding motor vehicle parts and accessories (except motor vehicle gasoline engines and engine parts, motor vehicle electrical and electronic equipment, motor vehicle steering and suspension components, motor vehicle brake systems, motor vehicle transmissions and power train parts, motor vehicle seating and interior trim, and motor vehicle stampings). NAICS Code 339113, Surgical Appliance and Supplies Manufacturing, comprises establishments primarily engaged in manufacturing surgical appliances and supplies. Examples of products made by these establishments are orthopedic devices, prosthetic appliances, surgical dressings, crutches, surgical sutures, personal industrial

safety devices (except protective eyewear), hospital beds, and operating room tables. NAICS Code 423120—Motor Vehicle Supplies and New Parts Merchant Wholesalers comprises establishments primarily engaged in the merchant wholesale distribution of motor vehicle supplies, accessories, tools, and equipment; and new motor vehicle parts (except new tires and tubes).

These three NAICS codes cover a broad range of manufacturers of either medical equipment or motor vehicle equipment, including manufacturers VA believes are subject to this final rule. While the categories are overinclusive we believe that analysis of the regulatory impact based on these codes will result in a reasonable approximation of costs or impact of the final rule on small entities engaged in the manufacture of adaptive equipment.

Applying the small business standards promulgated in 13 CFR 121.201, a small entity for NAICS Code 336390 is 1,000 employees or less; NAICS Code 339113 is 750 employees or less; and NAICS Code 423120 is 200 employees or less. Data compiled by the US Census Bureau from the 2017 Statistics of U.S. Businesses (SUSB) found at *https://www.census.gov/data/tables/2017/econ/susb/2017-susb-annual.html* reflects the following for the NAICS codes:

NAICS code	Enterprise employment size	Number of firms	Estimated receipts ($1,000)	Estimated receipts per firm ($1,000)
336390	<1,000	3,050	37,926,230	12,435
336390	1,000+	99	40,676,330	410,872
339113	<750	4,343	17,141,123	3,947
339113	750+	37	5,086,564	137,475
423120	<200	14,510	52,776,110	3,637
423120	200+	8,495	200,217,265	23,569

As noted, these NAICS codes are very broad, encompassing many aspects of either medical/surgical or automotive supplies. VA does not know with any degree of certainty the total number of these manufacturers who build, manufacture or import adaptive equipment. We have estimated that the number of modifiers who would be impacted by this final rule is 550. For purposes of this analysis we will assume that the final rule would affect 250 manufacturers of adaptive equipment that would qualify as a small entity. We believe this is most likely a high estimate.

We have identified one six-digit NAISC code that would apply to modifiers. We propose to define alterer to mean the same as provided in 49 CFR 567.3, and modifier to have a similar meaning as provided in 49 CFR 595.6(a). NAICS 5 Digit Industry 81112 Automotive Body, Paint, Interior, and Glass Repair comprises establishments primarily engaged in providing one or more of the following: repairing or customizing automotive vehicles, such as passenger cars, trucks, and vans, and all trailer bodies and interiors; painting automotive vehicle and trailer bodies; replacing, repairing, and/or tinting automotive vehicle glass; and customizing automobile, truck, and van interiors for the physically disabled or other customers with special requirements. We believe NAICS Code 811121 Automotive Body, Paint and Interior Repair and Maintenance most closely reflects what VA, in this final rule, refers to as alterer or modifier. Applying the small business standards promulgated in 13 CFR 121.201, a small entity for the NAICS Code series 811121 reflects that an entity with $9,000,000 in annual receipts is considered a small entity.

NAICS code	Enterprise employment size	Number of firms	Estimated receipts ($1,000)	Estimated receipts per firm ($1,000)
811121	ALL	32,696	38,296,468	1,171,289

Data compiled by the US Census Bureau from the 2017 Statistics of U.S. Businesses (SUSB) found at *https://www.census.gov/data/tables/2017/econ/susb/2017-susb-annual.html* reflects that most, if not all, of the 32,427 entities in NAICS Code 811121 would qualify as a small entity based on 13 CFR 121.201.

As noted with manufacturers who may be affected by this final rule, NAICS Code 811121 is very broad, applying to 32,427 business entities. However, only a small percentage of those entities will be subject to the final rule as an alterer or modifier of adaptive equipment. We believe that this NAICS code is the appropriate code for any registered providers not already captured by the other three codes listed above as well as unregistered providers that would qualify as a business entity. We believe that number is accurate for purposes of determining whether this final rule will have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act.

Title 38 CFR 17.158 addresses limitations on payment. Paragraph (b) would state that VA will reimburse or pay for adaptive equipment based on the information submitted and the VA Adaptive Equipment Schedule for Automobiles and Other Conveyances (Schedule). In addition to payment or reimbursement rates for specific types of adaptive equipment listed in the Schedule, VA will pay or reimburse labor costs, roadside service, and waste disposal fees consistent with the Schedule. Payment or reimbursement rates are based on the Schedule in effect on the date installation, reinstallation, replacement, or repair is complete. The Schedule establishes, inter alia, a national monetary limit on payment or reimbursement for adaptive equipment.

The Schedule is based on results of the National Mobility Equipment and

Dealers Association (NMEDA) 2021 Auto Mobility Price Survey. Out of the 334 NMEDA members who were invited to participate; 171 dealer members met the 100% completion rate. The survey results encompass 106 individual items grouped into eight categories: vehicle conversions, driving aids, driving controls, mobility device securements, mobility device carriers, adaptive seating, steering & braking modifications, and miscellaneous services and equipment. Reported returns by region: North 21%, South 23%, West 25%, Midwest 29%, and Canada 2%.

The example of the Schedule we publish in this final rulemaking reflects the high limit for prices reported by the 171 respondents to the survey. The high reported price limit for individual items reflected in the NMEDA survey is significantly higher than the low reported price in some instances. To highlight one example, for lowered floor conversions of mini vans, domestic powered side entry fold out conversions reported, the high price is $41,050; U.S National average is $37,692 and low price is $26,900. The survey results do not reflect variations in the type of specific categories of adaptive equipment that are included in these reported prices. Generally, there is a close correlation between average prices and high prices reported for the individual categories of adaptive equipment. Typically, South and Midwest regions reported lower prices than other regions. VA believes that the survey responses are a valid representation of regional costs and that the number of respondents in each region supports that conclusion.

The final rule states that VA will reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from registered providers. The eligible person must sign and submit to VA a completed VA Form 10–1394, an itemized estimate, and provide VA with either a final itemized invoice, paid receipt, or bill of sale for the purchase. VA may reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from unregistered providers. The eligible person must submit to VA a completed VA Form 10–1394 and a final itemized invoice, paid receipt, or bill of sale for the purchase. In addition, VA will pay registered providers for adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) furnished to eligible persons identified in 38 CFR 17.156(a). The eligible person or the registered provider must submit to VA a completed VA Form 10–1394 and an itemized estimate prior to the completion of work. The eligible person or registered provider must provide VA with a final itemized invoice after the work is completed. See 38 CFR 17.158(b)(2)(i) through (iii). Labor costs per hour for registered providers are reimbursed or paid based on the lesser amount of what is reflected in the Schedule, the estimate, or the final invoice. No payment for labor costs would be approved for pre-installed (*i.e.,* original equipment manufacturer) equipment, or labor costs billed by an unregistered provider. See 38 CFR 17.158(b)(3).

For installation of new adaptive equipment, VA would pay or reimburse the lesser of the amount for the new adaptive equipment listed in either a final itemized invoice, paid receipt, or bill of sale for the purchase, or the amount established in the Schedule. 38 CFR 17.158(b)(4).

VA will use two representative categories of adaptive equipment costs from the 2021 NMEDA Auto Mobility Price Survey to estimate economic impact on small entities: Domestic manual side entry in-floor conversion and exterior transfer seats. VA believes these categories are a reasonable representation of adaptive equipment costs. VA will likewise analyze retail hourly labor rates (in-shop and high-tech).

DOMESTIC MANUAL SIDE ENTRY IN-FLOOR CONVERSION

Average cost	$36,123	
High cost	37,800	$1,677 above Average cost.
Low cost	24,695	$13,105 below High cost, $11,428 below Average.

EXTERIOR TRANSFER SEAT

Average cost	$11,142	
High cost	11,545	$403 above Average.
Low cost	7,500	$4,045 below High, $10,392 below Average.

RETAIL LABOR RATES/HR—IN SHOP LABOR

Average	$127	
High	145	$18 above Average.
Low	95	$50 below High, $32 below Average.

RETAIL LABOR RATES/HR—HIGH-TECH LABOR

Average	$139	
High	185	$46 above Average.
Low	85	$100 below High, $54 below Average.

As noted above, VA believes that approximately 6,250 eligible persons will apply for adaptive equipment payment or reimbursement annually. For purposes of this analysis we are assuming a total of 550 registered providers and 100 unregistered providers will provide services under this final rule. We do not have accurate information readily available on regional distribution of either eligible persons, registered providers, or unregistered providers. We will assume for purposes of this analysis that adaptive equipment services for eligible

persons will be equally distributed between providers, as we believe an analysis based on actual distribution would not impact our conclusions. Rounding up to the whole person, each provider would provide services to 10 eligible persons.

VA will reimburse or pay for adaptive equipment at the amount listed in either a final itemized invoice, paid receipt, or bill of sale for the purchase; or the amount listed in the Schedule, whichever is less. For domestic manual side entry in-floor conversions, assuming a provider billed at the Schedule amount, the provider would experience a net gain of $1,677 to $13,105 per transaction over invoicing at a different amount. Exterior transfer seat equipment costs vary from $403 to $4,045 from the High cost per transaction. Labor costs per hour vary from $95 to $145 per hour for in shop labor, and $85 to $185 for high tech labor. We note that unregistered providers would not be eligible for payment for labor costs and would experience a loss of potential revenue as a result.

Given the relatively small number of eligible persons, cost variations for provision of adaptive equipment, and the estimate of gross receipts for affected small entities in the identified NAICS codes, VA believes that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

Although this final rule contains provisions constituting a collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), there are no provisions associated with this rulemaking constituting any new collection of information or any revisions to the existing collection of information. The collection of information for 38 CFR 17.158 is currently approved by the Office of Management and Budget (OMB) and has been assigned OMB control number 2900–0188.

Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not satisfying the criteria under 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on June 7, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. Amend the authority citation for part 17 by adding the following:

Sections 17.156 and 17.157 are also issued under 38 U.S.C. 3901 and 3902.

Section 17.158 is also issued under 38 U.S.C. 3902 and 3903.

■ 2. Amend § 17.156 by:
■ a. Revising the introductory paragraph;
■ b. Revising paragraph (b); and
■ c. Removing the Authority citation at the end of the section.

The additions and revisions read as follows:

§ 17.156 Eligibility for automobile adaptive equipment.

Automobile adaptive equipment may be authorized if the Under Secretary for Health or designee determines that such equipment is deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with such person's safety and so as to satisfy the applicable standards of licensure established by the State of such person's residency or other proper licensing authority subject to the definitions and limitations in §§ 17.157 and 17.158.

* * * * *

(b) VA will reimburse or pay for adaptive equipment for automobiles and other conveyances subject to the requirements of 38 CFR 17.158(b).

■ 3. Revise § 17.157 to read as follows:

§ 17.157 Definitions.

For the purposes of this part:

Adaptive equipment means equipment which must be part of or added to a conveyance manufactured for sale to the general public to make it safe for use by the eligible person and enable that person and the conveyance to meet the applicable standards of licensure. Adaptive equipment includes any item specified by the Under Secretary for Health or designee as ordinarily necessary for any of the classes of losses or combination of such losses specified in 38 CFR 17.156, or as deemed necessary in an individual case for an eligible person for the continued safety and functionality of a modified automobile and adaptive equipment. Adaptive equipment includes, but is not limited to, a basic automatic transmission, power steering, power brakes, power window lifts, power seats, air-conditioning equipment when necessary for the health and safety of the veteran, and special equipment necessary to assist the eligible person into or out of the automobile or other conveyance, regardless of whether the automobile or other conveyance is to be operated by the eligible person or is to be operated for such person by another person; and any modification of the interior space of the automobile or other conveyance if needed because of the physical condition of such person in order for such person to enter or operate the vehicle.

Altered vehicle means the same as in 49 CFR 567.3.

Alterer means the same as in 49 CFR 567.3.

Manufacturer means the same as in 49 U.S.C. 30102(a)(6).

Modifier means a motor vehicle repair business that modifies a motor vehicle

to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle. VA does not approve, endorse, or assess the abilities of any modifiers to perform any requested or represented modification services.

Registered provider means a manufacturer, modifier, or alterer registered with the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) Modifiers Identification Database currently available at *https://www.nhtsa.gov/apps/modifier/index.htm.* Any manufacturer, modifier, or alterer who is not registered is considered an *unregistered provider.*

Roadside service means emergency roadside services provided to an eligible person performed in connection with the repair, reinstallation, or replacement of adaptive equipment already installed in the automobile or other conveyance. The term is limited solely to services provided to make the adaptive equipment operational and does not include mechanical repair of the engine or other vehicle systems, towing, providing essential fuels and fluids such as gasoline necessary to operate the vehicle, or providing locksmith services.

VA Adaptive Equipment Schedule for Automobiles and Other Conveyances (''Schedule'') means the VA schedule that contains the maximum allowable reimbursement amounts for the listed adaptive equipment. The Schedule also includes the maximum hourly labor rates for installation, repair, reinstallation, and replacement of this equipment and allowable fees that VA will pay.

■ 4. Revise § 17.158 to read as follows:

§ 17.158 Limitations on assistance.

(a) *General.* An eligible person will not be provided adaptive equipment for more than two automobiles or other conveyances at any one time or during any four-year period except when, due to circumstances beyond the control of such person, one of the automobiles or other conveyances for which adaptive equipment was provided during the applicable four-year period is no longer available for the use of such person.

(1) Circumstances beyond the control of the eligible person are those where the automobile or other conveyance was lost due to fire, theft, accident, or court action; when repairs are so costly as to be prohibitive; or a different automobile or other conveyance is required due to a change in the eligible person's physical condition.

(2) For purposes of paragraph (a)(1) of this section, an eligible person shall be deemed to have access to and use of an automobile or other conveyance for which the Department of Veterans Affairs has provided adaptive equipment if that eligible person has sold, given or transferred the automobile or other conveyance to a spouse, family member or other person residing in the same household as the eligible person; or to a business owned by the eligible person, spouse, family member or other person residing in the same household as the eligible person.

(b) *Basis for payment or reimbursement.* VA will reimburse or pay for adaptive equipment that VA determines is needed in accordance with this section based on the information submitted and the VA Adaptive Equipment Schedule for Automobiles and Other Conveyances (Schedule). In addition to paying or reimbursing for specific types of adaptive equipment listed in the Schedule, VA will pay, or reimburse for roadside service, and waste disposal fees consistent with the Schedule. Determination of payment or reimbursement rates are based on the Schedule in effect on the date installation, reinstallation, replacement, or repair is complete. Schedule labor rates are classified as ''In Shop (low technology)'' or ''High Technology.'' High Technology means labor performed on or modification of adaptive equipment devices or systems that are capable of controlling vehicle functions or driving controls, and operate with a designed logic system, or interface or integrate with an electronic system of the vehicle. In Shop (low technology) means labor performed on or modification of adaptive equipment devices that do not meet the definition of High Technology.

(1) Payments made for adaptive equipment that is authorized under this section shall constitute payment in full and shall extinguish the eligible person's liability to the registered provider. The registered provider may not impose any additional charge on the eligible person for any adaptive equipment that is authorized under this section and for which payment is made by VA.

(2) This paragraph sets forth what must be submitted to VA in order for VA to reimburse or pay for adaptive equipment.

(i) Reimbursement when services performed by registered providers. VA will reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from registered providers. The eligible person must submit to VA a completed VA Form 10–1394, an itemized estimate, and provide VA with either a final itemized: (1) invoice, (2) paid receipt, or (3) bill of sale for the purchase.

(ii) Reimbursement when services performed by unregistered providers. VA will reimburse eligible persons identified in 38 CFR 17.156(a) who have purchased adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) from unregistered providers. The eligible person must submit to VA a completed VA Form 10–1394 and a final itemized (1) invoice, (2) paid receipt, or (3) bill of sale for the purchase.

(iii) Payments to registered providers for adaptive equipment. VA will pay registered providers for adaptive equipment (*e.g.,* installations, repairs, reinstallations, replacements) furnished to eligible persons identified in 38 CFR 17.156(a). The following must be submitted before VA will pay. The eligible person or the registered provider must sign and submit to VA a completed VA Form 10–1394 and an itemized estimate prior to the completion of work. The eligible person or registered provider must provide VA with a final itemized invoice after the work is completed.

(iv) In the case of any installation, repair or replacement of adaptive equipment performed outside of the United States where an invoice, estimate, or bill of sale is calculated in a foreign currency, an application submitted under this paragraph must include the conversion rate from the foreign currency to U.S. dollars, and calculation of the invoice, estimate, or bill of sale amount in U.S. dollars.

(3) VA will reimburse or pay labor costs as follows:

(i) For any labor costs associated with the installation of adaptive equipment by a registered provider, VA will reimburse or pay the lesser of:

(A) The relevant Schedule hourly labor rate, per paragraph (b) of this section, multiplied by the number of hours listed by the registered provider;

(B) The labor costs included in the itemized estimate; or

(C) The hourly labor rate provided by the registered provider in the final itemized invoice multiplied by the number of hours listed by the registered provider.

(ii) VA does not reimburse or pay labor costs for pre-installed (*i.e.,* original equipment manufacturer) equipment.

(iii) VA does not reimburse or pay labor costs of unregistered providers.

(4) New adaptive equipment. VA will reimburse an eligible person who meets the requirements of (b)(2)(i) or (ii) of this section, or pay a registered provider who meets the requirements of (b)(2)(iii)

of this section for new adaptive equipment (including equipment that has been installed or used for one year or less from the date of manufacture listed in the Schedule) as follows:

(i) VA will pay the lesser of the amount for the new adaptive equipment listed in either a final itemized: (1) invoice, (2) paid receipt, or (3) bill of sale for the purchase; or (4) the amount listed in the Schedule.

(ii) VA will reimburse or pay any labor costs consistent with paragraph (b)(3) of this section.

(5) Used adaptive equipment. For used adaptive equipment listed in the Schedule that is more than one (1) year old from the date of manufacture:

(i) VA will depreciate it by twenty (20%) percent per year from the time the equipment was pre-installed or installed as new on an automobile or other conveyance to the time of its reinstallation for which reimbursement or payment is being sought for a period up to five (5) years. VA will reimburse an eligible person, who meets the requirements of (b)(2)(i) or (ii) of this section, or pay a registered provider who meets the requirements of (b)(2)(iii) of this section the lesser of the amount of the adaptive equipment listed in the final itemized invoice, paid receipt, or bill of sale for the purchase or the amount listed in the Schedule reduced by twenty (20%) percent for each year from the time the equipment was pre-installed or installed on the automobile or other conveyance for a period up to five (5) years.

(ii) VA will reimburse or pay any labor costs consistent with paragraph (b)(3) of this section, but will not reimburse or pay labor costs for used equipment that is more than five (5) years old from the date of manufacture.

(6) Unlisted adaptive equipment. For adaptive equipment not listed in the Schedule but meeting the definition of adaptive equipment in 38 CFR 17.157, VA will reimburse an eligible person who meets the requirements of (b)(2)(i) or (ii) of this section, or pay a registered provider who meets the requirements of (b)(2)(iii) of this section:

(i) the lesser of the cost of the adaptive equipment when equal to or less than what VA has paid for a similar item in the past or, when available, the commercially available price for a similar item. If the price of a similar commercially available item is not available, or VA has not previously paid for a similar item, VA will pay or reimburse the billed charges.

(ii) VA will reimburse or pay any labor costs consistent with paragraph (b)(3) of this section.

(7) VA will establish the Schedule on July 17, 2024 based on the most recent available data and each fiscal year thereafter, and publish that Schedule on a publicly accessible page on the *www.prosthetics.va.gov* website. VA will increase the reimbursement amounts in the Schedule using the indices for two expenditure categories of the Consumer Price Index (CPI) for All Urban Consumers. The index for the expenditure category for ''motor vehicle parts and equipment'' will be used to calculate the increase in the reimbursement amounts for adaptive equipment on the Schedule, and the index for ''motor vehicle maintenance and repair'' will be used to calculate the increase in the reimbursement amounts for labor. Such increases to the Schedule for adaptive equipment and labor will be equal to the percentage by which the respective index increased during the 12-month period ending with the last month for which CPI data is available. In the event that such index does not increase during such period, there will be no change to the Schedule for the reimbursement amounts for which the index is used to calculate increases. The amounts for the new fiscal year will be rounded up to the whole dollar amount.

(c) *Repair of used adaptive equipment.* Reimbursement or payment for a repair to an item of used adaptive equipment may be provided for adaptive equipment installed on an automobile or other conveyance that meets the limitations of paragraph (a) of this section. VA will pay or reimburse labor costs associated with the repairs in accordance with paragraph (b)(3) of this section.

(1) For repairs to used adaptive equipment, VA will reimburse the eligible person meeting the requirements of (b)(2)(i) or (ii) of this section as follows: the lesser of the amount of the adaptive equipment listed in either a final itemized: (1) invoice, (2) paid receipt, or (3) bill of sale for the purchase.

(2) For repairs to used adaptive equipment, VA will reimburse a registered provider meeting the requirements of (b)(2)(iii) of this section as follows: the lesser of the amount of the adaptive equipment listed in the final itemized (1) invoice, (2) paid receipt, or (3) bill of sale for the purchase.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0188.)

[FR Doc. 2024–13116 Filed 6–14–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 1036, 1037, and 1065

[EPA–HQ–OAR–2022–0985; FRL–8952–03–OAR]

RIN 2060–AV50

Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a correction to a final rule published in the **Federal Register** of Monday, April 22, 2024, which will be effective June 21, 2024. The final rule established new emission standards for heavy-duty highway vehicles, along with several amendments for a wide range of highway and nonroad engines and vehicles. This document corrects inadvertent errors introduced in preparing the amendatory regulatory text for publication. These corrections do not include any substantives change to the final rule.

DATES: This correction is effective June 21, 2024.

DATES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2022–0985. 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: Jessica Brakora, Assessment and Standards Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4936; email address: *Brakora.Jessica@epa.gov.*

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

- Two variables in the variable definitions and example of Eq. 1036.535–1 are formatted improperly in the **Federal Register**; we are correcting those variable formats in 40 CFR 1036.535(b)(8).
- The equation text of Eq. 1036.545–3 was included in the signed final rule but is missing in the **Federal Register**; we are restoring Eq. 1036.545–3 in 40 CFR 1036.545(f)(3).

• Two variables in the variable definitions of Eq. 1036.545–11 are formatted improperly in the **Federal Register**; we are correcting those variable formats in 40 CFR 1036.545(o)(4)(iii).

• Table 1 of paragraph (b)(1) of § 1037.105 incorrectly presents the tractor vehicle standards in place of the vocational vehicle standards; we are replacing the published table with the correct table for the vocational vehicle standards in 40 CFR 1037.105(b)(1).

• Table 1 of paragraph (b)(1) of § 1037.106 as published does not clearly present the heavy-haul standards that apply each model year; we are replacing the table with an image that more clearly differentiates heavy-haul standards in 40 CFR 1037.106(b)(1).

• Paragraphs (f)(5)(ii) and (iii) of 40 CFR 1065.510 are published as a single paragraph in the **Federal Register**; we are adding a line break to separate the paragraphs.

• The equation number for Eq. 1065.602–19 in 40 CFR 1065.602(m)(1)(ii) is placed below the example calculations in the **Federal Register**; we are moving the equation number to be directly below the equation text.

• Subscripts within the heading of table 3 to paragraph (e)(4) of § 1065.656 are improperly formatted in the **Federal Register**; we are replacing the table with an image to ensure that the characters render properly.

• The table note reference in the table caption of table 1 to paragraph (a)(1)(ii) of § 1065.750 is improperly formatted in the publication version; we are replacing the capital ''A'' with a lowercase ''a'' to match the table note format.

Section 553(b)(B) of the Administrative Procedure Act (APA), 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 non-substantive errors made to the signature version in preparation for publication.

This final rule is effective June 21, 2024. APA section 553(d)(3), 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. Commc'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 non-substantive errors made to the signature version in preparation for publication, 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 22, 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 21, 2024.

Corrections

In FR Doc. 2024–06809, beginning on page 29440 in the **Federal Register** of Monday, April 22, 2024, the following corrections are made:

■ 1. On page 29750, beginning in the third column, paragraph (b)(8) of § 1036.535 is corrected to read as follows:

§ 1036.535 [Corrected]

* * * * *

(b) * * *

(8) If you determine fuel-consumption rates using emission measurements from the raw or diluted exhaust, calculate the mean fuel mass flow rate, $\overline{\dot{m}}_{fuel}$, for each point in the fuel map using the following equation:

$$\bar{\dot{m}}_{fuel} = \frac{M_C}{w_{Cmeas}} \cdot \left(\bar{\dot{n}} \cdot \frac{\bar{x}_{Ccombdry}}{1 + \bar{x}_{H2Oexhdry}} - \bar{\dot{m}}_{CO2DEF} \frac{}{M_{CO2}} \right)$$

Eq. 1036.535-1

Where:

$\overline{\dot{m}}_{fuel}$ = mean fuel mass flow rate for a given fuel map setpoint, expressed to at least the nearest 0.001 g/s.

M_C = molar mass of carbon.

w_{Cmeas} = carbon mass fraction of fuel (or mixture of test fuels) as determined in 40 CFR 1065.655(d), except that you may not use the default properties in 40 CFR 1065.655(e)(5) to determine α, β, and w_C. You may not account for the contribution to α, β, γ,and δ of diesel exhaust fluid or other non-fuel fluids injected into the exhaust.

$\overline{\dot{n}}$ = the mean exhaust molar flow rate from which you measured emissions according to 40 CFR 1065.655.

$\bar{x}_{Ccombdry}$ = the mean concentration of carbon from fuel and any injected fluids in the exhaust per mole of dry exhaust as determined in 40 CFR 1065.655(c).

$\bar{x}_{H2Oexhdry}$ = the mean concentration of H_2O in exhaust per mole of dry exhaust as determined in 40 CFR 1065.655(c).

$\overline{\dot{m}}_{CO2DEF}$ = the mean CO_2 mass emission rate resulting from diesel exhaust fluid decomposition as determined in paragraph (b)(9) of this section. If your engine does not use diesel exhaust fluid, or if you choose not to perform this correction, set $\overline{\dot{m}}_{CO2DEF}$ equal to 0.

M_{CO2} = molar mass of carbon dioxide.

Example:

$$M_C = 12.0107 \text{ g/mol}$$
$$w_{Cmeas} = 0.869$$
$$\bar{\dot{n}} = 25.534 \text{ mol/s}$$
$$\bar{x}_{Ccombdry} = 0.002805 \text{ mol/mol}$$
$$\bar{x}_{H2Oexhdry} = 0.0353 \text{ mol/mol}$$
$$\bar{\dot{m}}_{CO2DEF} = 0.0726 \text{ g/s}$$
$$M_{CO2} = 44.0095 \text{ g/mol}$$
$$\bar{\dot{m}}_{fuel} = \frac{12.0107}{0.869} \cdot \left(25.534 \cdot \frac{0.002805}{1 + 0.0353} - \frac{0.0726}{44.0095}\right)$$
$$\bar{\dot{m}}_{fuel} = 0.933 \text{ g/s}$$

* * * * *

■ 2. In § 1036.545:

■ a. On page 29755, in the second column, paragraph (f)(3) is corrected by adding Eq. 1036.545–3 immediately following the introductory text; and

■ b. On page 29761, beginning in the second column, in paragraph (o)(4)(iii), following Eq. 1036.545–11, the ''Where'' paragraph is corrected.

The corrections read as follows:

§ 1036.545 [Corrected]

* * * * *

(f) * * *

(3) * * *

$$v_{refi} = \left(\frac{k_a \cdot T_{i\text{-}1}}{r} \cdot (Eff_{axle}) - \left(M \cdot g \cdot C_{rr} \cdot \cos(\text{atan}(G_{i\text{-}1})) + \frac{\rho \cdot C_d A}{2} \cdot v_{ref,i\text{-}1}^2\right) - F_{brake,i\text{-}1} - F_{grade,i\text{-}1}\right) \cdot \frac{\Delta t_{i\text{-}1}}{M + M_{rotating}} + v_{ref,i\text{-}1}$$

* * * * *

(o) * * *

(4) * * *

(iii) * * *

Where:

$\bar{f}_{nengine}$ = average engine speed when vehicle speed is at or above 0.100 m/s.

$\bar{v}_{ref}$ = average simulated vehicle speed at or above 0.100 m/s.

* * * * *

■ 3. On page 29766, starting in the third column, paragraph (b)(1) of § 1037.105 is corrected to read as follows:

§ 1037.105 [Corrected]

* * * * *

(b) * * *

(1) Except as specified in paragraph (b)(2) of this section, model year 2027 and later vehicles are subject to Phase 3 CO_2 standards corresponding to the selected subcategories as shown in the following table:

TABLE 1 OF PARAGRAPH (b)(1) OF § 1037.105—PHASE 3 CO_2 STANDARDS FOR MODEL YEAR 2027 AND LATER VOCATIONAL VEHICLES

Model year	Subcategory	CO_2 standard by vehicle service class (g/ton·mile)				
		CI light heavy	CI medium heavy	CI heavy heavy	SI light heavy	SI medium heavy
2027	Urban	305	224	269	351	263
	Multi-Purpose	274	204	230	316	237
	Regional	242	190	189	270	219
2028	Urban	286	217	269	332	256
	Multi-Purpose	257	197	230	299	230
	Regional	227	183	189	255	212
2029	Urban	268	209	234	314	248
	Multi-Purpose	241	190	200	283	223
	Regional	212	177	164	240	206
2030	Urban	250	201	229	296	240
	Multi-Purpose	224	183	196	266	216
	Regional	198	170	161	226	199
2031	Urban	198	178	207	244	217
	Multi-Purpose	178	162	177	220	195
	Regional	157	150	146	185	179
2032 and later	Urban	147	155	188	193	194
	Multi-Purpose	132	141	161	174	174

TABLE 1 OF PARAGRAPH (b)(1) OF § 1037.105—PHASE 3 CO_2 STANDARDS FOR MODEL YEAR 2027 AND LATER VOCATIONAL VEHICLES—Continued

Model year	Subcategory	CO_2 standard by vehicle service class (g/ton·mile)				
		CI light heavy	CI medium heavy	CI heavy heavy	SI light heavy	SI medium heavy
	Regional	116	131	132	144	160

* * * * *

■ 4. On page 29770, starting in the third column, paragraph (b)(1) of § 1037.106 is corrected to read as follows:

§ 1037.106 [Corrected]

* * * * *

(b) * * *

(1) Except as specified in paragraph (b)(2) of this section, model year 2027 and later tractors are subject to Phase 3 CO_2 standards corresponding to the selected subcategories as shown in the following table:

TABLE 1 OF PARAGRAPH (b)(1) OF § 1037.106—PHASE 3 CO_2 STANDARDS FOR MODEL YEAR 2027 AND LATER TRACTORS

Model year	Roof height	CO_2 standard by regulatory subcategory (g/ton·mile)			
		Class 7 all cab styles	Class 8 day cab	Class 8 sleeper cab	Heavy-haul
2027	Low Roof	96.2	73.4	64.1	48.3
	Mid Roof	103.4	78.0	69.6	.....
	High Roof	100.0	75.7	64.3	.....
2028	Low Roof	88.5	67.5	64.1	48.3
	Mid Roof	95.1	71.8	69.6	.....
	High Roof	92.0	69.6	64.3	.....
2029	Low Roof	84.7	64.6	64.1	47.8
	Mid Roof	91.0	68.6	69.6	.....
	High Roof	88.0	66.6	64.3	.....
2030	Low Roof	80.8	61.7	60.3	47.8
	Mid Roof	86.9	65.5	65.4	.....
	High Roof	84.0	63.6	60.4	.....
2031	Low Roof	69.3	52.8	56.4	46.9
	Mid Roof	74.4	56.2	61.2	.....
	High Roof	72.0	54.5	56.6	.....
2032 and Later	Low Roof	57.7	44.0	48.1	45.9
	Mid Roof	62.0	46.8	52.2	.....
	High Roof	60.00	45.4	48.2	.....

* * * * *

■ 5. On page 29805, in the second column, paragraph (f)(5) of § 1065.510 is corrected to read as follows:

§ 1065.510 [Corrected]

* * * * *

(f) * * *

(5) *Optional declared torques.* You may use declared torque instead of measured torque as follows:

(i) For variable-speed engines you may declare a maximum torque over the engine operating range. You may use the declared value for measuring warm high-idle speed as specified in this section.

(ii) For constant-speed engines you may declare a maximum test torque. You may use the declared value for cycle generation if it is within (95 to 100)% of the measured value.

(iii) For variable-speed engines, you may declare a nonzero torque for idle operation that represents in-use operation. For example, if your engine is connected to a hydrostatic transmission with a minimum torque even when all the driven hydraulic actuators and motors are stationary and the engine is at idle, you may use this minimum torque as the declared value. As another example, if your engine is connected to a vehicle or machine with accessories, you may use a declared torque corresponding to operation with those accessories. You may specify a combination of torque and power as described in paragraph (f)(6) of this section. Use this option when the idle loads (*e.g.,* vehicle accessory loads) are best represented as a constant torque on the primary output shaft. You may use multiple warm idle loads and associated idle speeds in cycle generation for representative testing. As an example, see the required deviations for cycle generation in § 1065.610(d)(3) for improved simulation of idle points for engines intended primarily for propulsion of a vehicle with an automatic or manual transmission where that engine is subject to a transient duty cycle with idle operation.

(iv) For constant-speed engines, you may declare a warm minimum torque that represents in-use operation. For example, if your engine is typically connected to a machine that does not operate below a certain minimum torque, you may use this minimum torque as the declared value and use it for cycle generation.

* * * * *

■ 6. On page 29807, in the second column, paragraph (m)(1)(ii) of § 1065.602 is corrected to read as follows:

§ 1065.602 [Corrected]

* * * * *

(m) * * *

(1) * * *

(ii) Determine the median as the average of the data point *i* and the data point *i* + 1 as follows:

$$M = \frac{y_i + y_{i+1}}{2}$$

Eq. 1065.602-19

Example:

$$y_2 = 41.780$$
$$y_3 = 41.861$$
$$M = \frac{41.780 + 41.861}{2}$$
$$M = 41.821$$

* * * * *

■ 7. On page 29818, starting in the third column, paragraph (e)(4) of § 1065.656 is corrected to read as follows:

§ 1065.656 [Corrected]

* * * * *

(e) * * *

(4) Table 3 to this paragraph (e)(4) follows:

TABLE 3 TO PARAGRAPH (e)(4) OF § 1065.656—DEFAULT VALUES OF τ,χ,φ,ξ, AND ω

Fuel	Atomic carbon, oxygen, and nitrogen-to-hydrogen ratios $C\tau,H\chi,O\varphi,S\xi,N\omega$
Hydrogen	$C_0H_2O_oS_oN_o$.
Ammonia	$C_0H_3O_oS_oN_1$.

* * * * *

§ 1065.750 [Corrected]

■ 8. On page 29823, table 1 to paragraph (a)(1)(ii) of § 1065.750 is corrected by removing the table heading ''TABLE 1 TO PARAGRAPH (a)(1)(ii) OF § 1065.750—GENERAL SPECIFICATIONS FOR PURIFIED GASES [A]'' and adding in its place ''TABLE 1 TO PARAGRAPH (a)(1)(ii) OF § 1065.750—GENERAL SPECIFICATIONS FOR PURIFIED GASES [a]''.

Alejandra Nunez,

Principal Deputy Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2024–13196 Filed 6–14–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 423

Office of the Secretary

45 CFR Part 170

[CMS–4205–F2]

RIN 0938–AV24

Medicare Program; Medicare Prescription Drug Benefit Program; Health Information Technology Standards and Implementation Specifications

AGENCY: Centers for Medicare & Medicaid Services (CMS), Office of the National Coordinator for Health Information Technology (ONC), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This final rule will revise the Medicare Prescription Drug Benefit (Part D) and ONC regulations to implement changes related to required standards for electronic prescribing and adoption of health information technology (IT) standards for HHS use.

DATES: These regulations are effective July 17, 2024. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of July 17, 2024. The incorporation by reference of certain other publications listed in the rule was approved by the Director as of January 1, 2014, June 15, 2018, and June 30, 2020.

FOR FURTHER INFORMATION CONTACT:

Maureen Connors, (410) 786–4132—Part D Standards for Electronic Prescribing.

Alexander Baker, (202) 260–2048—Health IT Standards.

SUPPLEMENTARY INFORMATION:

I. Background

In this final rule, CMS and ONC address remaining proposals from the proposed rule titled ''Medicare Program; Contract Year 2025 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly; Health Information Technology Standards and Implementation Specifications'' (88 FR 78476), which appeared in the November 15, 2023 **Federal Register** (hereinafter referred to as the ''November 2023 proposed rule'') that were not finalized.

We are finalizing changes to Part D requirements for electronic prescribing standards so that the standards required by CMS meet the needs of the health care industry. To promote alignment across HHS, in this final rule, we will require Part D sponsors, prescribers, and dispensers of covered Part D drugs for Part D eligible individuals to comply with standards CMS has either adopted directly or is requiring by cross-referencing standards ONC adopts for electronically transmitting prescriptions and prescription-related information.

Under current requirements, Part D sponsors, prescribers, and dispensers of covered Part D drugs for Part D eligible individuals are required to comply with the National Council for Prescription Drug Programs (NCPDP) SCRIPT standard version 2017071 for electronically transmitting prescriptions and prescription-related information, medication history information, and electronic prior authorization (ePA); and the NCPDP Formulary and Benefit (F&B) standard version 3.0 for electronically transmitting formulary and benefit information. Part D sponsors also are required to implement one or more electronic real-time benefit tools (RTBTs) capable of integrating with at least one prescriber's electronic prescribing system or electronic health record (EHR), but CMS does not currently require compliance with a standard for RTBTs.

ONC is adopting NCPDP SCRIPT standard version 2023011, NCPDP F&B standard version 60, and NCPDP Real-Time Prescription Benefit (RTPB) standard version 13 for HHS use. ONC is also revising its regulation so that NCPDP SCRIPT standard version 2017071 will expire for the purposes of HHS use on January 1, 2028.

As finalized, Part D standards for electronic prescribing regulations will indicate that prescriptions, medication history, and ePA must comply with a standard adopted by ONC, which will include the NCPDP SCRIPT standard version 2017071 and NCPDP SCRIPT standard version 2023011 standards. Taken in conjunction with the January 1, 2028 expiration date for NCPDP SCRIPT standard version 2017071 that ONC finalizes in this final rule, entities will be permitted to use either version of the NCPDP SCRIPT standard until

NCPDP SCRIPT standard version 2017071 expires. Therefore, as of January 1, 2028, entities will be required to exclusively use NCPDP SCRIPT standard version 2023011.

With respect to electronic transmission of formulary and benefits information, we are finalizing the requirement that Part D sponsors, prescribers, and dispensers of covered Part D drugs for Part D eligible individuals can use NCPDP F&B standard version 3.0 or comply with a standard adopted by ONC, which finalizes its adoption of NCPDP F&B standard version 60 in this final rule. However, we are finalizing the requirement that, beginning January 1, 2027, these entities must comply with a standard adopted by ONC only. Therefore, as of January 1, 2027, Part D sponsors, prescribers, and dispensers of covered Part D drugs for Part D eligible individuals will be required to exclusively use NCPDP F&B standard version 60 for the electronic transmission of formulary and benefits information.

Additionally, we are finalizing a requirement that by January 1, 2027, Part D sponsor RTBTs must comply with a standard adopted by ONC, which finalizes its adoption of NCPDP RTPB standard version 13 in this final rule.

This final rule also finalizes a provision that, while not changing requirements, will cross-reference Health Insurance Portability and Accountability Act of 1996 (HIPAA) regulations in 45 CFR part 162 for eligibility transactions so that Part D requirements will automatically align with any potential future updates to the required standards for eligibility transactions. This final rule also reorganizes requirements and makes technical changes throughout § 423.160.

II. Enhancements to the Medicare Prescription Drug Benefit Program

A. Standards for Electronic Prescribing (§ 423.160)

1. Legislative Background

Section 1860D–4(e) of the Social Security Act (the Act) requires the adoption of Part D electronic prescribing (or e-prescribing) standards. Part D sponsors are required to establish electronic prescription drug programs that comply with the e-prescribing standards that are adopted under this authority. For a further discussion of the statutory requirements at section 1860D–4(e) of the Act, refer to the proposed rule titled ''Medicare Program; E-Prescribing and the Prescription Drug Program,'' which appeared in the February 4, 2005 **Federal Register** (70 FR 6255). Section 6062 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (Pub. L. 115–271), hereinafter referred to as the SUPPORT Act, amended section 1860D–4(e)(2) of the Act to require the electronic transmission of ePA requests and responses for the Part D e-prescribing program to ensure secure ePA request and response transactions between prescribers and Part D sponsors for covered Part D drugs prescribed to Part D eligible individuals. Such electronic transmissions must comply with technical standards adopted by the Secretary. Section 119(a) of Subtitle B of Title I, Division CC of the Consolidated Appropriations Act, 2021, (CAA, 2021) added section 1860D–4(o) of the Act to require, after the Secretary has adopted a standard under section 1860D–4(o)(3) of the Act and at a time determined appropriate by the Secretary, Part D sponsors to implement one or more electronic RTBTs meeting the requirements described in section 1860D–4(o)(2) of the Act. There is generally no requirement that Part D prescribers or dispensers implement e-prescribing, with the exception of required electronic prescribing of Schedule II, III, IV, and V controlled substances that are Part D drugs, consistent with section 1860D–4(e)(7) of the Act as added by section 2003 of the SUPPORT Act and as specified at § 423.160(a)(5). However, prescribers and dispensers who electronically transmit and receive prescription and certain other information regarding covered Part D drugs prescribed for Medicare Part D eligible beneficiaries, directly or through an intermediary, are required to comply with any applicable standards that are in effect.

2. Regulatory History

As specified at § 423.160(a)(1), Part D sponsors are required to support the Part D e-prescribing program transaction standards as part of their electronic prescription drug programs, as described under § 423.159(c). Likewise, as specified at § 423.160(a)(2), prescribers and dispensers that conduct electronic transactions for covered Part D drugs for Part D eligible individuals for which a program standard has been adopted must do so using the adopted standard. Transaction standards are periodically updated to take new knowledge, technology, and other considerations into account. As CMS adopted specific versions of the standards when it initially adopted the foundation and final e-prescribing standards, there was a need to establish a process by which the standards could be updated or replaced over time to ensure that the standards did not hold back progress in the health care industry. CMS discussed these processes in the final rule titled ''Medicare Program; E-Prescribing and the Prescription Drug Program,'' (hereinafter referred to as ''the November 2005 final rule'') which appeared in the November 7, 2005 **Federal Register** (70 FR 67579). An account of successive adoption of new and retirement of previous versions of various e-prescribing standards is described in the final rule titled ''Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, Clinical Laboratory Fee Schedule & Other Revisions to Part B for CY 2014,'' which appeared in the December 10, 2013 **Federal Register** (78 FR 74229); the proposed rule titled ''Medicare Program; Contract Year 2019 Policy and Technical Changes to the Medicare Advantage, Medicare Cost Plan, Medicare Fee-for-Service, the Medicare Prescription Drug Benefit Programs, and the PACE Program,'' which appeared in the November 28, 2017 **Federal Register** (82 FR 56336); and the corresponding final rule (83 FR 16440), which appeared in the April 16, 2018 **Federal Register**. The final rule titled ''Medicare Program; Secure Electronic Prior Authorization For Medicare Part D,'' which appeared in the December 31, 2020 **Federal Register** (85 FR 86824), codified the requirement that Part D sponsors support the use of NCPDP SCRIPT standard version 2017071 for certain ePA transactions (85 FR 86832).

The final rule titled ''Modernizing Part D and Medicare Advantage To Lower Drug Prices and Reduce Out-of-Pocket Expenses,'' (herein after referred to as ''the May 2019 final rule'') which appeared in the May 23, 2019 **Federal Register** (84 FR 23832), codified at § 423.160(b)(7) the requirement that Part D sponsors adopt an electronic RTBT capable of integrating with at least one prescriber's electronic prescribing or electronic health record (EHR) system, but did not name a standard since no standard had been identified as the industry standard at the time (84 FR 23851). The electronic standards for eligibility transactions were codified in the final rule titled ''Medicare and Medicaid Program; Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction,'' which appeared in the May 16, 2012 **Federal Register** (77 FR 29001), to align with the applicable HIPAA transaction standards.

The Part D program has historically adopted electronic prescribing

standards independently of other HHS components that may adopt electronic prescribing standards under separate authorities; however, past experience has demonstrated that duplicative adoption of health IT standards by other agencies within HHS under separate authorities can create significant burden on the health care industry as well as HHS when those standards impact the same technology systems. Notably, independent adoption of the NCPDP SCRIPT standard version 2017071 by CMS in various subsections of § 423.160 (83 FR 16638) in 2018, which required use of the standard beginning in 2020, led to a period where ONC had to exercise special enforcement discretion in its Health Information Technology (IT) Certification Program until the same version was incorporated into regulation at 45 CFR 170.205(b)(1) through the final rule titled ''21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program,'' (hereinafter referred to as the ''ONC Cures Act final rule''), which appeared in the May 1, 2020 **Federal Register** (85 FR 25679). This resulted in significant impact on both ONC and CMS program resources. Similarly, the final rule titled ''Medicare and Medicaid Program; Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction,'' which appeared in the May 16, 2012 **Federal Register** (77 FR 29002), noted that, in instances in which an e-prescribing standard has also been adopted as a HIPAA transaction standard in 45 CFR part 162, the process for updating the e-prescribing standard will have to be coordinated with the maintenance and modification of the applicable HIPAA transaction standard (77 FR 29018).

3. Withdrawal of Previous Proposals and Summary of New Proposals

In the proposed rule titled, ''Medicare Program; Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, Medicare Parts A, B, C, and D Overpayment Provisions of the Affordable Care Act and Programs of All-Inclusive Care for the Elderly; Health Information Technology Standards and Implementation Specifications'' (hereinafter referred to as ''the December 2022 proposed rule''), which appeared in the **Federal Register** on December 27, 2022 (87 FR 79452), we proposed updates to the electronic prescribing standards to be used by Part D sponsors, prescribers, and dispensers when electronically transmitting prescriptions and prescription-related information for covered Part D drugs for Part D eligible individuals . The proposals in the December 2022 proposed rule included a novel approach to updating electronic prescribing standards by proposing to cross-reference Part D requirements with standards adopted by the Office of the National Coordinator for Health Information Technology (ONC) and the standards adopted by HHS for electronic transactions under HIPAA,[1] rather than the historical approach of adopting electronic prescribing standards in the Part D regulations independently or making conforming amendments to the Part D regulations in response to updated HIPAA standards for eligibility transactions. We proposed this approach in concert with ONC in order to mitigate potential compliance challenges for the health care industry and enforcement challenges for HHS that could result from independent adoption of such standards.[2]

As discussed in the November 2023 proposed rule, we withdrew all proposals contained in section III.S. Standards for Electronic Prescribing (87 FR 79548) of the December 2022 proposed rule (88 FR 78488). This approach allowed us to incorporate the feedback we received on prior proposals, seek comment on concerns raised in response to prior proposals, add new proposals, reorganize and propose technical changes to the electronic prescribing regulations at § 423.160, and allow the public to comment on all Medicare Part D electronic prescribing-related proposals simultaneously.

In sections II.A.4. through II.A.11. of this rule, we discuss the proposals related to standards for electronic prescribing that we put forth in the November 2023 proposed rule, which encompassed all of the following:

- Requiring use of NCPDP SCRIPT standard version 2023011, proposed for adoption for HHS use at 45 CFR 170.205(b)(2), and retiring use of NCPDP SCRIPT standard version 2017071 for communication of a prescription or prescription-related information supported by Part D sponsors beginning January 1, 2027. This proposal included a transition period beginning on the effective date of the final rule during which either version of the NCPDP SCRIPT standard could be used. Under this proposal, the transition period would end on January 1, 2027, which is the date that ONC proposed at 45 CFR 170.205(b)(1) that NCPDP SCRIPT standard version 2017071 would expire for the purposes of HHS use, as described in section II.B.8.a. of this rule.
- Requiring use of NCPDP RTPB standard version 13, proposed for adoption for HHS use at 45 CFR 170.205(c)(1), for prescriber RTBTs implemented by Part D sponsors beginning January 1, 2027.
- Requiring use of NCPDP Formulary and Benefit (F&B) standard version 60, proposed for adoption at 45 CFR 170.205(u)(1), and retiring use of NCPDP F&B standard version 3.0 for transmitting formulary and benefit information between prescribers and Part D sponsors beginning January 1, 2027. This proposal included a transition period beginning on the effective date of the final rule and ending January 1, 2027, during which entities would be permitted to use either NCPDP F&B standard version 3.0 (currently adopted in regulation at § 423.160(b)(5)(iii) and proposed to be moved to § 423.160(b)(3) consistent with the proposed technical changes discussed in section II.A.10 of this rule) or NCPDP F&B standard version 60, proposed for adoption for HHS use at 45 CFR 170.205(u)(1).
- Cross-referencing standards adopted for eligibility transactions in HIPAA regulations at 45 CFR 162.1202 for requirements related to eligibility inquiries.
- Making multiple technical changes to the regulation text throughout § 423.160 by removing requirements and incorporations by reference that are no longer applicable, re-organizing existing requirements, and correcting a technical error.

We proposed a novel approach to updating e-prescribing standards by cross-referencing Part D e-prescribing requirements with standards, including any expiration dates, adopted by ONC, as discussed in section II.B.5. of this rule, and the standards adopted by HHS for electronic transactions under HIPAA. This approach differed from our historical approach of adopting e-prescribing standards in the Part D regulations independently or undertaking rulemaking to make conforming amendments to the Part D regulations in response to updated HIPAA standards for eligibility

[1] HIPAA mandated the adoption of standards for electronically conducting certain health care administrative transactions between certain entities. HIPAA administrative requirements are codified at 45 CFR part 162. See also: *https://www.cms.gov/about-cms/what-we-do/administrative-simplification.*

[2] Due to discrepancies between prior regulatory timelines, adoption of the NCPDP SCRIPT standard version 2017071 in different rules led to a period where ONC had to exercise special enforcement discretion in the ONC Health IT Certification Program. For additional discussion, see section II.B.5. of this final rule.

transactions.[3] As ONC notes in section II.B.5. of this rule, independent adoption of the NCPDP SCRIPT standard version 2017071 in different rules [4] led to a period where ONC had to exercise special enforcement discretion in the ONC Health IT Certification Program. We believe the proposed approach mitigates potential compliance challenges for the health care industry and enforcement challenges for HHS that could result from independent adoption of such standards or asynchronous rulemaking cycles across programs. CMS invited comment on all aspects of these proposals. We also proposed to cross-reference ONC regulations adopting NCPDP SCRIPT standard version 2023011, NCPDP RTPB standard version 13, and NCPDP F&B standard version 60. We solicited comment on the effect of the proposals that, taken together, would require use of these standards by January 1, 2027 as a result of ONC's proposals to adopt these standards and retire previous versions, as well as our proposal to require use of NCPDP F&B standard version 60 by that date.

The NCPDP SCRIPT standards are used to exchange information among prescribers, dispensers, intermediaries, and Medicare prescription drug plans (PDPs). NCPDP requested that CMS adopt NCPDP SCRIPT standard version 2023011 because this version provides a number of enhancements to support electronic prescribing and transmission of prescription-related information.[5] Accordingly, we proposed to update § 423.160 to specify where transactions for electronic prescribing, medication history, and ePA are required to utilize the NCPDP SCRIPT standard. As described in section II.A.7. of this final rule, we solicited comment on the date by which use of the updated version of this and other standards in this rule would be required.

The NCPDP RTPB standard enables the real-time exchange of patient-specific eligibility, product coverage (including any restrictions and alternatives), and estimated cost sharing so prescribers have access to this information through a RTBT application at the point-of-prescribing.[6] [7] As discussed in section II.A.5. of this rule, as currently codified at § 423.160(b)(7), CMS requires that Part D sponsors implement one or more electronic RTBTs that are capable of integrating with at least one prescriber's electronic prescribing system or electronic health record, as of January 1, 2021; however, at the time CMS established this requirement, no single industry standard for real-time prescription benefit applications was available. NCPDP has since developed the NCPDP RTPB standard. We proposed to require the most current version, NCPDP RTPB standard version 13, as the standard for prescriber RTBTs at § 423.160(b)(5) starting January 1, 2027.

The NCPDP F&B standard is a batch standard that provides formulary and benefit information at the plan level rather than at the patient level. The NCPDP F&B standard complements other standards utilized for electronic prescribing, electronic prior authorization, and real-time prescription benefit applications.[8] [9] We proposed to require use of NCPDP F&B standard version 60, and retire NCPDP F&B standard version 3.0, beginning January 1, 2027, after a transition period during which either version may be used.

Eligibility inquiries utilize the NCPDP Telecommunication standard or Accredited Standards Committee X12N 270/271 inquiry and response transaction for pharmacy or other health benefits, respectively. The Part D program has adopted standards based on the HIPAA electronic transaction standards, which have not been updated for more than a decade. HHS has proposed updates to the HIPAA electronic transaction standards for retail pharmacies (87 FR 67638) in the proposed rule titled ''Administrative Simplification: Modifications of Health Insurance Portability and Accountability Act of 1996 (HIPAA) National Council for Prescription Drug Programs (NCPDP) Retail Pharmacy Standards; and Adoption of Pharmacy Subrogation Standard'' (hereinafter referred to as the ''November 2022 Administrative Simplification proposed rule''), which appeared in the November 9, 2022 **Federal Register** (87 FR 67634).

In the November 2023 proposed rule, we proposed to update the Part D regulation at § 423.160(b)(3) to require that eligibility transactions utilize the applicable standard named as the HIPAA standard for electronic eligibility transactions at 45 CFR 162.1202. Since 45 CFR 162.1202 currently identifies the same standards that are named at § 423.160(b)(3)(i) and (ii), we anticipated there would be no immediate impact from this proposed change in regulatory language. We proposed this change to ensure that Part D electronic prescribing requirements for eligibility transactions align with the HIPAA standard for electronic eligibility transactions, should a newer version of the NCPDP Telecommunication (or other) standards be adopted as the HIPAA standard for these types of electronic transactions, if HHS' proposals in the November 2022 Administrative Simplification proposed rule are finalized or as a result of any future HHS rules.

[3] HIPAA eligibility transaction standards were updated in final rule titled ''Health Insurance Reform; Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards,'' which appeared in the January 16, 2009 **Federal Register** (74 FR 3296). Conforming amendments to the Part D regulation were made in the final rule titled ''Medicare and Medicaid Program; Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction,'' which appeared in the May 16, 2012 **Federal Register** (77 FR 29002).

[4] *21st Century Cures Act:* Interoperability, Information Blocking, and the ONC Health IT Certification Program final rule, which appeared in the May 1, 2020 **Federal Register** (85 FR 25642), and the Medicare Program; Contract Year 2019 Policy and Technical Changes to the Medicare Advantage, Medicare Cost Plan, Medicare Fee-for-Service, the Medicare Prescription Drug Benefit Programs, and the PACE Program final rule, which appeared in the April 16, 2018 **Federal Register** (83 FR 16440).

[5] National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard, Implementation Guide, Version 2023011. NCPDP SCRIPT standard implementation guides are available to NCPDP members for free and to non-members for a fee at *https://standards.ncpdp.org/Access-to-Standards.aspx*. The NCPDP SCRIPT standard version 2023011 implementation guide proposed for incorporation by reference in sections II.A.11 and II.B.10. of this rule can be viewed by interested parties for free by following the instructions provided in those sections.

[6] National Council for Prescription Drug Programs (NCPDP) Real-Time Prescription Benefit Standard, Implementation Guide, Version 13. NCPDP RTPB standard implementation guides are available to NCPDP members for free and to non-members for a fee at *https://standards.ncpdp.org/Access-to-Standards.aspx*. The NCPDP RTPB standard version 13 implementation guide incorporated by reference in sections II.A.11. and II.B.10. of this rule can be viewed by interested parties for free by following the instructions provided in those sections.

[7] Bhardwaj S, Miller SD, Bertram A, Smith K, Merrey J, Davison A. Implementation and cost validation of a real-time benefit tool. Am J Manag Care. 2022 Oct 1;28(10):e363–e369. doi: 10.37765/ajmc.2022.89254.

[8] National Council for Prescription Drug Programs (NCPDP) Formulary and Benefit Standard, Implementation Guide, Version 60. NCPDP F&B standard implementation guides are available to NCPDP members for free and to non-members for a fee at *https://standards.ncpdp.org/Access-to-Standards.aspx*. The NCPDP F&B standard version 60 implementation guide incorporated by reference in sections II.A.11 and II.B.10. of this rule can be viewed by interested parties for free by following the instructions provided in those sections.

[9] Babbrah P, Solomon MR, Stember L, Hill JW, Weiker M. Formulary & Benefit and Real-Time Pharmacy Benefit: Electronic standards delivering value to prescribers and pharmacists. J Am Pharm Assoc. 2023 May–June;63(3):725–730. *https://doi.org/10.1016/j.japh.2023.01.016.*

4. Requiring NCPDP SCRIPT Standard Version 2023011 as the Part D Electronic Prescribing Standard, Retirement of NCPDP SCRIPT Standard Version 2017071, and Related Conforming Changes in § 423.160

The NCPDP SCRIPT standard has been the adopted electronic prescribing standard for transmitting prescriptions and prescription-related information using electronic media for covered Part D drugs for Part D eligible individuals since foundation standards were named in the final rule titled ''Medicare Program; E-Prescribing and the Prescription Drug Program,'' which appeared in the November 7, 2005 **Federal Register** (70 FR 67568), at the start of the Part D program. The NCPDP SCRIPT standard is used to exchange information among prescribers, dispensers, intermediaries, and Medicare prescription drug plans. In addition to electronic prescribing, the NCPDP SCRIPT standard is used in electronic prior authorization (ePA) and medication history transactions.

Although electronic prescribing is optional for physicians, except as to Schedule II, III, IV, and V controlled substances that are Part D drugs prescribed under Part D, and pharmacies, the Medicare Part D statute and regulations require drug plans participating in the prescription benefit to support electronic prescribing, and physicians and pharmacies who elect to transmit prescriptions and related communications electronically must utilize the adopted standards except in limited circumstances, as codified at § 423.160(a)(3).

NCPDP's standards development process involves a consensus-based approach to solve emerging needs of the pharmacy industry or to adapt NCPDP standards to changes made by other standards development organizations.[10] Emerging needs of the pharmacy industry may be the result of legislative or regulatory changes, health IT innovations, patient safety issues, claims processing issues, or electronic prescribing-related process automation.[11] Changes to standards are consensus-based and driven by the NCPDP membership, which includes broad representation from pharmacies, insurers, pharmacy benefit managers, Federal and State government agencies, and vendors serving all the stakeholders.[12] [13]

In a letter to CMS dated January 14, 2022, NCPDP requested that CMS adopt NCPDP SCRIPT standard version 2022011, given the number of updates and enhancements that had been added to the standard since NCPDP SCRIPT standard version 2017071 was adopted.[14] NCPDP summarized the major enhancements in NCPDP SCRIPT standard version 2022011 relative to the currently required NCPDP SCRIPT standard version 2017071. Those summarized enhancements include—

- General extensibility; [15]
- Redesign of the Product/Drug groupings requiring National Drug Code (NDC) for DrugCoded element, but not for NonDrugCoded element;
- Addition of Observation elements to Risk Evaluation and Mitigation Strategies (REMS) transactions;
- Addition of ProhibitRenewalRequest to RxChangeResponse and RxRenewalResponse;
- Modification of Structured and Codified Sig Structure format; and
- Additional support related to dental procedure codes, RxBarCode, PatientConditions, patient gender and pronouns, TherapeuticSubstitutionIndicator, multi-party communications, and withdrawal/retracting of a previously sent message using the MessageIndicatorFlag.

Subsequently, in the December 2022 proposed rule, CMS proposed to require NCPDP SCRIPT standard version 2022011 and retire NCPDP SCRIPT standard version 2017071, after a transition period, by cross-referencing the standards as proposed for adoption by ONC. In response to this proposal, NCPDP and many other commenters recommended that CMS instead adopt the more current NCPDP SCRIPT standard version 2023011. NCPDP SCRIPT standard version 2023011, like NCPDP SCRIPT standard version 2022011, includes the functionality that supports a 3-way transaction (for example, multi-party communication) among prescriber, facility, and pharmacy, which will enable EPCS in the long-term care (LTC) setting.[16] In its comments on the December 2022 proposed rule,[17] NCPDP highlighted specific enhancements within NCPDP SCRIPT standard version 2023011 that are not present in NCPDP SCRIPT standard version 2022011, which include—

- Addition of an optional element in the header for OtherReferenceNumber for multi-party communication transactions, such as those in LTC;
- Addition of a response type of Pending for RxChangeResponse and RxRenewalResponse for communicating when to expect an approval or denial of the request or delays in approval or denial of requests;
- Addition of a new RequestExpirationDate element to NewRxRequest, RxChangeRequest, and RxRenewalRequest to notify the prescriber to not send a response after this date;
- Addition of a new element NoneChoiceID to PASelectType so that a ''none of the above'' answer can be selected by the provider and allow branching to the next question in a series;
- Addition of a new element for REMSReproductivePotential replacing REMSPatientRiskCategory in the prescribed medication element group in the NewRx and RxChangeRequest message and in the replace medication element group for the RxRenewalResponse;
- Addition of a new element group of ReviewingProvider to the Resupply and Recertification messages to allow for the reporting of the provider who reviewed the chart and certified continued need of a specific medication; and
- Revised guidance in the SCRIPT Implementation Guide.

NCPDP has also published frequently asked questions [18] related to the use of

[10] *https://standards.ncpdp.org/Our-Process.aspx.*

[11] NCPDP University. How Industry Needs Drive Changes in Standards. Accessed August 15, 2023, from *https://member.ncpdp.org* (member-only content).

[12] NCPDP University. Voting: The Life Cycle of Standards Approval. Accessed August 15, 2023, from *https://member.ncpdp.org* (member-only content).

[13] *https://www.ncpdp.org/Membership-diversity.aspx.*

[14] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2022/202201NCPDP-SCRIPTNextVersionLetter.pdf.*

[15] Extensibility is a term in software engineering that is defined as the quality of being designed to allow the addition of new capabilities or functionality. See: Ashaolu B. What is Extensibility? Converged. February 17, 2021. Available from: *https://converged.propelsoftware.com/blogs/what-is-extensibility.*

[16] National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard, Implementation Guide, Version 2023011. NCPDP SCRIPT standard implementation guides are available to NCPDP members for free and to non-members for a fee at *https://standards.ncpdp.org/Access-to-Standards.aspx.* The NCPDP SCRIPT standard version 2023011 implementation guide incorporated by reference in sections II.A.11 and II.B.10. of this rule can be viewed by interested parties for free by following the instructions provided in those sections.

[17] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2023/20230213_To_CMS_CMS_4201_P_NPRM.pdf.*

[18] Frequently Asked Questions 5.1.11 and 5.1.12. SCRIPT Implementation Recommendations. March 2024. Available from *https://ncpdp.org/NCPDP/media/pdf/SCRIPT-Implementation-Recommendations.pdf.*

NCPDP SCRIPT standards for electronic transfer of controlled substance prescriptions between pharmacies, as permitted by the Drug Enforcement Administration (DEA) final rule ''Transfer of Electronic Prescriptions for Schedules II–V Controlled Substances Between Pharmacies for Initial Filling,'' (hereinafter referred to as ''the July 2023 DEA final rule'') which appeared in the **Federal Register** on July 27, 2023 (88 FR 48365). The July 2023 DEA final rule permits the transfer of electronic prescriptions for schedule II–V controlled substances between retail pharmacies for initial filling, upon request of the patient, on a one-time basis, in accordance with requirements codified at 21 CFR 1306.08(e) through (i) and subject to State or other applicable law. NCPDP SCRIPT standard version 2017071 does not support the transfer of electronic controlled substance prescriptions; however, NCPDP SCRIPT standard version 2022011 and later, including NCPDP SCRIPT standard version 2023011, allow for the transfer of electronic controlled substance prescriptions since these later versions contain data elements required to document the transfer between pharmacies. NCPDP SCRIPT standard versions 2022011 and later also contain additional RxTransfer transaction features that facilitate the transfer of electronic prescriptions for controlled substances by pharmacies by allowing pharmacies to initiate transfers of prescriptions to other pharmacies (that is, ''push'' transactions) in addition to the functionality that currently exists in the NCPDP SCRIPT standard version 2017071 that allows pharmacies to request transfers from other pharmacies (that is, ''pull'' transactions).

NCPDP SCRIPT standard version 2023011 is fully backwards compatible with NCPDP SCRIPT standard version 2017071. This allows for a less burdensome implementation process and flexible adoption timeline for pharmacies, payers, prescribers, health IT vendors, and intermediaries involved in electronic prescribing, since backwards compatibility permits a transition period where both versions of the NCPDP SCRIPT standards may be used simultaneously without the need for entities involved to utilize a translator program.

Even though we withdrew the proposals contained in section III.S. (Standards for Electronic Prescribing) in the December 2022 proposed rule (87 FR 79548), we considered comments we received on the December 2022 proposed rule when crafting the proposals discussed in this rule. For instance, several commenters requested that CMS clearly indicate that the proposed version of the NCPDP SCRIPT standard would apply to medication history functions. Several commenters noted that the regulation text at § 423.160(b)(4)(ii) does not list the NCPDP SCRIPT standard-specific medication history transactions. Commenters requested that CMS list the corresponding medication history transactions (RxHistoryRequest and RxHistoryResponse) in the regulation text in order to minimize ambiguity. After considering these comments, in the November 2023 proposed rule, we proposed to list the RxHistoryRequest and RxHistoryResponse transactions at § 423.160(b)(1)(i)(U) subsequent to our technical reorganization of the section discussed in section II.A.10. of this rule, rather than list the transactions under § 423.160(b)(4).

With respect to ePA transactions in the NCPDP SCRIPT standard currently listed at § 423.160(b)(8)(i)(A) through (D) (PAInitiationRequest, PAInitiationResponse, PARequest, PAResponse, PAAppealRequest, PAAppealResponse, PACancelRequest, PACancelResponse) and a new ePA transaction (PANotification) available in NCPDP SCRIPT standard version 2023011, we proposed to list all transactions at § 423.160(b)(1)(i)(V)–(Z). We proposed new language at § 423.160(b)(1) to indicate that the transactions listed must comply with a standard in proposed 45 CFR 170.205(b) ''as applicable to the version of the standard in use,'' since an older version of a standard may not support the same transactions as the newer version of the standard. For example, during the proposed transition period where either NCPDP SCRIPT standard version 2017071 or NCPDP SCRIPT standard version 2023011 may be used, entities that are still using NCPDP SCRIPT standard version 2017071 would not be expected to use the PANotification transaction because the PANotification transaction is only supported in the NCPDP SCRIPT standard version 2023011.

Since the NCPDP SCRIPT standard version 2023011 is fully backwards compatible with NCPDP SCRIPT standard version 2017071, the pharmacies, payers, prescribers, health IT vendors, and intermediaries involved in electronic prescribing can accommodate a transition period when either version may be used. That is, during a transition period, transactions taking place between entities using different versions of the same standard maintain interoperability without the need for entities to utilize (that is, purchase) a translator software program. The cross-reference to proposed 45 CFR 170.205(b) permits a transition period starting as of the effective date of a final rule during which either NCPDP SCRIPT standard version 2017071 or NCPDP SCRIPT standard version 2023011 may be used.

Instead of proposing to independently adopt NCPDP SCRIPT standard version 2023011, we proposed at § 423.160(b)(1) to cross-reference a standard in 45 CFR 170.205(b). ONC proposed to adopt NCPDP SCRIPT standard version 2023011 in 45 CFR 170.205(b)(2) as described in section III.C.8.a. of the November 2023 proposed rule. This approach enables CMS and ONC to avoid misalignment from independent adoption of NCPDP SCRIPT standard version 2023011 for their respective programs. Updates to the standard would impact requirements for both programs at the same time, ensure consistency, and promote alignment for providers, payers, and health IT developers participating in and supporting the same prescription transactions. See section II.B.5. of this rule for additional discussion of this coordination effort.

In its letter to CMS requesting CMS adopt NCPDP SCRIPT standard version 2022011, NCPDP requested that CMS identify certain transactions for prescriptions for which use of the standard is mandatory.[19] As previously mentioned in this preamble, in response to the December 2022 proposed rule, NCPDP and other commenters requested additional transactions be named in regulation. As part of our proposed reorganization of § 423.160, we proposed to list all transactions associated with the NCPDP SCRIPT standard requirements in one place in the regulation. We proposed the transactions for prescriptions, ePA, and medication history for which use of the standard is mandatory at § 423.160(b)(1)(i)(A) through (Z), as described in Table 1.

[19] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2022/202201NCPDP-SCRIPTNextVersionLetter.pdf.*

TABLE 1—PROPOSED TRANSACTIONS FOR COMMUNICATION OF PRESCRIPTION AND PRESCRIPTION RELATED INFORMATION USING THE NCPDP SCRIPT STANDARD

Transaction	Function supported by transaction [20]
GetMessage	Requests from a mailbox, a renewal prescription request, prescription change request, new prescription request, prescription fill status notification, verification, transfer request, transfer response, transfer confirmation or an error or other transactions that have been sent by a pharmacy or prescriber system.
Status	Relays acceptance of a transaction back to the sender.
Error	Indicates an error has occurred indicating the request was terminated.
RxChangeRequest and RxChangeResponse	Request from a pharmacy to a prescriber asking for a change in a new or ''fillable'' prescription; additional usage includes verification of prescriber credentials and request on a prior authorization from the payer. Response is sent from a prescriber to the requesting pharmacy to either approve, approve with change, validate, or deny the request.
RxRenewalRequest and RxRenewalResponse	Request from the pharmacy to the prescriber requesting additional refills. Response is sent from the prescriber to the requesting pharmacy to allow pharmacist to provide a patient with additional refills, a new prescription, or decline to do either.
Resupply	Request from a Long Term or Post-Acute Care (LTPAC) organization to a pharmacy to send an additional supply of medication for an existing order.
Verify	Response to a pharmacy or prescriber indicating that a transaction requesting a return receipt has been received.
CancelRx and CancelRxResponse	Request from the prescriber to the pharmacy to inactivate a previously sent prescription. Response is sent from the pharmacy to the prescriber to acknowledge a cancel request.
RxFill	Indicates the dispensing or activity status. It is the notification from one entity to another conveying the status of dispensing activities or other clinical activities.
DrugAdministration	Communicates drug administration events from a prescriber/care facility to the pharmacy or other entity. It is a notification from a prescriber/care facility to a pharmacy or other entity that a drug administration event has occurred.
NewRxRequest	Request from a pharmacy to a prescriber for a new prescription for a patient. If approved, a NewRx transaction will be sent.
NewRx	New prescription is sent from the prescriber to the pharmacy electronically so it can be dispensed to a patient.
NewRxResponseDenied	Denied response to a previously sent NewRxRequest.
RxTransferInitiationRequest (previously named RxTransferRequest in NCPDP SCRIPT standard version 2017071).	Used when the destination pharmacy is asking for a transfer of one or more prescriptions for a specific patient from the source pharmacy.
RxTransfer (previously named RxTransferResponse NCPDP SCRIPT standard version 2017071).	In the solicited model, it is the response to the RxTransferInitiationRequest which includes the prescription(s) being transferred from the source pharmacy to the destination pharmacy or a rejection of the transfer request. In the unsolicited model, it is a push of the prescription(s) being transferred from the source pharmacy to the destination pharmacy.
RxTransferConfirm	Used by the destination pharmacy to confirm the transfer prescription has been received and the transfer is complete.
RxFillIndicatorChange	Sent to the receiver to indicate the sender is changing the types of RxFill responses that were previously requested. The sender may modify the fill status notification of transactions previously selected or cancel future RxFill transactions.
Recertification	Notification on behalf of a reviewing provider to a pharmacy recertifying the continued administration of a medication order. Used in LTPAC only.
REMSInitiationRequest and REMSInitiationResponse	Request to the REMS Administrator for the information required to submit a REMS request (REMSRequest) for a specified patient and drug. Response is from the REMS Administrator with the information required to submit a REMS request (REMSRequest) for a specified patient and drug.
REMSRequest and REMSResponse	Request to the REMS Administrator with information (answers to question set; clinical documents) to make a REMS determination (approved, denied, pended, etc.). Response is the determination from the REMS administrator whether dispensing authorization can be granted.
RxHistoryRequest and RxHistoryResponse	Request from one entity to another for a list of medications that have been prescribed, dispensed, claimed or indicated by the patient. Response includes the medications that were dispensed or obtained within a certain timeframe, optionally including the prescriber that prescribed them.

TABLE 1—PROPOSED TRANSACTIONS FOR COMMUNICATION OF PRESCRIPTION AND PRESCRIPTION RELATED INFORMATION USING THE NCPDP SCRIPT STANDARD—Continued

Transaction	Function supported by transaction [20]
PAInitiationRequest and PAInitiationResponse	Request from the submitter to a payer for the information required to submit a prior authorization request (PARequest) for a specified patient and product. Response is from a payer to the submitter with the information required to submit a prior authorization request (PARequest) for a specified patient and product.
PARequest and PAResponse	Request from the submitter to the payer with information (answers to question set; clinical documents) for the payer to make a PA determination (approved, denied, pended, etc.). Response from the payer to the submitter indicates the status of a PARequest. Response could be a PA determination, notice that the request is in process, or specify that more information is required.
PAAppealRequest and PAAppealResponse	Request from the submitter to the payer to appeal a PA determination. Response from the payer to the submitter indicates what information is needed for an appeal or the status or outcome of a PAAppealRequest.
PACancelRequest and PACancelResponse	Request from the submitter to the payer to notify the payer that the PA request is no longer needed. Response from the payer to the submitter indicates if the PA request was cancelled or not.
PANotification	Alerts the pharmacist or prescriber when a PA has been requested, or when a PA determination has been received.

The transactions specific to electronic prescribing remain the same as those required for NCPDP SCRIPT standard version 2017071 (currently codified at § 423.160(b)(2)(iv)(A) through (Z)), except where renamed as noted in Table 1. The transactions specific to ePA are also the same as those required with NCPDP SCRIPT standard version 2017071 (with one additional transaction—PA Notification), which was incorporated into the standard after NCPDP SCRIPT standard version 2017071. As discussed in section II.B.8.a. of this rule, NCPDP SCRIPT standard version 2023011 was proposed for adoption at 45 CFR 170.205(b)(2), and NCPDP SCRIPT standard version 2017071 was proposed to expire January 1, 2027 at 45 CFR 170.205(b)(1).

As stated previously, in response to the December 2022 proposed rule, several commenters pointed out that if mandatory use of an updated version of the NCPDP SCRIPT standard is delayed, then the EPCS requirement in LTC facilities should also be delayed accordingly, since NCPDP SCRIPT standard version 2017071 lacks appropriate guidance for LTC facilities. CMS was aware of this limitation in the NCPDP SCRIPT standard version 2017071, and acknowledged the challenges to EPCS faced by LTC facilities in the proposed rule ''Medicare Program; CY 2022 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Provider Enrollment Regulation Updates; Provider and Supplier Prepayment and Post-Payment Medical Review Requirements'' (hereinafter referred to as ''the July 2022 proposed rule''), which appeared in the **Federal Register** on July 23, 2021 (86 FR 39104). However, in the July 2022 proposed rule, CMS also stated that we understood that NCPDP was in the process of creating specific guidance for LTC facilities within the NCPDP SCRIPT standard version 2017071, which would allow willing partners to enable 3-way communication between the prescriber, LTC facility, and pharmacy to bridge any outstanding gaps that impede adoption of the NCPDP SCRIPT standard version 2017071 in the LTC setting (86 FR 39329).

Similarly, in the ''Medicare Program; CY 2022 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Provider Enrollment Regulation Updates; and Provider and Supplier Prepayment and Post-Payment Medical Review Requirements'' final rule (hereinafter referred to as ''the November 2021 final rule''), which appeared in the **Federal Register** on November 19, 2021 (86 FR 64996), CMS acknowledged that although 3-way communication is not as seamless in NCPDP SCRIPT standard version 2017071 as it was expected to be in later versions, EPCS was still possible with some modifications (86 FR 65364). CMS delayed EPCS compliance for prescribers' prescriptions written for beneficiaries in a LTC facility from January 1, 2022 to no earlier than January 1, 2025, in order to give prescribers additional time to make the necessary changes to conduct electronic prescribing of covered Part D controlled substance prescriptions for Part D beneficiaries in LTC facilities using NCPDP SCRIPT standard version 2017071 (86 FR 65365). We did not propose a change in the EPCS compliance date for covered Part D controlled substance prescriptions for Part D beneficiaries in LTC on the basis of the proposed adoption of NCPDP SCRIPT standard version 2023011; however, we invited comment on the status of EPCS in LTC and the degree to which LTC facilities have been able to implement guidance from NCPDP to meet the EPCS requirement.

As proposed, § 423.160(b)(1) would require use of a version of the NCPDP SCRIPT standard adopted in 45 CFR 170.205(b) to carry out the transactions listed in § 423.160(b)(1)(i)(A) through (Z). However, it would not require that all transactions be utilized if they are not needed or are not relevant to the entity. We refer readers to ONC's Interoperability Standards Advisory (ISA) website for descriptions and adoption level of transactions in the

[20] Section 4. Business Functions, and Section 5. Transactions. National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard, Implementation Guide, Version 2023011. NCPDP SCRIPT standard implementation guides are available to NCPDP members for free and to non-members for a fee at *https://standards.ncpdp.org/Access-to-Standards.aspx*. The NCPDP SCRIPT standard version 2023011 implementation guide incorporated by reference in sections II.A.11 and II.B.10. of this rule can be viewed by interested parties for free by following the instructions provided in those sections.

NCPDP SCRIPT standard.[21] For example, we have been informed that the ''GetMessage'' transaction described in Table 1 is not widely used among prescribers. For this reason, we are reiterating guidance [22] that the NCPDP SCRIPT standard transactions named are not themselves mandatory, but rather they are to be used as applicable to the entities specified at §§ 423.160(a)(1) and (2) when they are completing or supporting the transmission of information related to electronic prescriptions, electronic prior authorization, or medication history. We believe the pharmacies, payers, prescribers, health IT vendors, and intermediaries involved in electronic prescribing have been utilizing the standards in this manner, based on discussions with NCPDP. We would also like to use this opportunity to note that where entities are permitted to use more than one version of the NCPDP SCRIPT standard because more than one version of the NCPDP SCRIPT standard is adopted in 45 CFR 170.205(b), to the extent practicable, entities can utilize transactions available in different versions of the standard simultaneously. For example, as of the effective date of this final rule, entities would be permitted to use the NCPDP SCRIPT standard version 2023011 for RxTransferInitiationRequest, RxTransfer, and RxTransferConfirm transactions, but could continue to use NCPDP SCRIPT standard version 2017071 for other transactions until NCPDP SCRIPT standard version 2017071 expires for HHS use on January 1, 2028. This would enable entities to expedite implementing the functionality necessary for the transfer of electronic controlled substance prescriptions consistent with DEA requirements, as previously described, while implementing other updates associated with NCPDP SCRIPT standard version 2023011 at a later time.

In summary, with respect to changes related to requiring, via cross-reference to ONC regulations (as discussed in section II.B.8.a. of this final rule), NCPDP SCRIPT standard version 2023011 and retiring NCPDP SCRIPT standard version 2017071, we proposed a revised paragraph § 423.160(b)(1) that would—

- Consolidate all transactions for electronic prescribing, ePA, and medication history for which use of the NCPDP SCRIPT standard is mandatory at § 423.160(b)(1)(i)(A)–(Z); and
- Indicate that communication of prescriptions and prescription-related transactions listed must comply with a standard in 45 CFR 170.205(b). In conjunction with ONC proposals (discussed in section II.B.8.a. of this rule), this cross-reference would permit a transition period when either NCPDP SCRIPT standard versions 2017071 or 2023011 may be used beginning as of the effective date of a final rule and ending January 1, 2027, because, as ONC proposed at 45 CFR 170.205(b)(1), the NCPDP SCRIPT standard version 2017071 would expire January 1, 2027, after which only NCPDP SCRIPT standard version 2023011 would be available for HHS use.

We solicited comment on these proposals. A discussion of the comments received, along with our responses, follows.

Comment: All commenters supported the proposal to update NCPDP SCRIPT standard version 2017071 to NCPDP SCRIPT standard version 202311 for the electronic transmission of prescriptions and prescription-related information, including medication history and ePA.

Response: We thank commenters for their support.

Comment: Several commenters expressed concern over the proposed date of January 1, 2027 when use of NCPDP SCRIPT standard version 2023011 would be required.

Response: See section II.A.7. of this rule for discussion of this concern.

Comment: One commenter requested that the exemption from the use of the NCPDP SCRIPT standard (and when use of HL7 messages are permitted) for the transmission of prescriptions and prescription-related information internally when the sender and recipient are part of the same legal entity be extended to the prescription transfer transactions when the sender and the recipient are not part of the same legal entity. For example, transferring a prescription between a pharmacy that is part of a health maintenance organization (HMO) and pharmacy that is not part of the HMO could be done using HL7 messaging rather than the NCPDP SCRIPT standard version 2023011 RxTransferInitiationRequest, RxTransfer, and RxTransferConfirm transactions (or NCPDP SCRIPT standard version 2017071 RxTransferRequest, RxTransferResponse, and RxTransferConfirm transactions).

Response: The commenter did not provide an explanation for why the commenter requested that we create an exemption from use of the NCPDP SCRIPT standard for prescription transfer transactions between pharmacies, so CMS attempted to investigate the issue raised by the commenter. We found evidence that prescription transfer transactions are at a low level of adoption [23] for NCPDP SCRIPT standard version 2017071 despite the fact that CMS has required the use of NCPDP SCRIPT standard transactions for the transfer of prescriptions for Part D drugs for Part D eligible individuals between pharmacies since January 1, 2020, when NCPDP SCRIPT standard version 2017071 was adopted (83 FR 16635–16638). We did not receive any comments identifying issues with prescription transfer transactions when we proposed the update to NCPDP SCRIPT standard version 2022011 in the December 2022 proposed rule. NCPDP SCRIPT standard version 2022011 contained enhancements to prescription transfer transactions that were not available in NCPDP SCRIPT standard version 2017071,[24] and these enhancements are maintained in NCPDP SCRIPT standard version 2023011. Since we are unable to determine an underlying reason for the low adoption rate of NCPDP SCRIPT standard version 2017071 transactions for prescription transfers between pharmacies, and since we only received one comment requesting an exemption from use of the NCPDP SCRIPT standard version 2023011 for prescription transfers between pharmacies, we decline to create a new exemption and will finalize as proposed the requirement to use RxTransferInitiationRequest (previously named RxTransferRequest), RxTransfer (previously named RxTransferResponse), and RxTransferConfirm transactions for prescription transfers between pharmacies, when such transactions take place electronically.

Comment: We received many comments on EPCS in LTC. Many commenters requested that CMS move the EPCS compliance date for LTC to January 1, 2027 to align with the proposed date by which NCPDP SCRIPT standard version 2023011 would be required. Some commenters stated that NCPDP was unable to create guidance to implement EPCS in LTC using the NCPDP SCRIPT standard version 2017071 because the coding infrastructure did not exist to support

[21] *https://www.healthit.gov/isa/section/pharmacy interoperability.*

[22] Supporting Electronic Prescribing Under Medicare Part D. September 19, 2008. *https://www.hhs.gov/guidance/document/supporting-electronic-prescribing-under-medicare-part-d.*

[23] *https://www.healthit.gov/isa/allows-a-pharmacy-request-respond-or-confirm-a-prescription-transfer.*

[24] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2022/202201NCPDP-SCRIPTNextVersionLetter.pdf.*

the necessary three-way communication between the prescriber, LTC facility, and pharmacy. A commenter indicated that they had successfully implemented EPCS in LTC using NCPDP SCRIPT standard version 2017071 but acknowledged that the enhancements in NCPDP SCRIPT standard version 2023011 would improve the experience for LTC providers.

Response: We thank commenters for their feedback. As we stated in the November 2023 proposed rule, we did not propose a change to the EPCS compliance date for LTC and therefore cannot finalize a change in this final rule. Changes to the CMS EPCS program requirements have been taking place through the annual Medicare Physician Fee Schedule rulemaking process,[25] therefore CMS will consider making any changes through that process. In light of the fact that we are further delaying the required use of NCPDP SCRIPT standard version 2023011 to January 1, 2028, as discussed in section II.A.7. of this final rule, we will consider the feedback received for future rulemaking.

Comment: A commenter suggested embedding the ePA process within the electronic medical record (EMR).

Response: We thank the commenter for being eager to integrate ePA into their practice; however, how the NCPDP SCRIPT and other standards are incorporated into EMR/electronic health record (EHR) design and workflow is outside the scope of this proposal. We refer the commenter to a Request for Information titled ''Electronic Prior Authorization Standards, Implementation Specifications, and Certification Criteria'' (87 FR 3475), which appeared in the **Federal Register** on January 24, 2022, and which describes ONC's approach to considering updates to the ONC Health IT Certification Program that could support the availability of ePA in certified health IT for use by health care providers.

After consideration of the public comments we received, we are finalizing our proposal to require, at § 423.160(b)(1), that communication of a prescription and prescription-related information must comply with a standard in 45 CFR 170.205(b) for the transactions listed at § 423.160(b)(1)(i)(A) through (Z), as applicable to the version of the standard in use. We are also finalizing our proposals to consolidate required transactions for prescriptions (§ 423.160(b)(1)(i)(A) through (T)), medication history (§ 423.160(b)(1)(i)(U), and electronic prior authorization (§ 423.160(b)(1)(i)(V) through (Z)) together since all transactions are specific to the NCPDP SCRIPT standard versions ONC has previously adopted or is adopting at 45 CFR 170.205(b) as described in section II.B.8.a. of this final rule.

Taken in conjunction with the standards and expiration date adopted by ONC, as described in section II.B.8.a. of this final rule, § 423.160(b)(1) will require use of NCPDP SCRIPT standard version 2023011, which ONC is adopting at 45 CFR 170.205(b)(2), beginning January 1, 2028, and retire use of NCPDP SCRIPT standard version 2017071, which ONC previously adopted at 45 CFR 170.205(b)(1) and to which it is applying an expiration date of January 1, 2028. As both NCPDP SCRIPT standard version 2017071 and NCPDP SCRIPT standard version 2023011 will be adopted at 45 CFR 170.205(b) and unexpired as of the effective date of this final rule, entities subject to the requirement at § 423.160(b)(1) may use either version of the NCPDP SCRIPT standard during the transition period beginning the effective date of this final rule, and ending December 31, 2027, which is the last day before NCPDP SCRIPT standard version 2017071 will expire for the purposes of HHS use.

5. Requiring NCPDP Real-Time Prescription Benefit (RTPB) Standard Version 13

In the May 2019 final rule, which implemented the statutory provision at section 1860D–4(e)(2)(D) of the Act, CMS required at § 423.160(b)(7) that Part D plan sponsors implement, by January 1, 2021, one or more electronic RTBT capable of integrating with at least one prescriber's e-prescribing system or EHR to provide prescribers with complete, accurate, timely, clinically appropriate, patient-specific formulary and benefit information. CMS indicated that the formulary and benefit information provided by the tool should include cost, clinically appropriate formulary alternatives, and utilization management requirements because, at that time, an industry standard for RTBTs had not been identified (84 FR 23833). NCPDP has since developed and tested the NCPDP RTPB standard for use with RTBT applications. The NCPDP RTPB standard enables the real-time exchange of information about patient eligibility and patient-specific formulary and benefit information. For a submitted drug product, the NCPDP RTPB standard will indicate coverage status, coverage restrictions, and estimated patient financial responsibility. ''Estimated'' financial responsibility accounts for the fact that the RTPB transaction transmits the patient's cost sharing at that particular moment in time, which could later change if the claim is processed at a later date or in a different sequence relative to other claims (for example, an RTPB transaction could show a cost sharing that reflects a deductible or particular stage in the Part D benefit which could be different from when the prescription claim is actually processed by the pharmacy if other claims were processed in the interim). The NCPDP RTPB standard also supports providing information on alternative pharmacies and products. In an August 20, 2021 letter to CMS, NCPDP described these features and recommended adoption of NCPDP RTPB standard version 12.[26] Subsequently, in the December 2022 proposed rule, CMS proposed that Part D sponsors' RTBTs comply with NCPDP RTPB standard version 12. In response to that proposal, NCPDP and many other interested parties provided comments to CMS recommending that CMS instead require NCPDP RTPB standard version 13. In their comments on the December 2022 proposed rule,[27] NCPDP listed enhancements in NCPDP RTPB standard version 13 that improve the information communicated between the payer and the prescriber. These enhancements include—

- Addition of a Coverage Status Message to enable the payer to communicate at the product level coverage information that is not codified (that is, values that are not discrete data elements or specific code values);
- Addition of values to the Coverage Restriction Code and data elements to codify information communicated and reduce the number of free text messages on the response;
- Addition of a next available fill date to communicate when the patient is eligible to receive a prescription refill in a discrete field instead of via a free text message;
- Addition of fields to communicate formulary status and preference level of both submitted and alternative products in order to clarify pricing; and
- Addition of data elements on the request transaction to convey the patient's address, state/province, zip/postal code and country to aid in coverage determinations.

Though we withdrew the proposals contained in section III.S. Standards for

[25] See 85 FR 84472, 86 FR 64996, 87 FR 69404, 88 FR 78818.

[26] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2021/20210820_To_CMS_RTPBandFandBStandardsAdoptionRequest.pdf.*

[27] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2023/20230213_To_CMS_CMS_4201_P_NPRM.pdf.*

Electronic Prescribing in the December 2022 proposed rule (87 FR 79548), we considered comments we received on the December 2022 proposed rule when crafting the proposals related to RTBTs discussed in this final rule. A commenter on the December 2022 proposed rule requested that CMS specify that adoption of the NCPDP RTPB standard should not impede what the commenter refers to as the industry standard of sending 4 drugs or 4 pharmacies for pricing in a single transaction. We understand that each transaction between a prescriber EHR and the payer or processor is associated with a degree of latency (that is, the amount of time it takes for the RTBT request to travel from the electronic prescribing system to the payer or processor and return a response with the patient's cost sharing and formulary status information for the submitted drug). In order to populate information on alternative formulary drugs or alternative pharmacies, if one alternative is submitted per transaction, then the latency associated with each transaction becomes additive. If the total latency is too long, then either the RTBT request may ''time out'' and a response may never be presented to the prescriber, or the prescriber may simply not wait long enough for the RTBT response before moving on through the electronic prescribing process. To illustrate the concept at the center of this issue, if each RTBT transaction is associated with 1 second of latency, then 1 transaction containing the submitted drug, plus 3 alternatives should return the patient-specific cost and formulary status information for all 4 drugs within 1 second. However, if the submitted drug and each alternative are sent as separate transactions, then the total time to return the RTBT response becomes 4 seconds (1 second × 4 transactions). This longer response time increases the likelihood that the prescriber will not wait for the information to populate or that the EHR system will cause the transaction to time out, meaning the patient-specific cost and formulary status information are not presented to the prescriber. CMS takes interest in how adoption of the proposed NCPDP RTPB standard version 13 could alter functionality of RTBTs already in use. CMS created requirements for RTBTs in the absence of an industry-wide standard because of their potential to increase drug price transparency and lower out-of-pocket costs for Medicare Part D enrollees. The impact of RTBTs is contingent on prescribers actually receiving the patient-specific information in the response from the payer. CMS appreciates that this is relatively new technology and that there are multiple factors that contribute to the overall impact of RTBTs in real-world settings.[28] [29] [30] Nevertheless, we sought comment in the November 2023 proposed rule on the issue raised by the commenter in the December 2022 proposed rule.

We solicited interested parties for their perspective on whether requiring the NCPDP RTPB standard version 13 would limit the ability to send more than one drug or pharmacy per RTBT transaction, and if so, whether the benefit of adopting a standard for prescriber RTBTs in order to enable widespread integration across EHRs and payers outweighs such limitation.

The NCPDP RTPB standard version 13 standard is designed for prescriber, not beneficiary (that is, consumer), RTBTs. CMS emphasizes that we did not propose a required standard for beneficiary RTBTs. Beneficiary RTBTs are made available directly to Part D plan enrollees by the Part D sponsor; therefore, beneficiary RTBT applications do not necessarily interface with an electronic prescribing system or EHR, as prescriber RTBTs must. Consequently, CMS believes that Part D sponsors can retain the flexibility to use beneficiary RTBTs that are based on an available standard or a custom application, as long as the information presented to enrollees meets CMS's requirements codified at § 423.128(d)(4). The requirements for the beneficiary RTBT are discussed in the final rule titled ''Medicare and Medicaid Programs; Contract Year 2022 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicaid Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly,'' which appeared in the January 19, 2021 **Federal Register** (86 FR 5864). We declined to propose a standard for beneficiary RTBTs, however we welcomed comments on this topic to consider for future rulemaking.

[28] Everson J, Dusetzina SB. Real-time Prescription Benefit Tools—The Promise and Peril. *JAMA Intern Med.* 2022;182(11):1137–1138. doi:10.1001/jamainternmed.2022.3962.

[29] Real-Time Benefit Check: Key Insights and Challenges. May 2021. Accessed January 1, 2023. Available at: *https://www.hmpgloballearning network.com/site/frmc/cover-story/real-time-benefit-check-key-insights-and-challenges.*

[30] American Medical Association. Council on Medical Service. Access to Health Plan Information regarding Lower-Cost Prescription Options (Resolution 213–NOV–20). Available from *https://councilreports.ama-assn.org/councilreports/downloadreport?uri=/councilreports/n21_cms_report_2.pdf.*

As discussed in section II.B.8.b. of this rule, ONC proposed to adopt the NCPDP RTPB standard version 13 at 45 CFR 170.205(c)(1). We therefore proposed at § 423.160(b)(5) to require that beginning January 1, 2027, Part D sponsors' prescriber RTBT must comply with a standard in 45 CFR 170.205(c).

We solicited comment on these proposals and the related issues raised. A discussion of the comments received, along with our responses, follows.

Comment: All commenters supported the proposal to require NCPDP RTPB standard version 13 for prescriber RTBTs implemented by Part D sponsors. Several commenters shared their support for CMS's efforts to require a standard to improve transparency and efficiency in the electronic prescribing process for both prescribers and patients. Many commenters expressed support for the standard as a means to move away from limited proprietary RTBTs and move towards widespread access to accurate, detailed, patient-specific cost and coverage information for prescribers at the point of prescribing.

Response: We thank commenters for their support and for their enthusiasm towards utilizing RTBTs generally.

Comment: Several commenters expressed concern over the proposed date of January 1, 2027 when use of NCPDP RTPB standard version 13 would be required.

Response: See section II.A.7. of this rule for discussion of this concern.

Comment: Several commenters shared their thoughts regarding the issue of whether the number of medications that can be sent in a single request transaction in NCPDP RTPB standard version 13 would present a barrier to existing RTBT functionality. One commenter did not believe the standard would pose a barrier and that implementers could still send more than one transaction simultaneously. Another commenter confirmed that there are occasionally latency issues, but that overall enhancements offered by NCPDP RTPB standard version 13 would outweigh any potential latency issues. Commenters noted that even though the initial request only supports 1 drug per transaction, the response provides multiple alternatives, which meets the health care industry's needs.

Response: We thank commenters for their feedback on this topic. We are reassured that requiring NCPDP RTPB standard version 13 for prescriber RTBTs implemented by Part D sponsors will meet the health care industry's needs and will enhance rather than impede existing RTBT functionality.

Comment: Several commenters opined on the specific information communicated in the RTBT response. A commenter requested that CMS address the number and order of pharmacy results based on patient preferences and the frequency and timeliness of Part D plan and RTBT vendor updates to pharmacy network files. The commenter indicated that pharmacies need a dispute process when RTBT responses provide inaccurate pharmacy network status.

Other commenters raised the topic of negotiated prices being displayed in RTBT results, as required for qualifying RTBTs as described in section 119(a) of Subtitle B of Title I, Division CC of CAA, 2021.[31] One commenter supported the use of RTBTs to display a full negotiated price to improve drug cost transparency. Another commenter expressed concern about disclosing negotiated prices, stating that disclosure of such information would have anticompetitive effects and unless CMS and ONC implemented protections to ensure this data is used only to support patient and consumer decision making, there is potential risk of disclosure of negotiated prices to third parties through abuse of RTBT transactions.

Response: With respect to the number and ordering of pharmacy results in a transaction response, the request to address pharmacy ordering in the NCPDP RTPB standard version 13 response transaction results is outside the scope of our proposal. The issue of pharmacy network status not being updated in a timely manner is also outside the scope of the current proposal since it relates to Part D plans' and their vendors' internal operations. The value of the RTBT is to provide patient-specific drug coverage information that accurately reflects what an enrollee would pay if presenting to a particular pharmacy at that moment in time; therefore, an RTBT response that does not return accurate information undermines the utility of and confidence in these tools. Part D sponsors should be ensuring that pharmacy network files are updated in a timely manner so that when an enrollee indicates their preferred pharmacy to their prescriber, the RTBT can return accurate coverage information. Pharmacies can also submit complaints to Medicare for review by CMS if they believe that their network participation status is not being accurately reflected by a Part D sponsor.[32]

With respect to display of negotiated prices in the RTBT, the NCPDP RTPB standard version 13 does not include fields to support the exchange of negotiated prices. We refer commenters and interested parties to discussion in the May 2019 final rule, in which we addressed comments received in response to encouraging Part D sponsors to include negotiated prices in RTBT (84 FR 23850). When we finalized the requirement at § 423.160(b)(7) in the May 2019 final rule (which we are renumbering to § 423.160(b)(5) in this final rule) for Part D sponsors to implement, no later than January 1, 2021, one or more RTBTs capable of integrating with at least one prescriber's e-prescribing system or electronic health record, we encouraged, but did not require, Part D sponsors' RTBTs to include negotiated prices.

CAA, 2021 was then enacted after the May 2019 final rule appeared in the **Federal Register**. Section 119(a) of Subtitle B of Title I of Division CC of the CAA, 2021 added section 1860D–4(o) of the Act to require Part D sponsors to implement one or more RTBTs that meet specified requirements after the Secretary has adopted a standard for RTBTs and at a time determined appropriate by the Secretary. The law specified that RTBTs must be capable of, with respect to a covered Part D drug for a specific Part D enrollee, transmitting cost sharing information and the negotiated price of a drug and its formulary alternatives, among other requirements. Similarly, section 119(b) of Subtitle B of Title I of Division CC of the CAA, 2021 amended the definition of a ''qualified electronic health record'' in section 3000(13) of the Public Health Service Act to require than a qualified electronic health record include an RTBT capable of transmitting cost sharing information and the negotiated price of a drug and its formulary alternatives, among other requirements.

In a proposed rule titled ''Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing'' (88 FR 23746), which appeared in the April 18, 2023 **Federal Register**, ONC discussed limitations of NCPDP RTPB standard version 12, specifically that it does not include fields that support the exchange of negotiated prices. Furthermore, ONC requested comment on pharmacy interoperability functionality within the ONC Health IT Certification Program, including real-time prescription benefit capabilities, in which ONC noted that these fields were not included in the NCPDP RTPB standard due to concerns regarding confidentiality and challenges in determining a negotiated price in real time (88 FR 23850). Section 119 of Subtitle B of Title I of Division CC of the CAA, 2021 grants the Secretary of Health and Human Services the authority to determine the appropriate time, after adopting a standard, to require Part D sponsors to implement and qualified electronic health records to include, respectively, RTBTs meeting the statutory requirements. CMS and ONC will continue to work with other interested parties to determine how and at what time negotiated price information may be made available in RTBTs. At this time, NCPDP RTPB standard version 13 also lacks fields that support the exchange of negotiated prices, but it is the best available standard and otherwise meets the statutory requirements for RTBTs.

Comment: Several commenters provided feedback about beneficiary RTBTs. A commenter recommended that CMS should adopt the same standard for beneficiary RTBTs that is used for prescriber RTBTs since the NCPDP RTPB standard, for example, could be adapted to a consumer-friendly user interface and information that would not be relevant in a beneficiary-facing context could be suppressed. Other commenters noted that the NCPDP RTPB standard was not designed to support a beneficiary RTBT and therefore would not be an appropriate standard for that purpose. A commenter agreed that there is no immediate need to require a standard for beneficiary RTBTs. A commenter emphasized that it is essential for pricing and coverage information displayed in beneficiary RTBTs to match the information provided in prescriber RTBTs, therefore any required standard for beneficiary RTBTs must guarantee that information shared is consistent.

Response: We thank commenters for their input and may consider it to inform future rulemaking.

Comment: A commenter suggested that RTBTs should be embedded within the EMR/EHR workflow.

Response: We thank the commenter for being eager to integrate RTBTs into their practice; however, the manner in which the NCPDP RTPB standard and other standards are incorporated into EMR/EHR design and workflow is outside the scope of this proposal. We refer the commenter to section III.G.2. of the final rule titled ''Health Data, Technology, and Interoperability:

[31] Public Law 116–260 (December 27, 2020). *https://www.congress.gov/bill/116th-congress/house-bill/133.*

[32] *https://www.medicare.gov/my/medicare-complaint/.*

Certification Program Updates, Algorithm Transparency, and Information Sharing'' (89 FR 1192), which appeared in the January 9, 2024 **Federal Register**, and which describes ONC's approach to considering updates to the ONC Health IT Certification Program that could support the availability of RTBTs in certified health IT for use by health care providers.

Comment: CMS received several comments regarding use of RTBTs. A commenter requested that pharmacists have access to RTBTs. Another commenter requested an exception to the use of RTBTs in LTC or institutional levels of care. A commenter encouraged CMS and ONC to monitor physician utilization of RTBTs to consider the impact in Part D and address barriers to access in future regulation.

Response: With respect to pharmacists accessing RTBTs, nothing in § 423.160, standards for electronic prescribing, limits RTBT access to particular health care providers where consistent with applicable law. Our understanding is that a decision to expand access to RTBTs to non-prescribing providers, such as pharmacists or other members of a clinical care team, would be made by each health system.

With respect to the request for an exemption from the use of RTBTs in LTC or institutional levels of care, we point out that Part D regulations have never imposed a requirement with respect to the utilization of RTBTs by prescribers. Since January 1, 2021, CMS has required that Part D sponsors implement at least one RTBT capable of integrating with at least one prescriber's e-prescribing system or EHR. Our proposal to require that by January 1, 2027, the Part D sponsor RTBT must comply with NCPDP RTPB standard version 13, which ONC is adopting at 45 CFR 170.205(c)(1), does not impose any new requirement on prescribers to integrate RTBTs into their e-prescribing systems or EHRs or to utilize RTBTs.

With respect to monitoring real-world use of RTBTs, we intend to monitor the published literature and will explore other vehicles for monitoring progress in this area as resources permit.

After consideration of the public comments we received, we are finalizing the requirement as proposed at § 423.160(b)(5) that beginning January 1, 2027, Part D sponsors' prescriber RTBT must comply with a standard in 45 CFR 170.205(c), where ONC is adopting the NCPDP RTPB standard version 13 at 45 CFR 170.205(c)(1) as described in section II.B.8.b. of this rule.

6. Requiring NCPDP Formulary and Benefit Standard Version 60 and Retirement of NCPDP Formulary and Benefit Standard Version 3.0

The NCPDP Formulary and Benefit (F&B) standard provides a uniform means for prescription drug plan sponsors to communicate plan-level formulary and benefit information to prescribers through electronic prescribing/EHR systems. The NCPDP F&B standard transmits, on a batch basis, data on the formulary status of drugs, preferred alternatives, coverage restrictions (that is, utilization management requirements), and cost sharing consistent with the benefit design (for example, cost sharing for drugs on a particular tier). The NCPDP F&B standard serves as a foundation for other electronic prescribing functions including ePA, real-time benefit check, and specialty medication eligibility when used in conjunction with other standards.[33] NCPDP F&B standard version 3.0 is required for transmitting formulary and benefits information between prescribers and Medicare Part D sponsors, consistent with the text of §§ 423.160(b)(1)(v) and 423.160(b)(5)(iii). In an April 4, 2023 letter to CMS, NCPDP requested that CMS adopt NCPDP F&B standard version 60 to replace NCPDP F&B standard version 3.0.[34] A detailed change log was attached to the letter and is available at the link in the footnote. As described in the letter, compared with NCPDP F&B standard version 3.0, NCPDP F&B standard version 60 includes all of the following major enhancements:

- Normalization of all files (lists), which allows for smaller files and reusability.
- All files have expiration dates.
- Redesigned alternative and step medication files to reduce file sizes and to include support for reason for use (that is, diagnosis).
- Step medication files support a more complex step medication program.
- Updated coverage files to include support for electronic prior authorization and specialty drugs.
- Updated copay files to allow a minimum and maximum copay range without a percent copay and to support deductibles and pharmacy networks.

In its letter to CMS, NCPDP requested mandatory use of NCPDP F&B version 60 24 months after the effective date of a final rule adopting the standard. NCPDP F&B standard version 60 is backwards compatible with NCPDP F&B standard version 3.0, permitting a transition period where both versions of the NCPDP F&B standard may be used simultaneously without the need for entities involved to utilize a translator program.

Following an approach similar to those discussed in sections II.A.4. and II.A.5. of this rule, CMS proposed at § 423.160(b)(3) that electronic transmission of formulary and benefit information between prescribers and Medicare Part D sponsors must either utilize NCPDP F&B standard version 3.0 or comply with a standard in 45 CFR 170.205(u), where ONC proposed to adopt, at 45 CFR 170.205(u)(1), NCPDP F&B standard version 60 as described in section II.B.8.c. of this rule. CMS proposed that beginning January 1, 2027, entities transmitting formulary and benefit information would be required to comply with a standard in 45 CFR 170.205(u) exclusively. As a result of these proposals, there would be a transition period where either NCPDP F&B standard version 3.0 or NCPDP F&B standard version 60 could be used until January 1, 2027. Since ONC did not previously adopt NCPDP F&B standard version 3.0, we would be maintaining adoption of the standard at § 423.160(b)(3) (previously adopted at § 423.160(b)(5)(iii)) and the incorporation by reference of that version in the Part D regulation at § 423.160(c)(1).

We solicited comment on these proposals. A discussion of the comments received, along with our responses, follows.

Comment: All commenters supported the proposal to update NCPDP F&B standard version 3.0 to NCPDP F&B standard version 60. Several commenters acknowledged the complementary role of the NCPDP F&B standard with NCPDP SCRIPT and NCPDP RTPB standards.

Response: We thank commenters for their support.

Comment: Several commenters expressed concern over the proposed date of January 1, 2027 when use of the NCPDP F&B standard version 60 would be required.

Response: For a discussion of the responses to these comments, see section II.A.7. of this rule.

After consideration of the public comments received, we are finalizing the requirement, beginning January 1, 2027 and as proposed at § 423.160(b)(3),

[33] Babbrah P, Solomon MR, Stember LA, Hill JW, Weiker M. Formulary & benefit and real-time pharmacy Benefit: Electronic standards delivering value to prescribers and pharmacists. J Am Pharm Assoc (2003). 2023 May–Jun;63(3):725–730. doi: 10.1016/j.japh.2023.01.016.

[34] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2023/20230404-to-CMS-Formulary-and-Benefit-V60-Request.pdf.*

for transmission of formulary and benefit information between Medicare Part D sponsors and prescribers to comply with a standard in 45 CFR 170.205(u), where ONC is adopting NCPDP F&B standard version 60. We are finalizing our proposal to retire use of NCPDP F&B standard version 3.0 for transmitting formulary and benefit information between prescribers and Part D sponsors effective January 1, 2027. A transition period where entities will be permitted to use either NCPDP F&B standard version 3.0 (named at § 423.160(b)(3) consistent with the technical changes in this rule) will begin on the effective date of the final rule and continue through December 31, 2026. Beginning January 1, 2027, only a version of the standard adopted for HHS use at 45 CFR 170.205(u) will be permitted for use, which will be NCPDP F&B standard version 60 as described in section II.B.8.c. of this rule.

7. Date for Required Use of NCPDP SCRIPT Standard Version 2023011, NCPDP RTPB Standard Version 13, and NCPDP F&B Standard Version 60 and Transition Period for NCPDP SCRIPT and F&B Standards

As discussed in the November 2023 proposed rule, we have received feedback on a number of practical considerations for determining a realistic timeframe to implement new or update existing electronic prescribing standards. We have been informed that organizations generally do not budget for new requirements until a final rule has been published establishing a particular new requirement and, therefore, the timing of when a final rule is finalized relative to budget approval cycles can determine if a requirement can be accounted for in the organization's next annual budget. The health IT industry has indicated to CMS that it requires at least 2 years to design, develop, test, and certify software with trading partners; perform DEA audits for EPCS compliance; and roll out updated software to provider organizations and partners who then must train end users before a transition to a new or updated version of a standard is complete. This account is consistent with NCPDP's requests for up to 24-month implementation timeframes for new standards.[35] [36] A commenter on the December 2022 proposed rule requested that CMS either permit 3 years from a final rule before requiring use of a new or updated version of a standard, or use enforcement discretion if requiring use of a new or updated version of a standard less than 3 years from a final rule. CMS will generally aim to provide entities with at least 2 years from when a final rule is finalized. However, we qualify that in some cases less time may be provided if determined to be necessary.

We routinely receive feedback requesting that we do not require the use of new or updated electronic prescribing standards starting on January 1 due to end-of-year ''code freezes,'' which prohibit updates to internal systems and plan enrollment changes that contribute to a general high workload at the start of a new plan year. We remind entities impacted by the proposed regulatory changes that, consistent with § 423.516, we are prohibited from imposing new, significant regulatory requirements on Part D sponsors midyear. Consistent with the approach discussed in this rule to align CMS' requirements for certain Part D electronic prescribing standards by cross-referencing standards adopted in ONC regulations, CMS and ONC will coordinate to establish appropriate timeframes for updating adopted standards and expiration dates for prior versions of adopted standards. CMS, working with ONC, will consider transition periods longer than 24 months following publication of a final rule to permit a sufficient transition period prior to January 1. Since a new, significant requirement must be effective January 1, a new or updated version of a standard could be required January 1 of the year following 24 months after a final rule is effective. Part D sponsors would need to plan accordingly to completely transition to the updated version of the standard ahead of the January 1 date to meet their internal production calendars.

ONC proposed January 1, 2027, as the date NCPDP SCRIPT standard version 2023011 would be the required version of this standard, as a product of the proposed expiration for NCPDP SCRIPT standard version 2017071 and our proposed cross-reference in § 423.160(b)(1) to a standard in 45 CFR 170.205(b). We proposed the required use of NCPDP F&B standard version 60 and NCPDP RTPB standard version 13 by January 1, 2027, in the text of §§ 423.160(b)(3) and (5) via cross-reference to a standard in 45 CFR 170.205(u) and 170.205(c), respectively. As discussed in sections II.A.4 and II.A.6 of this rule, since NCPDP SCRIPT standard version 2023011 and NCPDP F&B standard version 60 are backwards compatible with NCPDP SCRIPT standard version 2017071 and NCPDP F&B standard version 3.0, respectively, we proposed to permit a transition period when either version could be used. The transition period would begin upon the effective date of the final rule and end on January 1, 2027, which is the expiration date for NCPDP SCRIPT standard version 2017071 proposed by ONC and the date after which CMS proposed to no longer permit use of NCPDP F&B standard version 3.0.

We are also aware that Part D sponsors and the health IT industry are awaiting HHS' final rule on the proposals to update the NCPDP Telecommunication standard from version D.0 to version F6 (87 FR 67638), update the equivalent NCPDP Batch Standard version 15 (87 FR 67639), and implement the NCPDP Batch Standard Pharmacy Subrogation version 10 (87 FR 67640) proposed in the November 2022 Administrative Simplification proposed rule.

Taking all of these proposals into consideration, we asked interested parties to comment on the proposed January 1, 2027 date for the required use of NCPDP SCRIPT standard version 2023011, NCPDP RTPB standard version 13, and NCPDP F&B standard version 60. We noted that the compliance date for the proposals in HHS' November 2022 Administrative Simplification proposed rule was expressly outside the scope of our proposals, and we did not seek comment on it; however, we solicited comments on the feasibility of updating multiple standards simultaneously. A discussion of the comments received, along with our responses, follows.

Comment: Most commenters supported January 1, 2027 as the date for required use of NCPDP SCRIPT standard version 2023011, NCPDP RTPB standard version 13, and NCPDP F&B standard version 60.

Response: We thank commenters for their support.

Comment: Several commenters requested that the date for required use of NCPDP SCRIPT standard version 2023011, NCPDP RTPB standard version 13, and NCPDP F&B standard version 60 be delayed to January 1, 2028. Commenters expressed concern with implementing multiple standards simultaneously at a time when Part D plan and pharmacy benefit manager resources are also focused on system changes related to sections of the Inflation Reduction Act of 2022 [37] that

[35] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2021/20210820_To_CMS_RTPBandFandBStandardsAdoptionRequest.pdf.*

[36] *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2022/202201NCPDP-SCRIPTNextVersionLetter.pdf.*

[37] Public Law 117–169. *https://www.congress.gov/bill/117th-congress/house-bill/5376/text.*

impact Part D sponsors and take effect in 2025 and 2026. A commenter indicated that updating standards in the LTC setting are uniquely challenging such that necessary changes could not be implemented before June 30, 2027.

Response: We acknowledge these concerns and seek to strike a balance between advancing standards and providing a reasonable timeline for the health care industry to implement standards successfully. When considering this request, we considered when each standard was last updated and competing needs of the health care industry that each standard addresses. For example, the last time we adopted a newer version of the NCPDP F&B standard was in 2015 (78 FR 74789), whereas we adopted a newer version of the NCPDP SCRIPT standard in 2020 (83 FR 16637). As discussed in section II.A.5. of this rule, we have not previously required a standard for prescriber RTBTs implemented by Part D sponsors, and many commenters supported adoption of a standard in order to enable widespread prescriber access to real-time pharmacy benefit information for their patients at the time of prescribing.

We are concerned that delaying the full and required implementation of all standards until January 1, 2028 would create a scenario where, by the time impacted parties have implemented NCPDP SCRIPT standard version 2023011, NCPDP RTPB standard version 13, and NCPDP F&B standard version 60, NCPDP will have already created newer versions that merit adoption. We are aware of the challenges that are created when cycles of updating standards and adoption in regulation do not occur in tandem. CMS and ONC are open to working with standards development organizations and health care industry representatives to improve the process through which updated standards are incorporated into regulation in the future such that updates can be made in a timely manner.

CMS and ONC have taken the aforementioned factors and comments received into account and are delaying the required use of NCPDP SCRIPT standard version 2023011 to January 1, 2028. We are finalizing this change by finalizing the proposed § 423.160(b)(1), which requires compliance with a standard in 45 CFR 170.205(b), in conjunction with ONC finalizing January 1, 2028 as the expiration date for NCPDP SCRIPT standard version 2017071 in 45 CFR 170.205(b)(1) (as discussed in section II.B.8.a. of this final rule). We are finalizing without modification the requirement to use NCPDP F&B standard version 60 by January 1, 2027 by requiring at § 423.160(b)(3), beginning January 1, 2027, compliance with a standard in 45 CFR 170.205(u), where ONC is adopting NCPDP F&B standard version 60 (as discussed in section II.B.8.c. of this final rule). We are finalizing the requirement to use NCPDP RTPB standard version 13 by January 1, 2027 by requiring at § 423.160(b)(5), beginning January 1, 2027, compliance with a standard in 45 CFR 170.205(c), where ONC is adopting NCPDP RTPB standard version 13 (as discussed in section II.B.8.b. of this final rule). The NCPDP F&B standard has not been updated as recently as the NCPDP SCRIPT standard has been updated from the perspective of Part D requirements. Further, we believe that maintaining the proposed timeline to require use of NCPDP RTPB standard version 13 and exclusive use of NCPDP F&B standard version 60 by January 1, 2027 is warranted in order to support prescribers' access to accurate cost and coverage information at the point of prescribing through use of these complimentary standards.

Comment: A few commenters provided feedback on the transition periods permitted by CMS' proposals. A commenter offered general support for permitting transition periods when backwards compatible versions of standards are available since such periods offer flexibility to the health IT industry and all entities subject to Part D electronic prescribing requirements. Another commenter indicated that if CMS is not specifying the exact dates of transition periods in regulation, there may be confusion among health IT vendors with respect to when system updates can begin. The commenter requested that CMS provide additional communication to the health IT vendor community.

Response: As discussed in section II.A.8. of this rule, we believe, and most commenters agree, that the aligned approach between CMS and ONC will help alleviate compliance challenges for the health IT vendor community, but we acknowledge that our proposed approach to cross-reference ONC regulations in Part D regulations in § 423.160 is a significant change from the previous approach of naming standards and specific transition periods in the Part D regulations. Part D sponsors will need to engage with their health IT vendors following the effective date of this, and future, final rules to plan for the transition to new required standards. We do not generally intend to specify dates for transition periods in regulation in the future, but we will consider additional means of communicating the updated requirements to Part D sponsors, including specifying the dates of transition periods, to minimize any confusion.

After consideration of the public comments received, we are finalizing the requirement for exclusive use of NCPDP SCRIPT standard version 2023011 by January 1, 2028 as a result of ONC modifying the proposed expiration date for NCPDP SCRIPT standard version 2017071 at 45 CFR 170.205(b)(1) as discussed in section II.B.8.a. of this rule. The transition period during which either NCPDP SCRIPT standard version 2017071 or NCPDP SCRIPT standard version 2023011 may be used will begin on July 7, 2024, the effective date of this final rule, and end on December 31, 2027. We are finalizing the requirement for exclusive use of NCPDP F&B standard version 60 by January 1, 2027 as proposed by requiring at § 423.160(b)(3), beginning January 1, 2027, compliance with a standard in 45 CFR 170.205(u), where ONC is adopting NCPDP F&B standard version 60 (as discussed in section II.B.8.c. of this final rule). The transition period during which either NCPDP F&B standard version 3.0 or NCPDP F&B standard version 60 can be used, will begin on July 7, 2024, the effective date of this final rule, and end on December 31, 2026. We are finalizing the required use of NCPDP RTPB standard version 13 for prescriber RTBTs supported by Part D sponsors by January 1, 2027 as proposed by requiring at § 423.160(b)(5), beginning January 1, 2027, compliance with a standard in 45 CFR 170.205(c), where ONC is adopting NCPDP RTPB standard version 13 (as discussed in section II.B.8.b. of this final rule).

8. CMS–ONC Aligned Approach To Adoption of Electronic Prescribing Standards

We proposed a novel approach to updating e-prescribing standards by cross-referencing Part D e-prescribing requirements with standards, including any expiration dates, adopted by ONC, as discussed in section II.B.5. of this rule. The proposed approach would enable CMS and ONC to avoid misalignment from independent adoption of standards for their respective programs. Updates to the adopted standards would impact requirements for both programs at the same time, ensure consistency, and promote alignment for providers, payers, and health IT developers participating in and supporting the same prescription transactions. A discussion of the comments received on

our proposal, along with our responses, follows.

Comment: The majority of commenters supported the proposed aligned approach and agreed that it would alleviate compliance challenges for developers and generally help promote consistency and coordination among all parties implementing new standards.

Response: We thank commenters for their support.

Comment: A few commenters did not support or expressed concerns about the aligned approach. A commenter raised the point that Part D sponsors are not required to use certified health IT; therefore, the approach to cross-reference standards adopted by ONC in Part D regulation could create confusion about the scope of ONC requirements. A few commenters emphasized that CMS and ONC need to assure process alignment across agencies when ONC adopts new standards so that CMS representatives continue to be involved in determining the new requirements and timing. A commenter noted that there should be a notification process, such as a **Federal Register** announcement or Health Plan Management System (HPMS) memorandum to inform Part D sponsors if ONC plans to update the adopted standards in the future.

Response: We thank commenters for sharing their concerns and recommendations. We agree that the success of the proposed aligned approach with cross-references is contingent on collaboration and communication among CMS, ONC, and the entities that are subject to CMS and ONC requirements. CMS and ONC will continue to work together on future rulemaking to ensure that future standards that are adopted meet the needs of the respective programs. We will consider the means to ensure that the relevant entities are notified of proposed rules as they are published in the **Federal Register** for public comment and are notified of final rules that finalize relevant proposals. As described in section II.A.11. of this rule, in order for CMS to require use of standards in § 423.160 by cross citation to 45 CFR 170.205(b), (c), and (u), those standards must be published in full in the **Federal Register** or CFR. Therefore, CMS will be required to incorporate by reference in § 423.160 the standards that ONC updates at 45 CFR 170.205(b), (c), and (u). We believe the incorporation by reference in § 423.160 will help to mitigate confusion regarding the standards that are applicable to Part D requirements. We acknowledge that since the expiration dates of standards will be located in ONC regulations, CMS will consider a targeted announcement to Part D sponsors via HPMS memorandum or email. CMS will continue to participate in NCPDP task groups to ensure that Part D sponsors, pharmacies, and prescribers can continue to coordinate with CMS on issues and challenges related to electronic prescribing standards in Part D. In turn, CMS will work closely with ONC to ensure that any concerns related to electronic prescribing standards in Part D are considered in future rulemaking.

Comment: A commenter recommended that CMS should maintain its own standards version advancement process (SVAP) that is focused on the needs of health plans, since the ONC Health IT Certification Program is focused on providers and health IT vendors.

Response: We thank the commenter for their recommendation. ONC's SVAP permits health IT developers to voluntarily update health IT products certified under the ONC Health IT Certification Program (Certification Program) to newer versions of adopted standards as part of the ''Real World Testing'' Condition and Maintenance of Certification requirement at 45 CFR 170.405.[38] Although the ONC SVAP permits the use of newer versions of adopted standards in its ONC Health IT Certification Program, this flexibility does not extend to the Part D program requirements for electronic prescribing. Entities to which the requirements at § 423.160 apply must only use the standard version or versions specified in regulation. We did not propose an equivalent process to ONC's SVAP process for Part D sponsors' electronic prescription drug programs but will take the idea into consideration for future rulemaking.

Comment: A commenter recommended that CMS and ONC consider aligning federal requirements for electronic prescribing standards with state requirements or to encourage states to follow standards and timelines adopted at the federal level.

Response: The recommendation is outside the scope of our proposals. State regulators may refer to federal regulations to inform requirements related to electronic prescribing standards at the state level.

After consideration of the public comments we received, we are finalizing our proposals to update e-prescribing standards by cross-referencing Part D e-prescribing requirements with standards, including any expiration dates, adopted by ONC, as discussed in section II.B.5. of this rule.

9. Standards for Eligibility Transactions

We proposed to revise the Part D requirements to indicate that eligibility transactions must comply with 45 CFR 162.1202. The requirements for eligibility transactions currently codified at § 423.160(b)(3)(i) and (ii) name the Accredited Standards Committee X12N 270/271-Health Care Eligibility Benefit Inquiry and Response, Version 5010, April 2008, ASC X12N/005010x279 and the NCPDP Telecommunication Standard Specification, Version D, Release 0 (Version D.0), August 2007, and equivalent NCPDP Batch Standard Batch Implementation Guide, Version 1, Release 2 (Version 1.2), January 2006 supporting Telecommunications Standard Implementation Guide, Version D, Release 0 (Version D.0), August 2007. We adopted these standards to align with those adopted at 45 CFR 162.1202, pursuant to the final rule titled ''Health Insurance Reform; Modifications to the Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards,'' which appeared in the January 16, 2009 **Federal Register** (74 FR 3326).

The November 2022 Administrative Simplification proposed rule proposes to update the HIPAA standards used for eligibility transactions (87 FR 67634). We therefore proposed to update the Part D regulation by proposing, at § 423.160(b)(2), that eligibility inquiries and responses between the Part D sponsor and prescribers and between the Part D sponsor and dispensers would have to comply with the applicable HIPAA regulation in 45 CFR 162.1202, as opposed to naming standards independently, which would ensure, should the HIPAA standards for eligibility transactions be updated as a result of HHS rulemaking or in the future, that the Part D regulation would be synchronized with the required HIPAA standards. We foresee no immediate impact of this proposed change since the HIPAA regulation at 45 CFR 162.1202 currently identifies the same standards as those named in the Part D regulation at § 423.160(b)(3)(i) and (ii), but we believe establishing a cross-reference would help avoid potential future conflicts and mitigate potential compliance challenges for the health care industry and enforcement challenges for HHS.

Thus, we proposed to delete existing paragraphs §§ 423.160(b)(3)(i) and (ii)

[38] *https://www.healthit.gov/topic/standards-version-advancement-process-svap.*

and modify paragraph § 423.160(b)(2) (as renumbered per the technical revisions discussed in section II.A.10. of this rule) to require that eligibility transactions must comply with 45 CFR 162.1202.

We solicited comment on these proposals. A discussion of the comments received, along with our responses, follows.

Comment: All comments received on this proposal were supportive. Several commenters agreed that the cross-reference to HIPAA regulation will alleviate compliance challenges for those required to comply with Part D and HIPAA regulations.

Response: We thank commenters for their support.

Comment: A commenter requested that CMS institute a notification process to ensure that entities subject to Part D requirements are made aware of updates when HHS updates the required standards for eligibility transactions.

Response: Consistent with 45 CFR 162.100, the regulations at 45 CFR 162.1202 apply to covered entities as defined at 45 CFR 160.103. Entities subject to Part D regulations are among those covered entities.[39] We believe that HHS has the means to reach covered entities when it undertakes rulemaking and when new requirements are finalized. Therefore, we do not believe CMS would need to issue separate notice.

After consideration of the public comments we received, we are finalizing, in § 423.160(b)(2), the cross-reference to 45 CFR 162.1202 for eligibility transactions as proposed.

10. Technical Changes Throughout § 423.160

In the spirit of alignment with ONC's approach to adopting standards, we reviewed § 423.160 in its entirety and identified areas where we could reorganize text throughout this section. We do not believe we should continue to list historical requirements that are no longer relevant and have resulted in repetitive content being added to the regulations. We proposed removing reference to old effective dates (for example, ''After January 1, 2009 . . .'' at § 423.160(a)(3)(ii)). Additionally, certain exemptions have long since expired. For example, at § 423.160(a)(3)(iv), entities transmitting prescriptions or prescription-related information where the prescriber is required by law to issue a prescription for a patient to a non-prescribing provider (such as a nursing facility) that in turn forwards the prescription to a dispenser have not been exempt from using the SCRIPT standard since November 1, 2014.

We proposed a correction at § 423.160(a)(3)(iii), where regulation text refers to prescriptions and prescription-related information transmitted ''internally when the sender and the beneficiary are part of the same legal entity.'' The exemption currently at § 423.160(a)(3)(iii) was previously codified at § 423.160(a)(3)(ii) as ''Entities may use either HL7 messages or the NCPDP SCRIPT Standard to transmit prescriptions or prescription-related information internally when the sender and the recipient are part of the same legal entity . . .'' as finalized in the November 2005 final rule, which codified the foundation standards for Medicare Part D electronic prescription drug programs (70 FR 67594). Paragraph § 423.160(a)(ii) was redesignated as paragraph § 423.160(a)(iii) subsequent to changes made in the final rule titled ''Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, and Other Part B Payment Policies for CY 2008; Revisions to the Payment Policies of Ambulance Services Under the Ambulance Fee Schedule for CY 2008; and the Amendment of the E-Prescribing Exemption for Computer Generated Facsimile Transmissions,'' (hereinafter referred to as ''the November 2007 final rule'') which appeared in the November 27, 2007 **Federal Register** (72 FR 66222). There is no indication of intent in the November 2007 final rule to change the wording in § 423.160(a)(iii) when it was redesignated, nor can we find evidence of when this paragraph may have been altered in subsequent rules. Therefore, we believe the word ''recipient'' was inadvertently changed to ''beneficiary'' in the distant past, and we proposed to change this back to ''recipient.''

Paragraphs § 423.160(a)(1)–(2) already indicate that the entities listed must comply with the applicable standards in § 423.160(b); therefore, the language currently at § 423.160(b)(1), ''Entities described in paragraph (a) of this section must comply with the following adopted standards for transactions under this section,'' is redundant. We proposed to remove it from the text of § 423.160(b)(1). Moreover, §§ 423.160(b)(1)(i) through (iv) and 423.160(b)(2)(i) through (iii) contain long-outdated requirements going back to the start of the electronic prescribing program in Medicare Part D. We proposed to delete references to outdated requirements so that the regulation text would include only relevant and applicable requirements. Transition periods would no longer be specifically spelled out as starting at a particular date (historically, 6 months after the effective date of a final rule). Rather, the transition period would begin as of the effective date of a final rule effectuating a change from one version of a standard to a new version and would last until the prior version of the standard is expired, as proposed to be codified in ONC regulation, or until the date specified in Part D regulation. For versions of standards adopted by ONC, CMS will consider the necessary transition period when working with ONC to establish the appropriate expiration date for prior versions of standards in rulemaking. This would align the Part D approach with the approach that ONC has used in its own regulations.

As currently organized, separate sections for ''Prescription'' at § 423.160(b)(2), ''Medication History'' at § 423.160(b)(4), and ''Electronic Prior Authorization'' at § 423.160(b)(8) have resulted in multiple versions of the NCPDP SCRIPT standard, and relevant transactions, being repeated in these sections. Because §§ 423.160(a)(1) and (2) state that the entities listed must comply ''with the applicable standards in paragraph (b),'' we believe that we could group the functions in paragraph (b) according to the standard used for those functions to avoid repetition. Therefore, we proposed to combine ''Prescriptions, electronic prior authorization, and medication history'' at § 423.160(b)(1), which would require the use of the NCPDP SCRIPT standard version or versions as proposed via cross-reference to ONC regulations. We proposed to delete §§ 423.160(b)(4) and (8). We proposed to relocate the ePA transactions previously listed at § 423.160(b)(8)(i)(A) through (D) to § 423.160(b)(1)(i)(V) through (Y). We proposed to delete reference to versions of the NCPDP F&B standard, currently codified at §§ 423.160(b)(5), 423.160(b)(5)(i), and 423.160(b)(5)(ii), that are no longer applicable. The remaining paragraphs in § 423.160(b) would be renumbered such that § 423.160(b)(2) would refer to eligibility, § 423.160(b)(3) would refer to formulary and benefits, § 423.160(b)(4) would refer to provider identifier, and § 423.160(b)(5) would refer to real-time benefit tools.

We proposed to delete standards incorporated by reference at § 423.160(c) that are: no longer applicable (that is, are associated with outdated requirements that we proposed to delete); or are already incorporated by reference by HHS at 45 CFR 162.920.

[39] *https://www.cms.gov/priorities/key-initiatives/burden-reduction/administrative-simplification/hipaa/covered-entities.*

The standards incorporated by reference at §§ 423.160(c)(1)(i), (ii), (iv), and (v) would no longer be applicable, and we proposed to delete them. The standards for eligibility transactions currently incorporated by reference at §§ 423.160(c)(1)(iii) and 423.160(c)(2) have already been incorporated by reference by HHS at 45 CFR 162.920. We proposed to delete these incorporations by reference in light of our proposal in section II.A.9. of this rule to indicate that entities would be required to comply with 45 CFR 162.1202. That citation indicates where the applicable standards have been incorporated by reference in HHS regulations.

We believe these changes would improve the overall readability of the section. With the exception of changes described in sections II.A.4., II.A.5., II.A.6., and II.A.9., we do not intend for technical changes to alter current requirements.

We solicited comment on these proposals. We received no comments on our proposed technical changes and the correction and therefore are finalizing them as proposed.

11. Incorporation by Reference and Availability of Incorporation by Reference Materials

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference (IBR) at 1 CFR part 51. If the regulations reference a standard, either in general or by name, in another section, IBR approval is required. In order for CMS to require use of standards in § 423.160 by cross citation to 45 CFR 170.205(b), (c), and (u), those standards must be published in full in the **Federal Register** or CFR. Therefore, CMS must incorporate by reference the materials referenced in the proposals in sections II.A.4., II.A.5., and II.A.6. of this rule which cross cite standards in ONC regulations.

For a final rule, agencies must discuss in the preamble to the final rule ways that the materials the agency proposes to incorporate by reference are reasonably available to interested parties or how the agency worked to make the materials reasonably available. Additionally, the preamble to the final rule must summarize the materials. See section II.B.10. of this final rule for summaries of the standards CMS and ONC are incorporating by reference.

Consistent with those requirements, CMS has established procedures to ensure that interested parties can review and inspect relevant materials. The proposals related to the Part D electronic prescribing standards have relied on the following materials, which we proposed to incorporate by reference where specified—

- NCPDP SCRIPT Standard, Implementation Guide Version 2017071, (Approval Date for American National Standards Institute [ANSI]: July 28, 2017), which is currently incorporated by reference at § 423.160(c)(1)(vii). We proposed to renumber this incorporation by reference as § 423.160(c)(2);
- NCPDP SCRIPT Standard, Implementation Guide Version 2023011, (Approval Date for ANSI: January 17, 2023). We proposed to incorporate by reference at § 423.160(c)(3);
- NCPDP Real-Time Prescription Benefit Standard, Implementation Guide Version 13, (Approval Date for ANSI: May 19, 2022). We proposed to incorporate by reference at § 423.160(c)(4);
- NCPDP Formulary and Benefits Standard, Implementation Guide, Version 3, Release 0 (Version 3.0), (Approval Date for ANSI: January 28, 2011), which is currently incorporated by reference at § 423.160(c)(1)(vi). We proposed to renumber this incorporation by reference as § 423.160(c)(1); and
- NCPDP Formulary and Benefit Standard, Implementation Guide Version 60, (Approval Date for ANSI: April 12, 2023). We proposed to incorporate by reference at § 423.160(c)(5).

NCPDP members may access these materials through the member portal at *https://standards.ncpdp.org/Access-to-Standards.aspx*. Non-NCPDP members may obtain these materials for information purposes by contacting CMS at 7500 Security Boulevard, Baltimore, Maryland 21244; by calling (410) 786–4132 or (877) 267–2323 (toll free); or emailing *PartDPolicy@cms.hhs.gov*.

We received no comments on these proposals and therefore are finalizing the incorporation by reference provisions with typographical and technical changes to § 423.160(c).

The following standards are already approved for the sections in which they appear in the amendatory text of this rule: NCPDP SCRIPT Standard, Implementation Guide Version 2017071 and NCPDP Formulary and Benefit Standard, Implementation Guide, Version 3, Release 0 (Version 3.0).

12. Summary of Standards for Electronic Prescribing Proposals

We received a few general comments that were not specific to any of the particular proposals. A discussion of the comments received, along with our responses, follows.

Comment: A few commenters suggested that HHS should require payers outside Part D to use the same standards required in Part D.

Response: We thank commenters for their suggestions acknowledging the role of CMS in advancing the adoption of updated standards through our requirements for Part D. We appreciate the fact that commenters believe that the standards required for electronic prescribing in Part D would provide value to electronic prescribing processes in other areas.

Comment: A commenter indicated that CMS should monitor the implementation progress of the required standards to assure there are no disruptions in care during the transition to, or as a result of, the implementation of the new versions of the standards.

Response: CMS monitors complaints received and will investigate complaints that suggest that required standards are not implemented appropriately.

In consideration of the public comments received and the discussion in sections II.A.4. though II.A.11. of this rule, we are finalizing all of the following:

- Requiring in § 423.160(b)(1) that Part D sponsors, prescribers, and dispensers of Part D drugs for Part D eligible individuals comply with a standard in 45 CFR 170.205(b) for communication of a prescription or prescription-related information. Under paragraph 45 CFR 170.205(b), ONC is adopting NCPDP SCRIPT standard version 2023011 in 45 CFR 170.205(b)(2) and finalizing an expiration date of January 1, 2028 for NCPDP SCRIPT standard version 2017071 in 45 CFR 170.205(b)(1). A transition period will begin on the effective date of the final rule, when either version of the NCPDP SCRIPT standard may be used. The transition period will end on December 31, 2027 because as of January 1, 2028, NCPDP SCRIPT standard version 2017071 will expire for the purposes of HHS use, as described in section II.B.8.a. of this rule. Starting January 1, 2028, NCPDP SCRIPT standard version 2023011 will be the only version of the NCPDP SCRIPT standard available for HHS use and for purposes of the Medicare Part D electronic prescribing program.
- Requiring in § 423.160(b)(5), beginning January 1, 2027, prescriber RTBTs implemented by Part D sponsors to comply with a standard in 45 CFR 170.205(c), where ONC is adopting NCPDP RTPB standard version 13, as described in section II.B.8.b. of this rule.
- Requiring in § 423.160(b)(3), beginning January 1, 2027, transmission of formulary and benefit information

between prescribers and Medicare Part D sponsors to comply with a standard in 45 CFR 170.205(u), where ONC is adopting NCPDP F&B standard version 60, and retiring use of NCPDP F&B standard version 3.0 for transmitting formulary and benefit information between prescribers and Part D sponsors. This requirement includes a transition period beginning on the effective date of the final rule, and ending December 31, 2026, where entities will be permitted to use either NCPDP F&B standard version 3.0 (named at § 423.160(b)(3) consistent with the technical changes in this rule) or NCPDP F&B standard version 60, adopted at 45 CFR 170.205(u). Starting January 1, 2027, only a version of the NCPDP F&B standard adopted for HHS use at 45 CFR 170.205(u) will be permitted for use in Part D electronic prescription drug program, which will be NCPDP F&B standard version 60 as discussed in section II.B.8.c. of this rule.

- Cross-referencing in § 423.160(b)(2) standards adopted for eligibility transactions in HIPAA regulations at 45 CFR 162.1202 for requirements related to eligibility inquiries and responses.
- Making multiple technical changes to the regulation text throughout § 423.160 for clarity by removing requirements and incorporations by reference that are no longer applicable or redundant, reorganizing existing requirements, and correcting a technical error.
- Incorporating by reference NCPDP SCRIPT Standard, Implementation Guide Version 2023011 at § 423.160(c)(3); NCPDP Real-Time Prescription Benefit Standard, Implementation Guide Version 13 at § 423.160(c)(4); and NCPDP Formulary and Benefit Standard, Implementation Guide Version 60, at § 423.160(c)(5).

B. Adoption of Health IT Standards and Incorporation by Reference (45 CFR 170.205 and 170.299)

1. Overview

In this section, ONC proposed to adopt standards for electronic prescribing and related activities on behalf of HHS under the authority in section 3004 of the Public Health Service Act (42 U.S.C. 300jj-14). ONC proposed these standards for adoption by HHS as part of a nationwide health information technology infrastructure that supports reducing burden and health care costs and improving patient care. ONC proposed to adopt these standards on behalf of HHS in one location within the Code of Federal Regulations for HHS use, including by the Part D Program as proposed in section II.A. of this final rule. These proposals reflected a unified approach across the Department to adopt standards for electronic prescribing (e-prescribing) activities that have previously been adopted separately by CMS and ONC under independent authorities. This approach is intended to increase alignment across HHS and reduce regulatory burden for interested parties subject to program requirements that incorporate these standards.

In the Medicare Program; Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, Medicare Parts A, B, C, and D Overpayment Provisions of the Affordable Care Act and Programs of All-Inclusive Care for the Elderly; Health Information Technology Standards and Implementation Specifications'' (hereinafter referred to as the ''December 2022 proposed rule''), which appeared in the **Federal Register** on December 27, 2022 (87 FR 79552 through 79557), we proposed to adopt NCPDP SCRIPT standard version 2022011 and NCPDP Real-Time Prescription Benefit (RTPB) standard version 12, as well as related proposals. As discussed in the November 2023 proposed rule, we withdrew the proposals in sections III.T. and III.U. of the December 2022 proposed rule (87 FR 79552 through 79557). We issued a series of new proposals in the November 2023 proposed rule that took into consideration the feedback we received from commenters on the December 2022 proposed rule and further built on these proposals (88 FR 78499 through 78503). Additionally, summaries of the standards we proposed to adopt and subsequently incorporate by reference in the Code of Federal Regulations can be found below in section II.B.10. of this rule.

2. Statutory Authority

The Health Information Technology for Economic and Clinical Health Act (HITECH Act), Title XIII of Division A and Title IV of Division B of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), was enacted on February 17, 2009. The HITECH Act amended the Public Health Service Act (PHSA) and created ''Title XXX—Health Information Technology and Quality'' (Title XXX) to improve health care quality, safety, and efficiency through the promotion of health IT and exchange of electronic health information (EHI). Subsequently, Title IV of the 21st Century Cures Act (Pub. L. 114–255) (hereinafter referred to as the ''Cures Act'') amended portions of the HITECH Act by modifying or adding certain provisions to the PHSA relating to health IT.

3. Adoption of Standards and Implementation Specifications

Section 3001 of the PHSA directs the National Coordinator for Health Information Technology (National Coordinator) to perform duties in a manner consistent with the development of a nationwide health information technology infrastructure that allows for the electronic use and exchange of information. Section 3001(b) of the PHSA establishes a series of core goals for development of a nationwide health information technology infrastructure that—

- Ensures that each patient's health information is secure and protected, in accordance with applicable law;
- Improves health care quality, reduces medical errors, reduces health disparities, and advances the delivery of patient-centered medical care;
- Reduces health care costs resulting from inefficiency, medical errors, inappropriate care, duplicative care, and incomplete information;
- Provides appropriate information to help guide medical decisions at the time and place of care;
- Ensures the inclusion of meaningful public input in such development of such infrastructure;
- Improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;
- Improves public health activities and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;
- Facilitates health and clinical research and health care quality;
- Promotes early detection, prevention, and management of chronic diseases;
- Promotes a more effective marketplace, greater competition, greater systems analysis, increased consumer choice, and improved outcomes in health care services; and
- Improves efforts to reduce health disparities.

Section 3004 of the PHSA identifies a process for the adoption of health IT standards, implementation specifications, and certification criteria, and authorizes the Secretary to adopt such standards, implementation specifications, and certification criteria. As specified in section 3004(a)(1) of the

PHSA, the Secretary is required, in consultation with representatives of other relevant Federal agencies, to jointly review standards, implementation specifications, and certification criteria endorsed by the National Coordinator under section 3001(c) of the PHSA and subsequently determine whether to propose the adoption of any grouping of such standards, implementation specifications, or certification criteria. The Secretary is required to publish all determinations in the **Federal Register**.

Section 3004(b)(3) of the PHSA, which is titled ''Subsequent Standards Activity,'' provides that the Secretary shall adopt additional standards, implementation specifications, and certification criteria as necessary and consistent with the schedule published by the Health IT Advisory Committee (hereinafter referred to as the ''HITAC''). As noted in the final rule, ''2015 Edition Health Information Technology (Health IT) Certification Criteria, 2015 Edition Base Electronic Health Record (EHR) Definition, and ONC Health IT Certification Program Modifications,'' which appeared in the October 16, 2015 **Federal Register**, we consider this provision in the broader context of the HITECH Act and the Cures Act to grant the Secretary the authority and discretion to adopt standards, implementation specifications, and certification criteria that have been recommended by the HITAC and endorsed by the National Coordinator, as well as other appropriate and necessary health IT standards, implementation specifications, and certification criteria (80 FR 62606).

Under the authority outlined in section 3004(b)(3) of the PHSA, the Secretary may adopt standards, implementation specifications, and certification criteria as necessary even if those standards have not been recommended and endorsed through the process established for the HITAC under section 3002(b)(2) and (3) of the PHSA. Moreover, while HHS has traditionally adopted standards and implementation specifications at the same time as adopting certification criteria that reference those standards, the Secretary's authority under section 3004(b)(3) of the PHSA is not limited to adopting standards or implementation specifications at the same time certification criteria are adopted.

Finally, the Cures Act amended the PHSA by adding section 3004(c), which specifies that in adopting and implementing standards under section 3004, the Secretary shall give deference to standards published by standards development organizations and voluntary consensus-based standards bodies.

4. Alignment With Federal Advisory Committee Activities

The HITECH Act established two Federal advisory committees, the HIT Policy Committee (hereinafter referred to as the ''HITPC'') and the HIT Standards Committee (hereinafter referred to as the ''HITSC''). Each was responsible for advising the National Coordinator on different aspects of health IT policy, standards, implementation specifications, and certification criteria.

Section 4003(e) of the Cures Act amended section 3002 of the PHSA and replaced the HITPC and HITSC with one committee, the HITAC. After that change, section 3002(a) of the PHSA establishes that the HITAC advises and recommends to the National Coordinator standards, implementation specifications, and certification criteria relating to the implementation of a health IT infrastructure, nationally and locally, that advances the electronic access, exchange, and use of health information. The Cures Act specifically directed the HITAC to advise on two areas: (1) a policy framework to advance an interoperable health information technology infrastructure (section 3002(b)(1) of the PHSA); and (2) priority target areas for standards, implementation specifications, and certification criteria (section 3002(b)(2) of the PHSA).

For the policy framework, as described in section 3002(b)(1)(A) of the PHSA, the Cures Act tasked the HITAC with providing recommendations to the National Coordinator on a policy framework for adoption by the Secretary consistent with the Federal Health IT Strategic Plan under section 3001(c)(3) of the PHSA. In February of 2018, the HITAC made recommendations to the National Coordinator for the initial policy framework [40] and subsequently published a schedule in the **Federal Register** and an annual report on the work of the HITAC and ONC to implement and evolve that framework.[41] For the priority target areas for standards, implementation specifications, and certification criteria, section 3002(b)(2)(A) of the PHSA identified that in general, the HITAC would recommend to the National Coordinator, for purposes of adoption under section 3004 of the PHSA, standards, implementation specifications, and certification criteria and an order of priority for the development, harmonization, and recognition of such standards, specifications, and certification criteria. In October of 2019, the HITAC finalized recommendations on priority target areas for standards, implementation specifications, and certification criteria.[42]

5. Aligned Approach to Standards Adoption

Historically, the ONC Health IT Certification Program and the Part D Program have maintained complementary policies of aligning health IT certification criteria and associated standards related to electronic prescribing, medication history, and electronic prior authorization for prescriptions. While CMS and ONC have worked closely together to ensure consistent adoption of standards through regulatory actions, we recognize that the practice of different HHS components conducting parallel adoption of the same standards may result in additional regulatory burden and confusion for interested parties. For instance, due to discrepancies between regulatory timelines, adoption of the NCPDP SCRIPT standard version 2017071 in different rules (respectively, the ONC Cures Act final rule (85 FR 25642); and the Medicare Program; Contract Year 2019 Policy and Technical Changes to the Medicare Advantage, Medicare Cost Plan, Medicare Fee-for-Service, the Medicare Prescription Drug Benefit Programs, and the PACE Program final rule, which appeared in the April 16, 2018 **Federal Register** (83 FR 16440)) led to a period where ONC had to exercise special enforcement discretion in the ONC Health IT Certification Program.[43] Given these concerns, ONC and CMS proposals in the December 2022 proposed rule (87 FR 79552 through 79557) reflected a new approach to alignment of standards under which ONC proposed to adopt, on behalf of HHS, the NCPDP SCRIPT standard version 2022011 and the NCPDP RTPB standard version 12 in a

[40] HITAC Policy Framework Recommendations, February 21, 2018: *https://www.healthit.gov/sites/default/files/page/2019-07/2018-02-21_HITAC_Policy-Framework_FINAL_508-signed.pdf.*

[41] Health Information Technology Advisory Committee (HITAC) Annual Report for Fiscal Year 2019 published March 2, 2020: *https://www.healthit.gov/sites/default/files/page/2020-03/HITAC%20Annual%20Report%20for%20FY19_508.pdf.*

[42] HITAC recommendations on priority target areas, October 16, 2019: *https://www.healthit.gov/sites/default/files/page/2019-12/2019-10-16_ISP_TF_Final_Report_signed_508.pdf.*

[43] See the archived version of the Certification Companion Guide for the ''electronic prescribing'' certification criterion in 45 CFR 170.315(b)(3): *https://www.healthit.gov/sites/default/files/page/2020-12/b3_ccg.pdf.*

single Code of Federal Regulations location at 45 CFR 170.205, where CMS proposed to cross-reference these standards for requirements in the Part D program.

Additional discussion of this approach can be found in the December 2022 proposed rule (87 FR 79552 through 79557) and CMS's discussion in sections II.A.3. through II.A.7. of this final rule. We note that this rule also reflects an aligned approach with CMS to adoption of health IT standards for e-prescribing and related purposes. We believe our adoption of these standards in a single CFR location for HHS use will help to address concerns around alignment across HHS programs.

Comment: Commenters supported the approach reflected in our proposed adoption of standards and alignment within a single CFR location, which they stated would reduce burden and cost, improve care, and improve coordination.

Response: We thank commenters for their support.

6. Regulatory History

For a summary of past standards adoption activities under section 3004 of the PHSA intended to ensure alignment for electronic prescribing and related activities across the ONC Health IT Certification Program and the Part D Program, we refer readers to the December 2022 proposed rule (87 FR 79553). For a summary of previous notice-and-comment rulemaking related to formulary and benefit management capabilities in the ONC Health IT Certification Program, we refer readers to the ''Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing'' proposed rule (hereinafter referred to as the ''HTI–1 Proposed Rule'') (88 FR 23853 through 23854).

7. Interoperability Standards Advisory

ONC's Interoperability Standards Advisory (ISA) supports the identification, assessment, and public awareness of interoperability standards and implementation specifications that can be used by the health care industry to address specific interoperability needs.[44] The ISA is updated on an annual basis based on recommendations received from public comments and subject matter expert feedback. This public comment process reflects ongoing dialogue, debate, and consensus among industry interested parties when more than one standard or implementation specification could be used to address a specific interoperability need.

ONC currently identifies the standards adopted in this section within the ISA as available standards for a variety of potential use cases. The NCPDP SCRIPT standard version 2023011, the NCPDP RTPB standard version 13, and the NCPDP Formulary and Benefit (F&B) standard version 60 are currently identified in sections of the ISA including the ''Pharmacy Interoperability'' [45] and ''Administrative Transactions—Non-Claims.'' [46] We encourage interested parties to review the ISA to better understand key applications for the implementation specifications proposed for adoption in this rule.

8. Proposal To Adopt Standards for Use by HHS

Consistent with section 3004(b)(3) of the PHSA and the efforts, as previously described, to evaluate and identify standards for adoption, we proposed to adopt the following standards in 45 CFR 170.205(b)(2), (c)(1), and (u)(1), on behalf of the Secretary, to support the continued development of a nationwide health information technology infrastructure as described under section 3001(b) of the PHSA, and to support Federal alignment of standards for interoperability and health information exchange. Specifically, we proposed to adopt the following standards:

- NCPDP SCRIPT Standard, Implementation Guide, Version 2023011.
- NCPDP Real-Time Prescription Benefit (RTPB) Standard, Implementation Guide, Version 13.
- NCPDP Formulary and Benefit (F&B) Standard, Implementation Guide, Version 60.

In addition to comments on the individual proposals below, we also invited comments on whether there are alternative versions, including any newer versions, of these or other standards that we should consider for adoption for HHS use. In particular, we stated we were interested in, and would consider for adoption in a final rule, any newer version of the proposed standard(s) that may correct any unidentified errors or clarify ambiguities that would support successful implementation of the standard(s) and the interoperability of health IT.

a. NCPDP SCRIPT Standard Version 2023011 (45 CFR 170.205(b)(2))

ONC has previously adopted three versions of the NCPDP SCRIPT standard in 45 CFR 170.205. Most recently, we adopted NCPDP SCRIPT standard version 2017071 in the ONC Cures Act final rule to facilitate the transfer of prescription data among pharmacies, prescribers, and payers (85 FR 25678).

The updated NCPDP SCRIPT standard version 2023011 includes important enhancements relative to NCPDP SCRIPT standard version 2017071. Enhancements have been added to support electronic prior authorization functions as well as electronic transfer of prescriptions between pharmacies. NCPDP SCRIPT standard version 2023011 also includes functionality that supports a 3-way transaction among prescriber, facility, and pharmacy, which will enable electronic prescribing of controlled substances in the long-term care (LTC) setting.[47]

We proposed to adopt NCPDP SCRIPT standard version 2023011 in 45 CFR 170.205(b)(2), replacing NCPDP SCRIPT standard version 10.6 which is currently in 170.205(b)(2). We proposed to incorporate NCPDP SCRIPT standard version 2023011 by reference in 45 CFR 170.299. Regarding NCPDP SCRIPT standard version 2017071, we proposed to revise the regulatory text in 45 CFR 170.205(b)(1) to specify that adoption of this standard will expire on January 1, 2027. We stated that if these proposals were finalized, this would mean that both the 2017071 and 2023011 versions of the NCPDP SCRIPT standard would be available for HHS use from the effective date of a final rule until January 1, 2027. On and after January 1, 2027, we stated that only the 2023011 version of the NCPDP SCRIPT standard would be available for HHS use, for instance, where use of a standard in 45 CFR 170.205(b) is required. We refer readers to section II.A.4. of this final rule, where CMS discusses its proposal at § 423.160(b)(1) to require use of a standard in 45 CFR 170.205(b) for communication of a prescription or prescription-related information to fulfill requirements for prescriptions, electronic prior authorization, and medication history.

We requested comment on these proposals and received several comments. A discussion of these comments, along with our responses follows.

Comment: Commenters supported the proposed adoption of the NCPDP

[44] See *https://www.healthit.gov/isa.*

[45] See *https://www.healthit.gov/isa/section/pharmacyinteroperability.*

[46] See *https://www.healthit.gov/isa/section/administrative-transactions-non-claims.*

[47] See *https://standards.ncpdp.org/Standards/media/pdf/Correspondence/2023/20230213_To_CMS_CMS_4201_P_NPRM.pdf.*

SCRIPT standard version 2023011, stating that it would improve patient safety, avoid mistakes and errors, and improve information-sharing. Commenters noted that the NCPDP SCRIPT standard version 2023011 includes important enhancements to support the electronic transfer of prescriptions between pharmacies.

Response: We thank commenters for their support.

Comment: Some commenters agreed with January 1, 2027 as the proposed date by which NCPDP SCRIPT standard version 2023011 would be the only available version of the NCPDP SCRIPT standard for use, due to the proposed expiration of NCPDP SCRIPT standard version 2017071 on that date, while other commenters suggested that we delay the date to January 1, 2028. A few commenters noted that January 1 (the start of the year) can also be difficult with end of year work and suggested a middle of the year date instead.

Response: We recognize that, as a result of CMS finalizing their proposals in section II.A.4. of this final rule, which cross-reference our standards adoption proposals in this section, Part D sponsors will need to make a series of changes to different systems in order to ensure compliance with the required standards. Taking into consideration comments on Part D requirements related to the other standards we have proposed for adoption, we agree with CMS that a staggered approach to these updates will allow Part D sponsors to ensure successful adoption and implementation.

Thus, we are modifying our proposal in 45 CFR 170.205(b)(1) for the expiration of NCPDP SCRIPT standard version 2017071 from January 1, 2027, to instead be January 1, 2028. As a result of this modified final policy, the requirements for Part D sponsors finalized in section II.A.4. of this final rule, which cross-reference the standards in 45 CFR 170.205(b), will allow for an additional transitional year before Part D sponsors must only use NCPDP SCRIPT standard version 2023011.

We disagree with commenters that a middle of the year date should be used as a compliance date, as January 1 follows many other CMS and ONC program compliance dates, and we believe it is important to maintain consistency in our alignment with these programs. As discussed in the November 2023 proposed rule (88 FR 78498), our proposed expiration date for the NCPDP SCRIPT standard version 2017071 would allow for a period when a requirement to use a standard in 45 CFR 170.205(b) would allow for the use of either version of the NCPDP SCRIPT standard adopted at that location. Thus, implementers including Part D sponsors that must use a standard in 45 CFR 170.205(b) have flexibility to determine the most appropriate time to update their systems, until January 1, 2028.

After consideration of the public comments we received, we are finalizing our proposal to adopt NCPDP SCRIPT standard version 2023011 in 45 CFR 170.205(b)(2) and incorporate it by reference in 45 CFR 170.299. We are modifying our proposal to revise the regulatory text in 45 CFR 170.205(b)(1) with respect to the proposed expiration date for NCPDP SCRIPT standard version 2017071 and finalizing that this standard will expire on January 1, 2028. After this date, only NCPDP SCRIPT standard version 2023011 will be available for HHS use. We refer readers to section II.A. of this final rule for additional information where CMS discusses its final policies at § 423.160(b)(1) to require use of a standard in 45 CFR 170.205(b) for communication of a prescription or prescription-related information to fulfill the requirements for prescriptions, electronic prior authorization, and medication history.

b. NCPDP Real-Time Prescription Benefit (RTPB) Standard Version 13 (45 CFR 170.205(c)(1))

The NCPDP RTPB standard version 13 enables the exchange of coverage status and estimated patient financial responsibility for a submitted product and pharmacy and identifies coverage restrictions and alternatives when they exist. See section II.A.5. of this final rule for a description of NCPDP RTPB standard functionality and enhancements of NCPDP RTPB standard version 13 relative to NCPDP RTPB standard version 12.

In the November 2023 proposed rule, we noted that our proposal to adopt this standard supports the requirements of Division CC, Title I, Subtitle B, section 119 of the Consolidated Appropriations Act, 2021 (CAA), Public Law 116–260, which required sponsors of Medicare prescription drug plans to implement a real-time benefit tool (RTBT) that meets technical standards named by the Secretary, in consultation with ONC. In addition, section 119(b) of the CAA amended the definition of a ''qualified electronic health record'' in section 3000(13) of the PHSA to specify that a ''qualified electronic health record'' must include or be capable of including a RTBT. We stated that ONC intends to address this provision in future rulemaking for the ONC Health IT Certification Program and would ensure alignment with the proposed NCPDP RTPB standard version 13, if finalized, and related proposals in the Part D program where appropriate.

We also noted that the HITAC had previously addressed real-time prescription benefit standards, consistent with its statutory role to recommend standards. In 2019, the HITAC accepted the recommendations included in the 2018 report of the Interoperability Priorities Task Force, including recommendations to continue to monitor standards then being developed for real-time prescription benefit transactions, and, when the standards are sufficiently validated, to require EHR vendors to provide functionality that integrates real time patient-specific prescription benefit checking into the prescribing workflow.[48] In early 2020, the National Committee on Vital and Health Statistics (NCVHS) and HITAC convened another task force, the Intersection of Clinical and Administrative Data (ICAD) Task Force, which was charged with convening industry experts and producing recommendations related to electronic prior authorizations. The task force report was presented to HITAC in November 2020[49] and discussed the NCPDP RTPB standard as an important tool for addressing administrative transactions around prescribing.

We proposed in 45 CFR 170.205(c) to add a new section heading for ''Real-time prescription benefit.'' We also proposed to adopt the NCPDP RTPB standard version 13[50] in 45 CFR 170.205(c)(1) and to incorporate this standard by reference in 45 CFR 170.299. We referred readers to section III.B.5. of the November 2023 proposed rule, where CMS proposed at 42 CFR 423.160(b)(5) to require Part D sponsors' RTBTs to comply with a standard in 45 CFR 170.205(c) by January 1, 2027, to fulfill the requirements for real-time benefit tools. As previously noted, we stated that ONC would consider proposals to require use of this standard to support RTBT functionality in the ONC Health IT Certification Program, consistent with section 119 of the CAA, in future rulemaking.

We requested comment on these proposals and received several comments. A discussion of these

[48] See *https://www.healthit.gov/sites/default/files/page/2019-12/2019-10-16_ISP_TF_Final_Report_signed_508.pdf.*

[49] See *https://www.healthit.gov/sites/default/files/page/2020-11/2020-11-17_ICAD_TF_FINAL_Report_HITAC.pdf.*

[50] See *https://standards.ncpdp.org/Access-to-Standards.aspx.*

comments, along with our responses follows.

Comment: Commenters supported our proposal to adopt the NCPDP RTPB standard version 13, noting that use of this standard is necessary to provide clinicians and patients with transparency about coverage requirements and cost information for informed decision making.

Response: We thank commenters for their support.

After consideration of the public comments received, we are finalizing our proposal to add a new section heading at 45 CFR 170.205(c), ''Real-time prescription benefit.'' We are also finalizing our proposal to adopt the NCPDP RTPB standard version 13 [51] in 45 CFR 170.205(c)(1) and incorporate it by reference in 45 CFR 170.299. We refer readers to section II.A. of this rule for additional information on CMS's finalized policy at § 423.160(b)(5) to require Part D sponsors' RTBTs to comply with a standard in 45 CFR 170.205(c) by January 1, 2027, to fulfill the requirements for real-time benefit tools.

c. NCPDP Formulary and Benefit (F&B) Standard Version 60 (45 CFR 170.205(u))

The NCPDP F&B standard version 60 [52] provides a uniform means for prescription drug plan sponsors to communicate plan-level formulary and benefit information to prescribers through electronic prescribing/EHR systems. The NCPDP F&B standard transmits, on a batch basis, data on the formulary status of drugs, preferred alternatives, coverage restrictions (that is, utilization management requirements), and cost sharing consistent with the benefit design (for example, cost sharing for drugs on a particular tier). The NCPDP F&B standard serves as a foundation for other electronic prescribing transactions including ePA, real-time benefit check, and specialty medication eligibility when used in conjunction with other standards.

We proposed to add a new paragraph heading at 45 CFR 170.205(u), ''Formulary and benefit.'' We proposed to adopt the NCPDP F&B standard version 60 at 45 CFR 170.205(u)(1) and to incorporate this standard by reference in 45 CFR 170.299. We referred readers to section III.B.6. of the November 2023 proposed rule, where CMS proposed at § 423.160(b)(3) to require, by January 1, 2027, use of a standard in 45 CFR 170.205(u) by Part D sponsors to fulfill the requirements for exchange of formulary and benefit information with prescribers.

We requested comment on these proposals and received several comments. A discussion of these comments, along with our responses, follows.

Comment: Commenters supported the adoption of the NCPDP F&B standard version 60, noting that this standard provides numerous enhancements and a uniformed means for prescription drug plan sponsors to communicate plan-level formulary and benefit information to prescribers through prescribing/EHR systems on a batch basis.

Response: We thank commenters for their support.

After consideration of the public comments we received, we are finalizing our proposal to add a new paragraph heading at 45 CFR 170.205(u), ''Formulary and benefit.'' We are also finalizing our proposal to adopt the NCPDP F&B standard version 60 at 45 CFR 170.205(u)(1) and to incorporate this standard by reference in 45 CFR 170.299. We refer readers to section II.A. of this rule for additional information on policies CMS is finalizing at 42 CFR 423.160(b)(3) to require, by January 1, 2027, use of a standard in 45 CFR 170.205(u) for transmitting formulary and benefit information between prescribers and Medicare Part D sponsors.

9. ONC Health IT Certification Program

In the November 2023 proposed rule, we did not propose new or revised certification criteria based on the proposed adoption of standards in the proposed rule. We noted that section 119 of the CAA does not require ONC to adopt certification criteria for real-time prescription benefit capabilities at the same time as a standard is adopted by HHS. We therefore proposed to adopt the NCPDP Real-Time Prescription Benefit standard for HHS use and as previously discussed, stated that ONC would address new or revised certification criteria referencing the standard, if finalized, in separate rulemaking. We noted that ONC published a Request for Information in the HTI–1 Proposed Rule seeking information related to potential establishment of a ''real-time prescription benefit'' criterion (88 FR 23853 through 23854). We also noted that ONC would continue to collaborate with CMS to ensure that any future proposals in the ONC Health IT Certification Program continue to advance alignment with program requirements under the Part D Program.

We believe the approach reflected in the standards we have adopted in this final rule will support Federal alignment and coordination of Federal activities with adopted standards and implementation specifications for a wide range of systems, use cases, and data types within the broad scope of health information exchange. Historically, State, Federal, and local partners have leveraged the standards adopted by ONC on behalf of HHS to inform program requirements, technical requirements for grants and funding opportunities, and systems implementation for health information exchange. We believe the adoption of these standards will support HHS partners in setting technical requirements and advancing the use of innovative health IT solutions for electronic prescribing and related activities.

10. Incorporation by Reference (45 CFR 170.299)

The Office of the Federal Register has established requirements for materials (for example, standards and implementation specifications) that agencies incorporate by reference in the Code of Federal Regulations (79 FR 66267; 1 CFR 51.5(a)). Specifically, 1 CFR 51.5(a) requires agencies to discuss, in the preamble of a final rule, the ways that the materials they incorporate by reference are reasonably available to interested parties or how they worked to make those materials reasonably available to interested parties; and summarize, in the preamble of the final rule, the material they incorporate by reference.

To make the materials reasonably available, we provide a uniform resource locator (URL) for the standards and implementation specifications. In many cases, these standards and implementation specifications are directly accessible through the URLs provided. In instances where they are not directly available, we note the steps and requirements necessary to gain access to the standard or implementation specification. In most of these instances, access to the standard or implementation specification can be gained through no-cost (monetary) participation, subscription, or membership with the applicable standards developing organization (SDO) or custodial organization. In certain instances, where noted, access requires a fee or paid membership. As an alternative, a copy of the standards may be viewed for free at the U.S. Department of Health and Human

[51] See *https://standards.ncpdp.org/Access-to-Standards.aspx.*

[52] See *https://standards.ncpdp.org/Access-to-Standards.aspx.*

Services, Office of the National Coordinator for Health Information Technology, 330 C Street SW, Washington, DC 20201. Please call (202) 690–7171 in advance to arrange inspection.

The National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 U.S.C. 3701 *et seq.*) and the Office of Management and Budget (OMB) Circular A–119 require the use of, wherever practical, technical standards that are developed or adopted by voluntary consensus standards bodies to carry out policy objectives or activities, with certain exceptions. The NTTAA and OMB Circular A–119 provide exceptions to selecting only standards developed or adopted by voluntary consensus standards bodies, namely when doing so would be inconsistent with applicable law or otherwise impractical. We have followed the NTTAA and OMB Circular A–119 in adopting standards and implementation specifications and note that the technical standards adopted in 45 CFR 170.205 in this final rule were developed by NCPDP, which is an ANSI-accredited, not-for-profit membership organization using a consensus-based process for standards development.

As required by 1 CFR 51.5(a), we provide summaries of the standards we have adopted and incorporate by reference in the Code of Federal Regulations. We also provide relevant information about these standards and implementation specifications in the preamble where these standards are adopted. We are finalizing revisions to § 170.299(k) with the following standards as well as typographical and technical revisions:

- NCPDP SCRIPT Standard, Implementation Guide, Version 2023011, (Approval Date for ANSI: January 17, 2023) URL: *https://standards.ncpdp.org/Access-to-Standards.aspx.*

Access requires registration, a membership fee, a user account, and a license agreement to obtain a copy of the standard.

Summary: SCRIPT is a standard created to facilitate the transfer of prescription data between pharmacies, prescribers, and payers. The current standard supports transactions regarding new prescriptions, prescription changes, renewal requests, prescription fill status notification, and prescription cancellation. Enhancements have been added for drug utilization review/use (DUR/DUE) alerts and formulary information as well as transactions to relay medication history and for a facility to notify a pharmacy of resident information. Enhancements have been added to support electronic prior authorization functions as well as electronic transfer of prescriptions between pharmacies.

- NCPDP Real-Time Prescription Benefit Standard, Implementation Guide, Version 13, (Approval Date for ANSI: May 19, 2022) URL: *https://standards.ncpdp.org/Access-to-Standards.aspx.*

Access requires registration, a membership fee, a user account, and a license agreement to obtain a copy of the standard.

Summary: The NCPDP Real-Time Prescription Benefit Standard Implementation Guide is intended to meet the industry need within the pharmacy services sector to facilitate the ability for pharmacy benefit payers/processors to communicate to providers and to ensure a consistent implementation of the standard throughout the industry. The NCPDP Real-Time Prescription Benefit standard enables the exchange of patient eligibility, product coverage, and benefit financials for a chosen product and pharmacy, and identifies coverage restrictions, and alternatives when they exist.

- NCPDP Formulary and Benefit Standard, Implementation Guide, Version 60, (Approval Date for ANSI: April 12, 2023) URL: *https://standards.ncpdp.org/Access-to-Standards.aspx.*

Access requires registration, a membership fee, a user account, and a license agreement to obtain a copy of the standard.

Summary: This NCPDP Formulary and Benefit Standard Implementation Guide is intended to provide a standard means for pharmacy benefit payers (including health plans and pharmacy benefit managers) to communicate formulary and benefit information to prescribers via technology vendor systems.

The following standard is already approved for the section in which it appears in the amendatory text of this rule: NCPDP SCRIPT Standard, Implementation Guide Version 2017071.

III. Collection of Information Requirements

A. Background

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a ''collection of information,'' as defined under 5 CFR 1320.3(c) of the PRA's implementing regulations, is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection requirement (ICR) should be approved by OMB, section 3506(c)(2)(A) of the PRA requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

In our December 2022 (CMS–4201–P; RIN 0938–AU96; 87 FR 79452) and November 2023 (CMS–4205–P; RIN 0938–AV24; 88 FR 78476) proposed rules, we solicited public comment on each of the aforementioned issues for the following information collection requirements.

B. ICRs Regarding Standards for Electronic Prescribing (42 CFR 423.160 and 45 CFR 170.205 and 170.299)

In sections II.A. and II.B. of this final rule, we discuss proposals, which we are finalizing in this rule, to update the standards to be used for electronic transmission of prescriptions and prescription-related information for Part D covered drugs for Part D eligible individuals. This includes: (1) adopting the National Council for Prescription Drug Plans (NCPDP) SCRIPT standard version 2023011 at 45 CFR 170.205(b)(2), and, after a transition period, retiring use of NCPDP SCRIPT standard version 2017071 for communication of a prescription or prescription-related information supported by Part D sponsors; (2) requiring use of NCPDP RTPB standard version 13 for prescriber RTBTs implemented by Part D sponsors; and (3) requiring use of NCPDP Formulary and Benefit (F&B) standard version 60, at 45 CFR 170.205(u), and retiring use of NCPDP F&B standard version 3.0 for transmitting formulary and benefit information between prescribers and Part D sponsors. These proposals update existing standards that are exempt from the PRA, as explained in this section.

The initial electronic prescribing standards for the Medicare Part D program were adopted in the final rule ''Medicare Program; Standards for E-Prescribing Under Medicare Part D and Identification of Backward Compatible Version of Adopted Standard for E-Prescribing and the Medicare Prescription Drug Program (Version 8.1)'' (hereinafter referred to as the ''Initial Standards final rule''),

which appeared in the April 4, 2008 **Federal Register** (73 FR 18918). The Initial Standards final rule implemented the first update to the electronic prescribing foundation standards in the Part D program that had been adopted in the final rule ''Medicare Program; E-Prescribing and the Prescription Drug Program'' (hereinafter referred to as the ''Foundation Standards final rule''), which appeared in the November 7, 2005 **Federal Register** (70 FR 67568). The Initial Standards final rule adopted the updated the NCPDP SCRIPT standard version 8.1 and retired the previous NCPDP SCRIPT standard version 5.0. With respect to ICRs in the Initial Standards final rule, CMS explained that the burden associated with the requirement that Part D sponsors must support and comply with the adopted electronic prescribing standards when prescriptions and prescription-related information is transmitted electronically for covered Part D drugs, prescribed for Part D eligible individuals is exempt from the PRA as stipulated under 5 CFR 1320.3(b)(2) because use of standards for electronic prescribing constitutes a usual and customary business practice (73 FR 18931).

Subsequent rules that have updated electronic prescribing standards in the Medicare Part D program also considered such practice as exempt from the PRA. Specifically—

- The ''Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, DME Face-to-Face Encounters, Elimination of the Requirement for Termination of Non-Random Prepayment Complex Medical Review and Other Revisions to Part B for CY 2013'' final rule, which appeared in the November 16, 2012, **Federal Register** (77 FR 68892). This final rule updated the electronic prescribing standards in Medicare Part D from NCPDP SCRIPT standard version 8.1 to version 10.6;
- The ''Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, Clinical Laboratory Fee Schedule & Other Revisions to Part B for CY 2014'' final rule, which appeared in the **Federal Register** on December 10, 2013 (78 FR 74230). This final rule updated the electronic prescribing standards in Medicare Part D from NCPDP F&B standard version 1.0 to version 3.0; and
- The ''Medicare Program; Contract Year 2019 Policy and Technical Changes to the Medicare Advantage, Medicare Cost Plan, Medicare Fee-for-Service, the Medicare Prescription Drug Benefit Programs, and the PACE Program'' final rule, which appeared in the **Federal Register** on April 16, 2018 (83 FR 16640). This final rule updated the electronic prescribing standards in Medicare Part D from NCPDP SCRIPT standard version 10.6 to version 2017071.

Once electronic prescribing has been enabled through electronic prescribing systems or EHRs it is a usual and customary business practice that health IT and EHR vendors will update the systems regularly in order to meet the business needs of their customers utilizing electronic prescribing. Updating systems with new versions of electronic prescribing standards is one such update, and NCPDP SCRIPT is the industry standard for electronic prescribing of drugs covered under a pharmacy benefit. CMS does not require that pharmacies accept electronic prescriptions, but pharmacies that do would likewise have their systems updated by their health IT software providers as a usual and customary business practice to meet their business needs. We believe the burden associated with using the NCPDP SCRIPT standard version 2023011 will be the same as using NCPDP SCRIPT standard version 2017071 for transmission of prescription and prescription-related information. We do not anticipate that updating NCPDP SCRIPT standard version 2017071 to NCPDP SCRIPT standard version 2023011 will result in costs that are beyond those associated with usual and customary business practices. CMS does not require prescribers to utilize formulary and benefit information in the process of electronic prescribing, but for prescribers who do, we believe the burden associated with using NCPDP F&B standard version 60 will be the same as using NCPDP F&B standard version 3.0. We do not anticipate that updating NCPDP F&B standard version 3.0 to NCPDP F&B standard version 60 will result in costs that are beyond those that are usual and customary business practices. We believe this to be true for health IT and EHR vendors serving the business needs of their customers and Part D sponsors who likewise have a business interest in facilitating prescribers' ability to select preferred formulary products at the time of prescribing.

Part D sponsors have been required to support RTBTs since January 1, 2021, as finalized in the ''Modernizing Part D and Medicare Advantage to Lower Drug Prices and Reduce Out-of-Pocket Expenses'' final rule, which appeared in the **Federal Register** on May 23, 2019 (84 FR 23832). Because Part D sponsors have invested in the hardware, software, and connectivity necessary to utilize RTBTs, we believe that adopting the NCPDP RTPB standard version 13 will impose de minimis cost on the industry and that costs will be largely offset by the advantages and efficiencies associated with interoperability that a standard brings. CMS does not require prescribers to utilize RTBTs, but for prescribers who do utilize RTBTs, we believe that the burden associated with using an RTBT that does not use a standard will be the same as using an RTBT that uses NCPDP RTPB standard version 13.

The operations associated with updates to standards finalized in this rule are analogous to the operations associated with updates to standards in the prior rules described. Therefore, the provisions in sections II.A. and II.B. of this rule are exempt from the requirements of the PRA.

We received no comments on the proposed ICR narrative in the December 2022 or November 2023 proposed rules. Therefore, we are finalizing the ICR narrative as is.

IV. Regulatory Impact Statement

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), Executive Order 14094 entitled ''Modernizing Regulatory Review'' (April 6, 2023), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 14094 entitled ''Modernizing Regulatory Review'' (hereinafter, the Modernizing E.O.) amends section 3(f) of Executive Order 12866 (Regulatory Planning and Review). The amended section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) having an annual effect on the economy of $200 million or more in any 1 year, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or

safety, or State, local, territorial, or tribal governments or communities; (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising legal or policy issues for which centralized review would meaningfully further the President's priorities or the principles set forth in the Executive Order.

A Regulatory Impact Analysis (RIA) must be prepared for regulatory actions that are significant under section 3(f)(1). Based on our estimates, OMB's Office of Information and Regulatory Affairs (OIRA) has determined this rulemaking is not significant per section 3(f)(1) as measured by the $200 million or more in any one year threshold, since we calculated no burden associated with the provisions in this rule. Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act), OIRA has also determined that this rule does not meet the criteria set forth in 5 U.S.C. 804(2).

The RFA requires agencies to consider the effect of any provision on small entities and present alternatives, if necessary, for regulatory relief to those small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. The entities affected by this final rule include Part D sponsors, prescribers, and dispensers (that is, pharmacies) that electronically transmit prescriptions or prescription-related information for Part D drugs for Part D-eligible individuals, directly or through an intermediary. As indicated in section III.B. of this rule, the information collection requirements for the provisions in this rule are exempt from the PRA because the requirement to utilize a standard for electronic prescribing is classified as a usual and customary business practice. Consequently, we have not calculated burden estimates for entities affected by this final rule, regardless of size. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this final rule will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this final rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2024, that threshold is approximately $183 million. This rule will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this regulation does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this final rule was reviewed by the Office of Management and Budget.

Chiquita Brooks-LaSure, Administrator of the Centers for Medicare & Medicaid Services, approved this document on May 6, 2024.

List of Subjects

42 CFR Part 423

Administrative practice and procedure, Health facilities, Health maintenance organizations (HMO), Incorporation by reference, Medicare, Penalties, Privacy, Reporting and recordkeeping requirements.

45 CFR Part 170

Computer technology, Electronic health record, Electronic information system, Electronic transactions, Health, Healthcare, Health information technology, Health insurance, Health records, Hospitals, Incorporation by reference, Laboratories, Medicaid, Medicare, Privacy, Reporting and record keeping requirements, Public health, Security.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR part 423 and the Department of Health and Human Services amends 45 CFR part 170 as set forth below:

PART 423—VOLUNTARY MEDICARE PRESCRIPTION DRUG BENEFIT

■ 1. The authority citation for part 423 continues to read as follows:

Authority: 42 U.S.C. 1302, 1306, 1395w–101 through 1395w–152, and 1395hh.

■ 2. Section 423.160 is revised to read as follows:

§ 423.160 Standards for electronic prescribing.

(a) *General rules.* (1) Part D sponsors must establish and maintain an electronic prescription drug program that complies with the applicable standards in paragraph (b) of this section when transmitting, directly or through an intermediary, prescriptions and prescription-related information using electronic media for covered Part D drugs for Part D eligible individuals.

(2) Except as provided in paragraph (a)(3) of this section, prescribers and dispensers that transmit, directly or through an intermediary, prescriptions and prescription-related information using electronic media (including entities transmitting prescriptions or prescription-related information where the prescriber is required by law to issue a prescription for a patient to a non-prescribing provider, such as a nursing facility, that in turn forwards the prescription to a dispenser), must comply with the applicable standards in paragraph (b) of this section when e-prescribing for covered Part D drugs for Part D eligible individuals.

(3)(i) Entities transmitting prescriptions or prescription-related information must utilize the NCPDP SCRIPT standard, consistent with paragraph (b)(1) of this section, in all instances other than temporary/transient network transmission failures.

(ii) Electronic transmission of prescriptions or prescription-related information by means of computer-generated facsimile is only permitted in instances of temporary/transient transmission failure and communication problems that would preclude the use of the NCPDP SCRIPT standard adopted by this section.

(iii) Entities may use either HL7 messages or the NCPDP SCRIPT standard to transmit prescriptions or prescription-related information internally when the sender and the recipient are part of the same legal entity. If an entity sends prescriptions outside the entity (for example, from an HMO to a non-HMO pharmacy), it must

use the adopted NCPDP SCRIPT standard or other applicable adopted standards. Any pharmacy within an entity must be able to receive electronic prescription transmittals for Medicare beneficiaries from outside the entity using the adopted NCPDP SCRIPT standard. This exemption does not supersede any HIPAA requirement that may require the use of a HIPAA transaction standard within an organization.

(4) In accordance with section 1860D–4(e)(5) of the Act, the standards under this paragraph (b) of this section supersede any State law or regulation that—

(i) Is contrary to the standards or restricts the ability to carry out Part D of Title XVIII of the Act; and

(ii) Pertains to the electronic transmission of medication history and of information on eligibility, benefits, and prescriptions with respect to covered Part D drugs under Part D of Title XVIII of the Act.

(5) Beginning on January 1, 2021, prescribers must, except in the circumstances described in paragraphs (a)(5)(i) through (iii) of this section, conduct prescribing for at least 70 percent of their Schedule II, III, IV, and V controlled substances that are Part D drugs electronically using the applicable standards in paragraph (b) of this section, subject to the exemption in paragraph (a)(3)(iii) of this section. Prescriptions written for a beneficiary in a long-term care facility will not be included in determining compliance until January 1, 2025. Compliance actions against prescribers who do not meet the compliance threshold based on prescriptions written for a beneficiary in a long-term care facility will commence on or after January 1, 2025. Compliance actions against prescribers who do not meet the compliance threshold based on other prescriptions will commence on or after January 1, 2023. Prescribers will be exempt from this requirement in the following situations:

(i) Prescriber issues 100 or fewer controlled substance prescriptions for Part D drugs per calendar year as determined using CMS claims data with dates of service as of December 31st of the current year.

(ii) Prescriber has an address in PECOS in the geographic area of an emergency or disaster declared by a Federal, State, or local government entity. If a prescriber does not have an address in PECOS, prescriber has an address in NPPES in the geographic area of an emergency or disaster declared by a Federal, State, or local government entity. Starting in the 2024 measurement year, CMS will identify which emergencies or disasters qualify for this exception.

(iii) Prescriber has received a CMS-approved waiver because the prescriber is unable to conduct electronic prescribing of controlled substances (EPCS) due to circumstances beyond the prescriber's control.

(b) *Standards*—(1) *Prescriptions, electronic prior authorization, and medication history.* The communication of a prescription or prescription-related information must comply with a standard in 45 CFR 170.205(b) (incorporated by reference, *see* paragraph (c) of this section) for the following transactions, as applicable to the version of the standard in use:

(i)(A) GetMessage.

(B) Status.

(C) Error.

(D) RxChangeRequest and RxChangeResponse.

(E) RxRenewalRequest and RxRenewalResponse.

(F) Resupply.

(G) Verify.

(H) CancelRx and CancelRxResponse.

(I) RxFill.

(J) DrugAdministration.

(K) NewRxRequest.

(L) NewRx.

(M) NewRxResponseDenied.

(N) RxTransferInitiationRequest.

(O) RxTransfer.

(P) RxTransferConfirm.

(Q) RxFillIndicatorChange.

(R) Recertification.

(S) REMSInitiationRequest and REMSInitiationResponse.

(T) REMSRequest and REMSResponse.

(U) RxHistoryRequest and RxHistoryResponse.

(V) PAInitiationRequest and PAInitiationResponse.

(W) PARequest and PAResponse.

(X) PAAppealRequest and PAAppealResponse.

(Y) PACancelRequest and PACancelResponse.

(Z) PANotification.

(ii) [Reserved]

(2) *Eligibility.* Eligibility inquiries and responses between the Part D sponsor and prescribers and between the Part D sponsor and dispensers must comply with 45 CFR 162.1202.

(3) *Formulary and benefits.* The National Council for Prescription Drug Programs Formulary and Benefits Standard, Implementation Guide, Version 3, Release 0 (Version 3.0), (incorporated by reference, *see* paragraph (c)) of this section) or comply with a standard in 45 CFR 170.205(u) (incorporated by reference, *see* paragraph (c) of this section) for transmitting formulary and benefits information between prescribers and Part D sponsors. Beginning January 1, 2027, transmission of formulary and benefit information between prescribers and Part D sponsors must comply with a standard in 45 CFR 170.205(u) (incorporated by reference, *see* paragraph (c) of this section).

(4) *Provider identifier.* The National Provider Identifier (NPI), as defined at 45 CFR 162.406, to identify an individual health care provider to Medicare Part D sponsors, prescribers and dispensers, in electronically transmitted prescriptions or prescription-related materials for Medicare Part D covered drugs for Medicare Part D eligible individuals.

(5) *Real-time benefit tools.* Part D sponsors must implement one or more electronic real-time benefit tools (RTBT) that are capable of integrating with at least one prescriber's e-Prescribing (eRx) system or electronic health record (EHR) to provide complete, accurate, timely, clinically appropriate, patient-specific formulary and benefit information to the prescriber in real time for assessing coverage under the Part D plan. Such information must include enrollee cost-sharing information, clinically appropriate formulary alternatives, when available, and the formulary status of each drug presented including any utilization management requirements applicable to each alternative drug. Beginning January 1, 2027, Part D sponsors' RTBT must comply with a standard in 45 CFR 170.205(c) (incorporated by reference, *see* paragraph (c) of this section).

(c) *Incorporation by reference.* The material listed in this paragraph (c) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Centers for Medicare & Medicaid Services (CMS) and at the National Archives and Records Administration (NARA). Contact CMS at: CMS 7500 Security Boulevard, Baltimore, Maryland 21244; phone: (410) 786–4132 or (877) 267–2323; email: *PartDPolicy@cms.hhs.gov.* 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 National Council for Prescription Drug Programs (NCPDP), Incorporated, 9240 E Raintree Drive, Scottsdale, AZ 85260–7518; phone: (480) 477–1000; email: *info@ncpdp.org;* website: *www.ncpdp.org.*

(1) NCPDP Formulary and Benefit Standard, Implementation Guide,

Version 3, Release 0 (Version 3.0), ANSI-approved January 28, 2011.

(2) NCPDP SCRIPT Standard, Implementation Guide Version 2017071, ANSI-approved July 28, 2017.

(3) NCPDP SCRIPT Standard, Implementation Guide Version 2023011, ANSI-approved January 17, 2023.

(4) NCPDP Real-Time Prescription Benefit Standard, Implementation Guide Version 13, ANSI-approved May 19, 2022.

(5) NCPDP Formulary and Benefit Standard, Implementation Guide Version 60, ANSI-approved April 12, 2023.

Title 45—Public Welfare

PART 170—HEALTH INFORMATION TECHNOLOGY STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA AND CERTIFICATION PROGRAMS FOR HEALTH INFORMATION TECHNOLOGY

■ 3. The authority citation for part 170 continues to read as follows:

Authority: 42 U.S.C. 300jj–11; 42 U.S.C. 300jj–14; 5 U.S.C. 552.

■ 4. Section 170.205 is amended by—

■ a. Revising paragraphs (b)(1) and (2).

■ b. Adding paragraph (c); and

■ c. Adding paragraph (u).

The revision and additions read as follows:

§ 170.205 Content exchange standards and implementation specifications for exchanging electronic health information.

* * * * *

(b) * * *

(1) *Standard.* National Council for Prescription Drug Programs (NCPDP): SCRIPT Standard Implementation Guide; Version 2017071 (incorporated by reference in § 170.299). The Secretary's adoption of this standard expires on January 1, 2028.

(2) *Standard.* NCPDP SCRIPT Standard, Implementation Guide, Version 2023011 (incorporated by reference in § 170.299).

(c) *Real-time prescription benefit*—(1) *Standard.* NCPDP Real-Time Prescription Benefit Standard, Implementation Guide, Version 13 (incorporated by reference in § 170.299).

(2) [Reserved]

* * * * *

(u) *Formulary and benefit*—(1) *Standard.* NCPDP Formulary and Benefit Standard Version 60 (incorporated by reference in § 170.299).

(2) [Reserved]

* * * * *

■ 4. Section 170.299 is amended by revising paragraph (k) to read as follows:

§ 170.299 Incorporation by reference.

* * * * *

(k) National Council for Prescription Drug Programs (NCPDP), Incorporated, 9240 E Raintree Drive, Scottsdale, AZ 85260–7518; phone (480) 477–1000; fax: (480) 767–1042: website: *www.ncpdp.org.*

(1) NCPDP SCRIPT Standard, Implementation Guide, Version 2017071, ANSI-approved July 28, 2017; IBR approved for § 170.205(b).

(2) NCPDP SCRIPT Standard, Implementation Guide, Version 2023011, ANSI-approved January 17, 2023; IBR approved for § 170.205(b).

(3) NCPDP Real-Time Prescription Benefit Standard, Implementation Guide, Version 13, ANSI-approved May 19, 2022; IBR approved for § 170.205(c).

(4) NCPDP Formulary and Benefit Standard, Implementation Guide, Version 60, ANSI-approved April 12, 2023; IBR approved for § 170.205(u).

* * * * *

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2024–12842 Filed 6–13–24; 4:15 pm]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 10

[PS Docket Nos. 15–94 and 15–91; FCC 23–88; FR ID 225472]

Emergency Alert System; Wireless Emergency Alerts

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved until May 31, 2027, an information collection associated with the Commission's *Third Report and Order,* FCC 23–88 (Order), in which the Commission, among other things, adopted a new rule that provided Participating Commercial Mobile Service (CMS) Providers may support up to two Wireless Emergency Alert (WEA) tests that the public receives by default per county or county equivalent per calendar year. This document is consistent with the Order, which stated the Commission would publish a document in the **Federal Register** announcing the effective date of the new rules.

DATES: The amendment of 47 CFR 10.350(d) published at 88 FR 86824 on December 15, 2023, is effective on July 17, 2024.

FOR FURTHER INFORMATION CONTACT: David Kirschner, Attorney-Advisor, Public Safety and Homeland Security Bureau, Cybersecurity and Communications Reliability Division at (202) 418–0695 or via email: *David.Kirschner@fcc.gov* or Nicole Ongele at (202) 418–2991 or via email: *Nicole.Ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on May 29, 2024, OMB approved the information collection requirements relating to § 10.350(d) contained in the Commission's Order FCC 23–88, published at 88 FR 86824, December 15, 2023. The OMB Control Number is 3060–1126. The Commission publishes this document as an effective date of the rule. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. Please include OMB Control Number 3060–1126, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C.3507), the FCC is notifying the public that it received OMB approval on May 29, 2024, for the information collection requirements contained in 47 CFR 10.350(d) of the Commission's rules.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1126.

The foregoing notification is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1126.

OMB Approval Date: May 29, 2024.

OMB Expiration Date: May 31, 2027.

Title: Testing and Logging Requirements for Wireless Emergency Alerts.

Form Number: N/A.

Respondents: Business or other for-profit; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents and Responses: 76 respondents; 429,020 responses.

Estimated Time per Response: 3.375 hours.

Frequency of Response: Monthly and on occasion reporting requirements and record keeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection is contained in sections 47 U.S.C. 151, 152, 154, 301, 303, 307, 309, 316, 403, 554, 606, 1201, 1202, 1203, 1204, and 1206 of the Communications Act of 1934.

Total Annual Burden: 119,121 hours.

Total Annual Cost: No cost.

Needs and Uses: The Commission adopted requirements for Participating CMS Providers to log the basic attributes of alerts they receive at their Alert Gateway, to maintain those logs for at least 12 months, to make those logs available upon request to the Commission and Federal Emergency Management Agency (FEMA), and to emergency management agencies that offer confidentiality protection at least equal to that provided by Federal FOIA. The Commission also requires Participating CMS Providers to disclose information regarding their capabilities for geo-targeting Alert Messages initiated by that emergency management agency, and information regarding the results of WEA Performance and Public Awareness Testing authorized in 47 CFR 10.350(d). Prior to conducting a WEA Performance and Public Awareness Test, an alerting authority must: (1) conduct outreach by notifying the public in advance of the test that no emergency is occurring; (2) include in the actual test message that the alert is, in fact, ''only a test;'' (3) coordinate the test among Participating CMS Providers that serve the geographic area targeted by the test, State, local, and Tribal emergency authorities, relevant State Emergency Communications Committees and first responder organizations, and (4) provide notice to the public in widely accessible formats that the test is only a test, not a warning about an actual emergency.

These recordkeeping and reporting requirements have potential to increase emergency managers' confidence that WEA will work as intended when needed. This increased confidence in system availability encourages emergency management agencies that do not currently use WEA to become authorized. These reporting and recordkeeping requirements also help to ensure a fundamental component of system integrity against which future iterations of WEA can be evaluated. Without records that can be used to describe the quality of system integrity, and the most common causes of message transmission failure it would be difficult to evaluate how any changes to WEA may effect system integrity.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–13194 Filed 6–14–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 367

[Docket No. FMCSA–2023–0268]

RIN 2126–AC67

Fees for the Unified Carrier Registration Plan and Agreement

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

ACTION: Final rule.

SUMMARY: FMCSA amends the regulations governing the annual registration fees that participating States collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration (UCR) Plan and Agreement for the 2025 registration year and subsequent registration years. Following a reduction in fees of an average of 37.3 percent over the two prior years, the fees for the 2025 registration year will be increased above the fees for the 2024 registration year by an average of 25 percent overall, with varying increases between $9 and $9,000 per entity, depending on the applicable fee bracket. The final rule is based upon a recommendation from the UCR Plan.

DATES: *Effective date:* July 17, 2024.

Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 17, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Riddle, Director, Office of Registration and Safety Information, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, *FMCSA-MCRS@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION: FMCSA organizes this final rule as follows:

I. Availability of Rulemaking Documents
II. Executive Summary
  A. Purpose and Summary of the Regulatory Action
  B. Costs and Benefits
III. Abbreviations
IV. Legal Basis for the Rulemaking
V. Discussion of Proposed Rulemaking and Comments
  A. Proposed Rulemaking
  B. Comments and Responses
  C. Final Rule
VI. Section-by-Section Analysis
VII. 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 *https://www.regulations.gov/docket/FMCSA-2023-0268/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

Under 49 United States Code (U.S.C.) 14504a, the UCR Plan and the 41 States participating in the UCR Agreement collect fees from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement are administered by a 15-member board of directors (UCR Plan Board), which is comprised of 14 members appointed from the participating States and the industry, and the Deputy Administrator of FMCSA, who is a statutory member.

Revenues collected are allocated to the participating States and the UCR Plan.

In accordance with 49 U.S.C. 14504a(d)(7)(A)(ii) and (f)(1)(E)(i), the UCR Plan provides fee adjustment recommendations to the Secretary of Transportation (Secretary) when revenue collections result in a shortfall or surplus from the amount authorized by statute. If the required payments to the States and the cost of administering the UCR Plan exceed the amount in the depository, the UCR Plan must collect additional fees in subsequent years to cover the shortfall (49 U.S.C. 14504a(f)(1)(E)(i)). If there are excess funds after payments to the States and for administrative costs, they are retained in the UCR Plan's depository, and fees in subsequent fee years must be reduced as required by 49 U.S.C. 14504a(h)(4). These two distinct statutory provisions are recognized in the fee adjustment recommended by the UCR Plan and adopted in this final rule to increase, by an average of 25 percent, the annual registration fees established pursuant to the UCR Agreement for the 2025 registration year and subsequent years.[1]

B. Costs and Benefits

The changes in this final rule increase the fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating States. These fees are considered by the Office of Management and Budget (OMB) Circular A–4, Regulatory Analysis, as transfer payments, not costs. Transfer payments are payments from one group to another that do not affect total resources available to society. Therefore, transfers are not considered in the monetization of societal costs and benefits of rulemakings. Despite the classification of fees as transfer payments, the Agency acknowledges that motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies will incur a greater burden as a result of this fee increase.

III. Abbreviations

ACH Automated Clearing House
CE Categorical Exclusion
CFR Code of Federal Regulations
DOT Department of Transportation
E.O. Executive Order
FMCSA Federal Motor Carrier Safety Administration
FR Federal Register
NAICS North American Industry Classification System
NPGA National Propane Gas Association
NPRM Notice of Proposed Rulemaking
OMB Office of Management and Budget
PIA Privacy Impact Assessment
PTA Privacy Threshold Assessment
RFA Regulatory Flexibility Act
SBA Small Business Administration
SBREFA Small Business Regulatory Enforcement Fairness Act of 1996
SBTC Small Business in Transportation Coalition
Secretary Secretary of Transportation
UCR Unified Carrier Registration
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

IV. Legal Basis for the Rulemaking

This rulemaking adjusts the annual UCR registration fees, as authorized by 49 U.S.C. 14504a. Section 14504a provides that the revenues collected from the fees should not exceed the maximum annual revenue entitlements distributed to the 41 participating States plus the amount established for administrative costs associated with the UCR Plan and Agreement. The UCR Agreement is an interstate agreement (as so defined in 49 U.S.C. 14504a(a)(8)) entered into by 41 participating States in accordance with the provisions of 49 U.S.C. 14504a(e)(1) and (2). The statute provides for the UCR Plan to ask the Secretary to make an adjustment within a reasonable range when the annual revenues are insufficient to provide the revenues to which the participating States are entitled (49 U.S.C. 14504a(f)(1)(E)(i)).

In addition, 49 U.S.C. 14504a(h)(4) states that any excess funds from previous registration years held by the UCR Plan in its depository, after distribution to the States and for payment of administrative costs, shall be retained and the fees charged shall be reduced by the Secretary accordingly.

The UCR Plan must also obtain DOT approval to revise the total revenue to be collected, in accordance with 49 U.S.C. 14504a(d)(7). However, no changes in the revenue allocations to the participating States were recommended by the UCR Plan in accordance with 49 U.S.C. 14504a(g)(4) and therefore, no changes have been authorized by this rulemaking.

The Secretary also has broad rulemaking authority in 49 U.S.C. 13301(a) to carry out 49 U.S.C. 14504a, which is part of 49 U.S.C. subtitle IV, part B. Authority to administer these statutory provisions has been delegated to the FMCSA Administrator by 49 CFR 1.87(a)(2) and (7).

The two revised and new sections in this final rule work in concert to adjust the applicability of an existing requirement and impose a new requirement and are therefore not severable. This is so because if the increased fees for 2025 in new 49 CFR 367.50 were to be set aside, then the existing fee levels in 49 CFR 367.40 must remain in effect to provide funds to allow the participating States to receive their statutory revenue entitlements during 2025. While the 2024 fees would not be sufficient to fully cover the 2025 State statutory entitlements and administrative costs, that revenue would be necessary to provide at least some portion of the statutory entitlements due to participating States.

V. Discussion of Proposed Rulemaking and Comments

A. Proposed Rulemaking

On January 9, 2024, FMCSA published in the **Federal Register** an NPRM titled ''Fees for the Unified Carrier Registration Plan and Agreement'' (89 FR 1053; see also Docket No. FMCSA–2023–0268). The NPRM proposed amending regulations for the annual registration fees States collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the UCR Plan and Agreement for the 2025 registration year and subsequent registration years. The fees for the 2025 registration year were proposed to be increased from the fees for 2024 by approximately 25 percent overall, with varying increases between $9 and $9,000 per entity, depending on the applicable fee bracket. The fee increases will produce revenues of $13 million that will enable the UCR Plan to provide the funds for the State revenue entitlements by covering the shortfalls in revenues resulting from decreases in the fees the prior two registration years, which averaged 37.3 percent.[2] The proposal was based upon a recommendation from the UCR Plan.

B. Comments and Responses

FMCSA requested public comments concerning the NPRM for 30 days ending February 8, 2024. By that date, 66 unique comments were received. Three comments were submitted by trade associations: the National Owner Operators Association; the National Propane Gas Association (NPGA), and the Small Business in Transportation Coalition (SBTC). Two comments were erroneously added to the docket and were withdrawn, as they addressed issues pertaining to a different

[1] The UCR Plan Board's recommendation (Sept. 2023 Fee Recommendation) was transmitted on Sept. 27, 2023, and is available in the docket for this rulemaking.

[2] The full calculation of the UCR Plan's fee adjustment indicating shortage in collections is available in the docket for this rulemaking at: *https://www.regulations.gov/document/FMCSA-2023-0268-0003.*

rulemaking. Sixty small motor carriers and individuals (many of them anonymous) submitted comments. The UCR Plan submitted a comment responding to the issues raised by the comments of SBTC.

General Questions

Comments: Many commenters posed questions about the UCR fee, its purpose, and rationale behind the increase. For instance, an anonymous commenter claimed that the NPRM and supporting documents published in the docket ''do not explain to what end the money is used'' beyond the fact that the UCR's allocated reserves have been depleted. The commenter further noted that the structure of decreasing and increasing fees, or ''see-sawing of the tax,'' as the commenter described, is not very clear. Another commenter suggested there should be a maximum percentage change in the fee that the UCR Plan can implement.

FMCSA Response: UCR fees are used by participating States for motor carrier safety programs and enforcement, or the administration of the UCR Plan and UCR agreement (49 U.S.C. 14504a(e)(1)(B)). When each of the participating States joined the UCR Agreement, the statute required them to submit to FMCSA a State plan that, among other matters, demonstrates that an amount at least equal to the revenue derived by the State from the UCR agreement shall be used for those motor carrier safety programs and enforcement, or the administration of the UCR Plan and UCR agreement (49 U.S.C. 14504a(e)(1)(B)). The statute also gives primacy to the need to set the fees at a level that ensures that each of the participating States receive the revenues to which they are entitled (49 U.S.C. 14504a(f)(1)(E)(i) and (g)(4)). The adjustment in the fees to be paid to the UCR Plan for distribution to the participating States is necessary to accomplish this statutory objective.

FMCSA believes this upward adjustment is within a reasonable range, in accordance with the provisions of 49 U.S.C. 14504a(e)(1) and (2). This adjustment to the 2025 registration year provides the required $13 million in revenue allocations to the participating States and the UCR Plan. Any amount short of these adjustments would impede proper operations of motor carrier safety programs, enforcement, or the administration of the UCR Plan and UCR agreement. The Agency notes the rare occurrence of this upward adjustment, which has only previously occurred once, over a decade ago. This upward adjustment, an approximately 25 percent increase, follows two years of reductions in fees affecting the 2023 and 2024 registration years, averaging a 37.3 percent decrease in fees, as well as steady, unmodified collections from 2010 to 2017. The Agency believes this recalibration of fees is reasonable and in accordance with the structure of, and obligations created by, the statute.

Timing of the Fee Increase

Comments: Many commenters viewed the increase in fees as unwarranted and unexpected, and explained the UCR Plan should be adjusting its own budget and spending instead. An anonymous commenter expressed confusion over the increase, claiming that the fees were intended to be eliminated ''after full reciprocity.'' A different anonymous commenter connected this increase to the UCR Plan's poor budgeting, while another suggested the UCR Plan's spending should be cut instead.

FMCSA Response: FMCSA disagrees with the commenters' statements that the fee increase was unwarranted, unpredictable, and sudden. In a previous rulemaking published in March 2023 (and finalized in June 2023),[3] FMCSA stated it anticipated the UCR Plan would recommend an upward adjustment in the fees for the 2025 registration year to comply with the statutory provisions discussed herein. By statute, the UCR fee is authorized for annual adjustment by FMCSA, either to increase or decrease the fee to ensure adequate funds to provide participating States with their revenue entitlement.

FMCSA also disagrees that the UCR Plan has not been operating within its budget. To FMCSA's knowledge, the UCR Plan has operated within its approved budget and in recent years has steadily decreased registration fees. In fact, this is the first upward adjustment since 2010. The UCR Plan's approved allocation for the costs of administration of the Plan and Agreement over the last several years decreased from $5 million per year and is now at $4.25 million. For these reasons, FMCSA declines to modify the final rule in response to the commenters' suggested changes.

Finally, the commenter who stated that the registration fees would be removed ''after full reciprocity,'' did not provide sufficient information for FMCSA to understand or provide a response on this issue. In any event, removal of the fees would require Congress to amend the statute.

Delaying or Reconsidering the Fee Increase

Comments: Twenty-eight commenters either objected to the increase altogether, expressed criticism towards this proposal, or asked FMCSA to reconsider it. Among those objecting to the increase altogether, six commenters described the UCR fee and the proposed percentage increase as ''unnecessary, unjustified, frivolous, and unethical,'' while others called it ''fraudulent, unconstitutional, and discriminatory.''

An anonymous commenter questioned the motives behind the UCR fees, stating that the purpose for the increase is to create a ''slush fund'' for FMCSA. Some other commenters asked the Agency to reconsider the proposal to issue the increase until truckers' compensation is increased. One commenter recognized that, while raising fees may be necessary, the percentage is too high, making the increase ''difficult to absorb.'' An anonymous commenter suggested looking into fee decreases instead.

FMCSA response: FMCSA appreciates the concerns and frustrations expressed by commenters opposed to the fee increase being adopted. The purpose of this fee increase is to cover the $13 million shortfall in the statutorily-required funding, because in 2025 making the required distributions to the States and providing for the cost of administering the plan and will exceed the revenues expected under the current fee levels. Although FMCSA must approve the fee levels for each registration year, FMCSA does not collect these fees and the money does not go into the Agency's budget. Rather, the fees are collected and administered by the UCR Plan. In past years, as required by the statute, these fees were decreased because of excess collections and in effect returned to the industry.

Despite this increase, the proposed fees are still lower than those that were in effect in registration years 2019 through 2022.[4] For instance, carriers in the smallest fee bracket (*i.e.,* carriers with two vehicles or fewer), brokers, and leasing companies paid a fee of $62 in the 2019 registration year and $68 in the 2020 registration year, which is significantly higher than the proposed fee for 2025 of $46, even before accounting for inflation. Similarly, the fee for carriers in the highest fee bracket (*i.e.,* carriers with 1,001 vehicles or more) in 2019 was $59,689, rising to $66,072 in 2020. Again, the fee proposed for the 2025 registration year, $44,836, is well below those previous amounts.

[3] 88 FR 40719 (June 22, 2023).

[4] To provide more clarity, FMCSA has provided a table outlining the changes in the UCR Plan fees starting in 2010. The table is available in the docket for this rulemaking.

The commenter who contended that the increase was discriminatory provided no evidence of specific incidents of discrimination or any other information to support this claim, and based on all the available information, FMCSA disagrees that it targets or discriminates against any registrant. The percentage increase is evenly applied across six fee brackets that correspond to a motor carrier's fleet size, as permitted by statute and regulation.

For the reasons described above, and because of the statutory requirement to secure revenue entitlements to the participating States, FMCSA declines to delay the fee increase or modify the percentage of the fee increase, as this would result in the revenues falling short of meeting the statutory requirement.

Reconsidering the UCR Plan's Fee Calculation Methods

Comments: In its public comment, NPGA stated that the ''2025 Fee Schedule Proposal'' document published in the docket does not provide sufficient data for proper review. They noted that the UCR Plan has used two different methods of calculating fees: one relying on the minimum of the monthly collections over the past three authorized closed registration years, and the other on the ''average'' method for the 2023 and 2024 registration years. NPGA suggested returning to the ''average'' method, which resulted in surplus collections in previous years, or a ''different intermediate method,'' rather than the minimum method, as proposed in the UCR Plan's recommendation. NPGA also requested an analysis demonstrating that FMCSA is ''right-sizing'' costs.

FMCSA Response: NPGA's comment concerns the method used to estimate the amount of additional revenues the UCR Plan will receive during the last several months of the fee collection period for registration year 2023, which are August 2023 to December 2024. As stated in the fee recommendation submitted by the UCR Plan,[5] until its 2023 fee recommendation, the UCR Board had made fee collection projections for the remaining collection period based on the minimum monthly collections for the same period during the past three closed registration years. According to the UCR Plan, this method consistently resulted in an underestimation of projected collections. The UCR Plan Board therefore decided to project collections using an average method in its recommendations for the 2023 and 2024 registration years. However, the average method resulted in an overestimation of projected collections compared to actual collections for the 2023 registration year. Further, the UCR Board's analysis of the most recent registration years results indicated an increased risk of overestimation of projected collections using the average method. Therefore, the UCR Board voted at its July 27, 2023, meeting to return to the minimum method of projected collections in the fee recommendations for the 2025 registration year and future years.[6] In its fee recommendation, the UCR Plan estimated using this method that it will receive an additional $5.26 million in fee revenue for registration year 2023 between August 2023 and December 2024. This amount is added to the actual amounts collected until July 2023, to produce a total revenue collection for registration year 2023 of $92.9 million.

FMCSA believes that this return to the minimum method of estimating future collections as part of its fee recommendation is reasonable. The Agency has no reason to question the UCR Plan's assessment that this method would avoid increased risk of overestimation of projected collections. A detailed calculation of the revenue estimate (including a projection using the minimum method) is also available in the docket for this rulemaking.[7]

Small Business Concerns

Comments: A group of 21 individual commenters, including several small owner-operators, expressed concerns about the effect of the fee increase on the ability for small businesses to continue operating. They explained that ''mom and pop'' businesses are already struggling to keep their doors open and this increase would exacerbate their struggles. To further illustrate their concerns, several commenters explained that other costs have increased, including maintenance, insurance, fuel, and other registration fees, while their rates and income have proportionally decreased. An individual commenter also expressed concerns over the longevity of small businesses, adding that this increase would contribute to the trucker shortage issue in the country, causing disruptions in the supply chain.

FMCSA response: Even for small carriers, the fee increase will amount to a minimal percentage of each carrier's income. Those in the smallest bracket (1–2 vehicles) will pay $9 more for an annual registration in 2025 than in 2024, and those in the next bracket (3–5 vehicles) will pay $27 more. Due to the structure of the fee brackets, when spread across a carrier's fleet the annual increase ranges from approximately $9 per vehicle for a motor carrier with the fewest number of vehicles in its fee bracket (for example, an owner-operator in the smallest fee bracket registering a single vehicle or a motor carrier in the largest fee bracket registering 1,001 vehicles). On the other hand, the increase ranges to less than $1 per vehicle on average for carriers at the upper bounds of a bracket (for instance, a carrier in the next-to-largest fee bracket registering 999 vehicles). Regardless of the size of a carrier, this fee increase will likely represent, and be offset by, a very small percentage of annual revenue, and as such is not expected to impact the viability and longevity of motor carriers' operations.

As required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA),[8] FMCSA has considered the effects of the regulatory action approved in this final rule on small businesses and other small entities and to minimize any significant economic impact. The analysis for this consideration is set out below in the Regulatory Analysis in section VIII.C. Based on this analysis, FMCSA has concluded and is certifying that this final rule would not have a significant economic impact on a substantial number of small entities, because the fee increase is less than one percent of the revenues or costs of small motor carriers and other small entities.

Increase Is Not Beneficial to Consumers

Comments: While many commenters expressed the opinion that this rulemaking is not beneficial to the trucker or motor carrier, others drew attention to how the rulemaking would affect the consumer. Eight individuals explained the fee increase would subsequently trickle down to the consumer whose purchasing power may be affected. An anonymous commenter added that the solution to offset the increase by passing the increase down to the consumer is unreasonable as the increase will affect everyone (carriers and consumers). The commenter added

[5] *https://www.regulations.gov/document/FMCSA-2023-0268-0002* (accessed Mar. 1, 2024).

[6] The minutes of the UCR Plan Board's July 27, 2023, meeting are available at *https://prod-public-ucr-docs-board-minutes.s3.amazonaws.com/27Jul23%20Board%20Minutes.pdf* (accessed Mar. 1, 2024).

[7] *https://www.regulations.gov/document/FMCSA-2023-0268-0003* (accessed Mar. 1, 2024).

[8] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

''as a one-truck owner, I don't 'transfer' this amount to anyone. I have to pay it.'' An individual commenter added that although ''this increase is not a major rule, it will increase the cost of products and services.''

FMCSA response: While FMCSA recognizes that any fee adjustment may affect the cost of doing business, the increase in this rule is statutorily mandated. Moreover, while many commenters are concerned about the percentage increase (of 25 percent) to the annual registration fees, the actual dollar amount of the increase is unlikely to cause significant downstream effects. As discussed above, the fees would range from a maximum of $9 per vehicle registered on average to less than $1 per vehicle registered on average, depending on the motor carrier's fee bracket and the relative size of each carrier's fleet within that bracket. Thus, the cost passed along to consumers is expected to be minimal, amounting in most cases to a few cents per load.

Negative Effect on the Economy

Comments: Besides the commenters' concerns over the effect of the increase on the carriers and consumers, others stated that the current economic climate cannot support this type of fee adjustment. Three commenters added that this rulemaking would affect the economy as a whole. One commenter stated that the proposal was an attempt to ''cripple the economy and increase inflation.''

FMCSA response: As described above, while the percentage increase may appear high to some commenters, the amount of the increase is unlikely to have a material effect on the economy. When viewed on a per-vehicle basis, the increases do have a greater impact on carriers at the lower end of each fee bracket than on those at the higher end. However, the UCR registration fee for 2025 will be, at most, be approximately $9 more than the prior year for each vehicle in a carrier's fleet on average if the carrier is among the smallest in its respective fee bracket. The increase would be far less on a per-vehicle basis for carriers in the middle or upper range of their fee bracket. Therefore, as long as a carrier's annual average revenue per vehicle is at least $900, the increase would have an overall impact of less than 1 percent of the carrier's average annual revenue. Moreover, the fees under this rule are still less than the fees charged in recent years.[9] The historically low fees in the last UCR fee rule (establishing 2024 fees) were required to address excess revenues; but returning the fees to an upward adjusted amount is not reasonably expected to impact inflation or the larger economy. FMCSA also reiterates that the increase is not discretionary; rather, the UCR fee adjustments are made pursuant to a statutory mandate.

The National Owner Operators Association's Opposition to the Fee Increase

Comments: The National Owner Operators Association stated that the ''UCR fee is a duplicative tax'' which should be eliminated, indicating this rulemaking is proof of ''taxation without representation.'' They added that FMCSA should revisit its budget and issue a refund for any existing surplus to businesses the Agency regulates.

FMCSA Response: As discussed above, the fees collected by the UCR Plan (none of which are paid or otherwise go to FMCSA) are mandated by a statute enacted by Congress that has been in effect since 2005. Any change or elimination of the program would require further action by Congress.

SBTC's Comment Objecting to the Fee Increase

Comments: SBTC objected to the fee increase proposal and questioned the legal authority of the UCR Plan to invest motor carrier fee money due to the States. In addition, SBTC contended that the earnings from the reserve accounts should be applied to reduce the 25 percent fee increase or by using the UCR's reserve funds to offset the fee increase, leaving the 2024 fees in effect for 2025, or significantly reducing the proposed increase amount. SBTC also contended that the convenience fee charged by the UCR Plan when registrants use a credit card or an automated clearing house (ACH) transaction to pay registration fees should be borne by the UCR Plan. An individual motor carrier commenter supported SBTC's recommendation that the UCR Board find an alternative revenue source to offset the increase, which would not require the carriers to pay more.

1. The UCR Plan's Authority To Establish Reserve Funds

SBTC commented that the UCR Plan has invested its funds in various investment accounts for the purposes of creating reserves, which SBTC characterized as ''slush funds.'' SBTC added that it found no directive, statutory authority, or regulatory permission for the UCR Plan to engage in such activities for their self-enrichment. In response to SBTC's comments, the UCR Plan submitted a detailed response setting out its authority under the statute to administer the UCR Plan and Agreement, including the responsibility to provide funds to recognize the timing of revenue receipts, and for use in case of revenue shortfalls or similar circumstances. These additional funds are intended to sustain the UCR Plan's operations. The UCR Plan also added that, in a previous rulemaking, FMCSA had ''recognized the prudence and appropriateness of the reserve funds.'' [10] Moreover, the UCR Plan explained its responsibility to provide for its consistent and continuous operation, which partly entails providing sufficient reserve funds. It stressed the importance for such reserve funds to be available for use in emergencies, as they sustain the financial operations of the UCR Plan and explained that the availability of reserve funds is prudent, appropriate, and consistent with the UCR Plan's statutory obligation to administer the UCR Plan and Agreement. The UCR Plan also explained in depth how, contrary to SBTC's assertions, the interest earned by the reserve accounts was already being used to provide funds either for the revenue allocations for the participating States or to pay a small portion of the Plan's administrative costs, thus reducing the amount of additional revenues required from the recommended adjustment.

FMCSA Response: The issue SBTC raised was considered and addressed by FMCSA in a previous final rule adopting fees for registration year 2023.[11] After thorough consideration, FMCSA recognized the prudence and appropriateness of these reserve funds, finding that ensuring the availability of reserve funds to meet possible contingencies is an appropriate action for the UCR Plan Board to take in implementing the statute.

The UCR Agreement is an interstate agreement with the purpose of coordinating the registration and collection of fees and information from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies, whose commercial vehicles are engaged in interstate commerce. The Board of Directors of the UCR Plan is tasked by statute with administering the UCR Agreement.[12] This responsibility

[9] See footnote 2 linking to the UCR Plan's full calculation indicating shortage in collections.

[10] 87 FR 53680, 53686 (Sept. 1, 2022).

[11] Ibid.

[12] 49 U.S.C. sections 14504a(a)(8), 14504a(a)(9), and (d)(2)(B). The last paragraph of the statute states that the board of directors shall provide for the administration of the unified carrier registration agreement. See also *12 Percent Logistics, Inc.* v.

requires the UCR Plan Board to provide for the consistent and continuous operation of the UCR Plan. Part of fulfilling that responsibility entails providing sufficient reserve funds to enable the UCR Plan and its National Registration System to operate without interruption in the unanticipated event of a significant unbudgeted increase in operating expenses and/or decrease in operating revenues.

An example of the need for reserve funds arises from a provision of the statute that states that revenues collected may not be used to pay administrative costs until all the participating States have received all their revenue entitlements (49 U.S.C. 14504a(h)(3)(B)). As a legal matter, during a registration year, none of the funds collected can be used for current operations of the UCR Plan in administering the UCR Agreement until all the distributions from current revenues from fees have been made from the depository to the States that have not received their full revenue entitlements. As a result of complying with this statutory requirement, at the beginning of each year's operations, the Plan is not receiving any funds budgeted for the administration of the UCR Agreement and cannot carry out its statutory obligations unless funds are available and held elsewhere. If there is then a revenue shortfall during the registration year, the reserve fund can be used to continue the administration of the UCR Agreement.

As explained in its comment, the UCR Plan maintains four investment accounts containing reserve funds dedicated for specific operational purposes in order to ensure continuity. These reserve funds are a portion of the unrestricted net assets of the UCR Plan that are available for use in emergencies to sustain financial operations. In the UCR Plan Board's view, ensuring the availability of reserve funds to meet possible contingencies is a prudent and appropriate action to take in implementing the UCR Act and is consistent with the UCR Plan Board's statutory obligation to administer the UCR Plan Agreement. This explanation conforms with FMCSA's reading of the statutory provisions discussed above and the important necessity of having reserve funds available in order to ensure payment of statutory entitlements to the participating States and carry out the administrative obligations of the UCR Plan.

Unified Carrier Registration Plan Board, No. 17–cv–02000 (APM), 2019 U.S. Dist. LEXIS 17160 at *4 (D.D.C. Feb. 4, 2019).

For these reasons, and the additional reasons set out in the final rule establishing the 2023 fees (see 87 FR at 53685–86), the UCR Plan has authority under the statute to establish and maintain the reserve funds at issue.

2. The Use of Interest Earnings

Comments: SBTC made and repeated several different comments regarding the UCR Plan's use of interest earnings from the reserve funds and other accounts the Plan has established. SBTC contended that the UCR Plan has benefitted from financial gain from the ''questionable practice of investing and possibly risking motor carriers' fees due to the States.'' It also contended that the investment proceeds should be passed on to the States and FMCSA should credit the industry by offsetting the 25 percent fee increase. SBTC added that revenues should not be ''permanently and indefinitely retained'' beyond recovering administrative expenses ''through bona fide lawful rulemaking.''

In response to SBTC's comments, the UCR Plan stated that it intentionally maintains ''physically separate accounts'' for State-owed funds (used to provide revenue for distribution to the 41 participating States), administrative funds, and reserve funds. Funds in these accounts are invested in separate investment vehicles in accordance with the Plan's adopted Investment Policy.

The UCR Plan stated that all interest earnings on State-owed funds are distributed to the 41 participating States, and interest earnings from State-owed funds have not been used as administrative funds, nor added to the reserve funds. Both administrative and reserve funds remain in their respective accounts and are not distributed to the 41 States. Interest earnings from these two accounts are not included in the UCR fee calculation at this time. But the UCR Plan explained that once the reserve funds are fully funded, which they anticipate will occur by the end of calendar year 2024, any excess administrative funds and interest from that fund will be used to reduce the Board's request to FMCSA for administrative funds in the next operating year.

FMCSA Response: In summary, interest earned on the accounts holding State-owed funds are already added to the fee revenues in that account and then distributed to the States. Those interest earnings are not retained by the UCR Plan but are used to reduce the amount of fee revenues needed to make the required distributions to the participating States. SBTC's characterization of these interest earnings as a ''slush fund'' for the benefit of the UCR Plan and not the participating States is inaccurate.

Interest earned in the administrative fund is used for administrative costs and is not retained by the UCR Plan. The interest earnings also reduce the amount of fee revenue required to pay the administrative costs of operating the UCR Agreement and the Plan. The statute expressly authorizes the use of fee revenues for such purpose, once all the required distributions have been made to the participating States (49 U.S.C. 14504a(h)(3)(B)). The amount for administrative costs for registration year 2025 included in the total revenue required from fees is $4.25 million out of the total of $112.0 million, or 3.79 percent.

3. Using Interest Earnings To Level Off 2025 Registration Fees

Comments: SBTC commented that FMCSA should consider the UCR Plan revenue generated from investments and review whether the revenue generated in previous years and from investments is sufficient to relieve the increase in the 2025 registration year. The UCR Plan responded that the excess State-owed funds from the 2023 year were included in the calculation of the recommended fee for the 2025 registration year. The UCR Plan also clarified that the interest generated by the investments amounted to $311,000, representing only a small fraction of the $112 million fee revenue target for 2025. Since the inclusion of the $311,000 in the 2025 fee calculations would not have changed the fee assessment for carriers in the smallest fee bracket and would have reduced the fee assessed for the largest carriers by only $130, the UCR Plan stated it made the decision to include the $311,000 generated during 2023 in the 2026 registration year fee calculation.

FMCSA Response: FMCSA finds reasonable the UCR Plan's explanation that interest earnings on the reserve funds are already taken into account in determining the proposed fees for 2025 and subsequent years. This is currently the case for interest earned on the funds held for distribution to the States, which will be applied to the 2026 registration year to adjust the fee revenues needed to ensure that the participating States receive their statutory revenue entitlements. When the remaining reserve funds are fully funded, interest earned on those accounts will also be accounted for in the fee recommendations. FMCSA finds it reasonable for the UCR Plan to fully fund its reserves prior to distributing the interest earned on those accounts, thereby not using the interest earnings

to provide an additional offset to the revenues to be provided by the fees for registration year 2025. FMCSA further finds it reasonable for the UCR Plan to account for interest earned on the administrative funds account by reducing its request for administrative funds in future years, once the reserve accounts are fully funded.

4. Convenience Fees for Credit Card and ACH Payments

Comments: SBTC raised a separate issue regarding the UCR Plan's practice of passing on to registrants the convenience fees charged by banks when a registrant uses a credit card or ACH transaction to pay the annual registration fees. SBTC characterizes such transaction fees as ''surcharges.'' SBTC claims that this practice is not authorized by FMCSA. It also claims that the UCR Plan retains this revenue, invests it, and retains the investment income, and states that those convenience fees should be paid out of the UCR Plan's administrative allowance authorized by FMCSA.

In response to SBTC's claims, the UCR Plan explained that when a registrant chooses to use a credit card or ACH transaction to pay the annual registration fee, this is accompanied by a convenience fee, not a surcharge, ''to defray a portion of the costs to the UCR that accompany the use of an electronic payment method by the motor carrier.'' Furthermore, the UCR Plan noted that paying UCR registration fees using a credit card or an ACH transaction is a voluntary decision the motor carrier or registrant makes, which could be avoided by using a check or money order.

The UCR Plan explained that the convenience fee generated from a credit card payment is calculated differently than the fee for an ACH payment, as the former is a percentage of the annual registration fee and the latter is a fixed amount. Since the UCR plan cannot accurately project how many motor carriers or other registrants will choose to pay the annual registration fee using a credit card versus ACH transaction, including the convenience fees as part of the UCR Plan's annual operating budget risks overcharges to the motor carrier or registrant if the UCR Plan overestimates the costs, and financial shortfalls for the UCR Plan if the UCR Plan underestimates the costs.

Second, the UCR Plan explained that including an estimate of the cost of providing for electronic payments by motor carriers and other registrants in the administrative fund request would force one group of registrants to subsidize another group of registrants. The UCR Plan noted this would be unfair to registrants that complete payment using money orders or checks—methods which do not include a convenience fee, unlike credit card and ACH payment methods. The UCR Plan concluded that, due to the factors explained in its response, the fairest and most accurate way to cover the cost of using an electronic payment method is charging the convenience fee separately to those who chose to utilize that option.

FMCSA Response: FMCSA accepts the UCR Plan's handling of convenience fees for credit card and ACH transactions to pay fees. The UCR Plan has shown that it would be difficult to accurately estimate the amount of such convenience fees and, moreover, that it would be an unfair burden on registrants that chose not to use credit cards or ACH transactions.

5. Request for Issuance of Guidance on the UCR Plan's Investment of Funds

Comments: SBTC also requested in its comment that FMCSA issue guidance on whether the UCR Plan is authorized under law or regulation to invest motor carrier fees and under what risk-level circumstances they may do so.

The UCR Plan clarified in response that all reserve funds are invested according to the Board-approved UCR investment policy, available by link on the UCR Plan website Policies and Procedures page.[13] The UCR Plan further noted that the Board has set ''prudent guidelines designed to provide an appropriate risk-adjusted rate of return on all UCR assets.'' It also referred to the response to SBTC's comment for detailed discussion of the UCR Plan's authority to establish reserve funds, the importance of maintaining them, to what end interest earnings are used, and how the interest earnings are recognized in the recommended registration fees (discussed above in the section entitled ''The Use of Interest Earnings'').

FMCSA response: FMCSA has reviewed and considered both SBTC's and the UCR Plan's comments in this rulemaking, including the UCR Plan's investment policy, in determining the appropriateness of the proposed fee increase. Issues raised include the UCR Plan's use of investment funds and alternatives to the upward adjustment suggested by SBTC and others. Based on the comments other and information submitted to the docket, FMCSA finds the actions of the UCR Plan reasonable and adequately supportive of the proposed rule. Requests for additional Agency action, including issuance of guidance on appropriate UCR fee investments, are outside the scope of this rulemaking.

Out of Scope Comments

Comments: FMCSA received a few additional comments concerning issues beyond the scope of the proposed rule. Some comments related to the need for regulations on broker transparency, safe parking, speed limits on interstate highways, among other topics which the commenters identified as more beneficial to the industry.

FMCSA response: FMCSA appreciates the commenters for raising these issues, and for stressing their importance. However, as they do not pertain to this rulemaking, FMCSA has not taken these comments into consideration or modified the final rule based upon these comments.

C. Final Rule

FMCSA appreciates the commenters' feedback regarding this rulemaking and has taken all within-scope comments into consideration. For the UCR Plan to secure both the funds for required distribution of statutory entitlements to all participating States and the funds for administration of the UCR Agreement, the UCR Plan must generate sufficient revenue, which can only be accomplished by a fee increase, as permitted, and required, by the UCR statute. The upward adjustment in fees for the 2025 registration year will provide an additional $13 million to meet the overall statutory revenue requirement of $112 million. The UCR statute provides for the UCR Plan to request an adjustment in the fees, within a reasonable range, by the Secretary when the fees will be insufficient to provide the annual revenue entitlements to which the participating States are entitled (49 U.S.C. 14504a(f)(1)(E)(i)).

FMCSA also notes that in a final rule published in 2023, the Agency had anticipated adjusting the fees for the 2025 registration year, after receiving the necessary recommendation from the UCR Plan, as the previous excess collections would be largely utilized.[14] In addition, this is the first upward adjustment since 2010, following two years of fee decreases, which, combined, resulted in an average 37.3 percent fee reduction, and no adjustments from 2010 to 2017. The fee levels for the 2025 registration year are still less than the fees that were in effect from 2019 to

[13] Available on the internet at *https://plan.ucr.gov/policies-procedures/* (accessed Mar. 4, 2024).

[14] See 88 FR 40719 at 40720 (June 22, 2023).

2022. For those reasons, FMCSA finalizes the proposed increase without modification.

VI. Section-by-Section Analysis

FMCSA revises 49 CFR 367.40 (which was adopted in the 2023 final rule) so that the fees apply to registration year 2024 only. A new § 367.50 establishes new increased fees applicable beginning in registration year 2025, based on the recommendation submitted by the UCR Plan in its September 2023 Fee Recommendation. The fees in new § 367.50 will remain in effect for subsequent registration years after 2025 unless revised by a future rulemaking.

FMCSA also removes 49 CFR 367.20, which set the fees for 2020, 2021, and 2022, as those fee amounts will not be necessary.

VII. 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, E.O. 14094 (88 FR 29179, Apr. 11, 2023) Modernizing Regulatory Review, and DOT's regulatory policies and procedures. The Office of Information and Regulatory Affairs, as stated in section 3(f) of E.O. 12866, as supplemented by E.O. 13563 and amended by E.O. 14094, 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.

The final rule increases the registration fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies, which fund both the administration of the UCR Plan and Agreement and the statutory entitlements to the participating States. Therefore, under this rule, these entities face increased costs in the form of increased fees. However, while each motor carrier or other entity will incur an increased burden, fees are considered by OMB Circular A–4, Regulatory Analysis, as transfer payments, not costs. Transfer payments are payments from one group to another that do not affect total resources available to society. By definition, transfers are not considered in the monetization of societal costs and benefits of rulemakings. In this case, increased fees to motor carriers are equivalent to revenue to participating States. Nevertheless, the Agency acknowledges that motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies will incur greater costs. The details of the amount of increase to the annual UCR fee for each fee bracket, are included in the discussion above in Section VI.

This rulemaking will establish increases in the annual registration fees for the UCR Plan and Agreement. The entities affected by this rule are the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Because the State UCR revenue entitlements will remain unchanged, the participating States will not be impacted by this rule. The primary impact of this rule will be an increase in fees paid by individual motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The increase in fees for the 2025 registration year from the 2024 registration year fees (approved on June 22, 2023 (88 FR 40179)) will be an average of 25 percent, ranging from $9 to $9,000 per entity, depending on the number of vehicles owned or operated by the affected entities.

B. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).[15]

C. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA),[16] 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* includes 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.

This rulemaking will directly affect the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Under the standards of the RFA, as amended by SBREFA, the participating States are not small entities. States are not considered small entities because they do not meet the definition of a small entity in section 601 of the RFA. Specifically, States are not considered small governmental jurisdictions under section 601(5) of the RFA, both because State government is not included among the various levels of government listed in section 601(5), and because, even if this were the case, no State or the District of Columbia has a population of less than 50,000, which is the criterion by which a governmental jurisdiction is considered small under section 601(5) of the RFA.

The Small Business Administration's (SBA's) size standard for a small entity (13 CFR 121.201) differs by industry code. The entities affected by this rule fall into many different industry codes. In order to determine if this rule will have an impact on a significant number of small entities, FMCSA examined the 2012 and 2017 Economic Census data for two different North American Industry Classification System (NAICS) industries: Truck Transportation (subsector 484) and Transit and Ground Transportation (subsector 485).

As shown in the table below, the SBA size standards for the national industries under the Truck Transportation and Transit and Ground Transportation subsectors range from $19.0 million to $43.0 million in revenue per year. To determine the percentage of firms that have revenue at or below SBA's thresholds within each of the NAICS national industries, FMCSA examined data from the 2017 Economic Census.[17] In instances where 2017 data were suppressed, the Agency imputed 2017 levels using data from the 2012 Economic Census.[18] Boundaries

[15] A *major rule* means any rule that 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, 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)).

[16] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

[17] U.S. Census Bureau. *2017 Economic Census.* Table EC1700SIZEEMPFIRM—Selected Sectors: Employment Size of Firms for the U.S.: 2017. Available at: *https://www.census.gov/data/tables/2017/econ/economic-census/naics-sector-48-49.html* (accessed Dec. 5, 2023).

[18] U.S. Census Bureau. *2012 Economic Census.* Table EC1248SSSZ4—Transportation and Warehousing: Subject Series—Estab & Firm Size: Summary Statistics by Revenue Size of Firms for the U.S.: 2012 Available at: *https://www.census.gov/data/tables/2012/econ/census/transportation-warehousing.html* (accessed Dec. 5, 2023).

for the revenue categories used in the Economic Census do not exactly coincide with the SBA thresholds. Instead, the SBA threshold generally falls between two different revenue categories. However, FMCSA was able to make reasonable estimates as to the percentage of small entities within each NAICS code.

The percentages of small entities with annual revenue less than the SBA's threshold ranged from 96.3 percent to 100 percent. Specifically, approximately 96.3 percent of Specialized Freight (except Used Goods) Trucking, Long Distance (484230) firms had annual revenue less than the SBA's revenue threshold of $34.0 million and will be considered small entities. FMCSA estimates 100 percent of firms in the Mixed Mode Transit Systems (485111) national industry had annual revenue less than $29.0 million and will be considered small entities. The table below shows the complete estimates of the number of small entities within the national industries that may be affected by this rule.

TABLE 3—ESTIMATES OF NUMBER OF SMALL ENTITIES

NAICS code	Description	SBA size standard in millions	Total number of firms	Number of small entities	Percent of all firms
484110	General Freight Trucking, Local	$34.0	22,066	21,950	99.5
484121	General Freight Trucking, Long Distance, Truckload	34.0	23,557	23,045	97.8
484122	General Freight Trucking, Long Distance, Less Than Truckload	43.0	3,138	3,050	97.2
484210	Used Household and Office Goods Moving	34.0	6,097	6,041	99.1
484220	Specialized Freight (except Used Goods) Trucking, Local	34.0	22,797	22,631	99.3
484230	Specialized Freight (except Used Goods) Trucking, Long Distance.	34.0	7,310	7,042	96.3
485111	Mixed Mode Transit Systems	29.0	25	25	100.0
485113	Bus and Other Motor Vehicle Transit Systems	32.5	318	308	96.9
485210	Interurban and Rural Bus Transportation	32.0	309	302	97.7
485320	Limousine Service	19.0	3,706	3,694	99.7
485410	School and Employee Bus Transportation	30.0	2,279	2,226	97.7
485510	Charter Bus Industry	19.0	1,031	1,013	98.3
485991	Special Needs Transportation	19.0	2,592	2,567	99.1
485999	All Other Transit and Ground Passenger Transportation	19.0	1,071	1,059	98.9

Therefore, while FMCSA has determined that this rulemaking will impact a substantial number of small entities, it has also determined that the rulemaking will not have a significant impact on them. The effect of this rulemaking will be to increase the annual registration fee that motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies are currently required to pay. The increase will be 25 percent on average, $9 to $9,000 per entity, depending on the number of vehicles owned and/or operated by the affected entities.

While the RFA does not define a threshold for determining whether a specific regulation results in a significant impact, the SBA, in guidance to government agencies, provides some objective measures of significance that the agencies can consider using. One measure that could be used to illustrate a significant impact is labor costs; specifically, whether the cost of the regulation exceeds 1 percent of the average annual revenues of small entities in the sector. Given that entities owning between 0 and 2 commercial motor vehicles would experience an increase of $9, a small entity would need to have average annual revenue of less than $900 to experience an impact greater than 1 percent of average annual revenue. This is an average annual revenue that is smaller than will be required for a firm to support one employee. The increased fee amount and impact on revenue increase linearly depending on the applicable fee bracket.

Consequently, I certify that the proposed action 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 SBREFA, FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the 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 SBA'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. Though this final rule will not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rule elsewhere in this preamble.

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,[19] 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.

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,[20] requires Federal agencies to conduct a Privacy Impact Assessment (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 April 17, 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, paragraph 6.h. The categorical exclusion (CE) in paragraph 6.h. covers regulations and actions taken pursuant to regulation implementing procedures to collect fees that will be charged for motor carrier registrations. The proposed requirements in this rule are covered by this CE.

List of Subjects in 49 CFR Part 367

Intergovernmental relations, Motor carriers, Brokers, Freight Forwarders.

Accordingly, FMCSA proposes to amend Title 49 CFR, subtitle B, chapter III, part 367 as follows:

PART 367—STANDARDS FOR REGISTRATION WITH STATES

■ 1. The authority citation for part 367 continues to read as follows:

Authority: 49 U.S.C. 13301, 14504a; and 49 CFR 1.87.

§ 367.20 [Removed and reserved]

■ 2. Remove and reserve § 367.20.

■ 3. Revise § 367.40 to read as follows:

§ 367.40 Fees under the Unified Carrier Registration Plan and Agreement for Registration Year 2024.

[19] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

[20] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

TABLE 1 TO § 367.40—FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEAR 2024

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0–2	$37	$37
B2	3–5	111	
B3	6–20	221	
B4	21–100	769	
B5	101–1,000	3,670	
B6	1,001 and above	35,836	

■ 4. Add § 367.50 to read as follows:

§ 367.50 Fees Under the Unified Carrier Registration Plan and Agreement for Registration Years Beginning in 2025 and Each Subsequent Registration Year Thereafter.

TABLE 1 TO § 367.50—FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEARS BEGINNING IN 2025 AND EACH SUBSEQUENT REGISTRATION YEAR THEREAFTER

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0–2	$46	$46
B2	3–5	138	
B3	6–20	276	
B4	21–100	963	
B5	101–1,000	4,592	
B6	1,001 and above	44,836	

Issued under authority delegated in 49 CFR 1.87.

Sue Lawless,

Acting Deputy Administrator.

[FR Doc. 2024–13192 Filed 6–14–24; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register
Vol. 89, No. 117
Monday, June 17, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1220

[Doc. No. AMS–LP–23–0079]

Soybean Promotion and Research: Adjustments to Representation on the United Soybean Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to adjust the number of members on the United Soybean Board (Board) to reflect changes in production levels that have occurred since the Board was last reapportioned in 2021. As required by the Soybean Promotion, Research, and Consumer Information Act (Act), membership on the Board is reviewed every 3 years and adjustments are made accordingly. The proposed changes would result in a decrease in Board membership for the State of North Dakota from 4 members to 3 members and an increase in Board membership for the State of New York from 1 member to 2 members, thus the total number of Board members would remain at 77. These changes would be reflected in the Soybean Promotion and Research Order (Order) and would be effective with the Secretary of Agriculture's (Secretary) appointments for terms in the year 2025.

DATES: Submit comments on or before July 17, 2024.

ADDRESSES: Comments should be posted online at *https://www.regulations.gov.* Comments received will be posted without change, including any personal information provided. All comments should reference the docket number AMS–LP–23–0079, the date of submission, and the page number of this issue of the **Federal Register**. Comments may also be sent to Jason Julian, Agricultural Marketing Specialist; Research and Promotion Division; Livestock and Poultry Program, AMS, USDA; Room 2092–S, STOP 0249; 1400 Independence Avenue SW; Washington, DC 20250–0249. Comments will be made available for public inspection at the above address during regular business hours or via the internet at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jason Julian, Research and Promotion Division, Telephone: (202) 731–2149; or email at *jason.julian@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Orders 12866, 13563, and 14094

AMS is issuing this proposed rule in conformance with Executive Orders (E.O.) 12866, 13563, and 14094. E.O. 12866, 13563, and 14094 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. E.O. 14094 reaffirms, supplements, and updates E.O. 12866 and further directs agencies to solicit and consider input from a wide range of affected and interested parties through a variety of means. This proposed action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from E.O. 12866 review.

Executive Order 13175

This proposed rule has been reviewed under E.O. 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this proposed rule is unlikely to have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Executive Order 12988

This proposed rulemaking has been reviewed under E.O. 12988—Civil Justice Reform. This rulemaking is not intended to have retroactive effect.

The Act (7 U.S.C. 6309) provides that nothing in the Act may be construed to preempt or supersede any other program relating to soybean promotion organized and operated under the laws of the U.S. or any State. There are no administrative proceedings that must be exhausted prior to any judicial challenge to the provisions of this rulemaking.

Paperwork Reduction Act

In accordance with OMB regulations (5 CFR part 1320) that implement the Paperwork Reduction Act of 1995 (44 U.S.C. part 35), the information collection and recordkeeping requirements contained in the Order and accompanying Rules and Regulations have previously been approved by OMB and were assigned OMB control number 0581–0093.

Background and Proposed Action

The Board was initially appointed on July 11, 1991, pursuant to the provisions of the Act (7 U.S.C. 6301–6311), and the Order (7 CFR part 1220) issued thereunder. The Order established an initial Board with 60 members, composed of soybean producers. For purposes of establishing the Board, the United States was divided into 31 States and geographical units. Representation on the Board from each unit was determined by the level of production in each unit.

Reapportionment

Section 1220.201(c) of the Order provides that at the end of each 3-year period, the Board shall review soybean production levels in the geographic units throughout the United States. Section 1220.130 of the Order defines a unit as each State, or group of States, which is represented on the Board. The Board may recommend to the Secretary modification in the levels of production necessary for Board membership for each unit.

Section 1220.201(d) of the Order provides that at the end of each 3-year period, the Secretary must review the volume of production of each unit and adjust the boundaries of any unit and the number of Board members from each such unit as necessary to conform with the criteria set forth in § 1220.201(e): To the extent practicable, (1) States with annual average soybean

production of less than 3 million bushels shall be grouped into geographically contiguous units, each of which has a combined production level equal to or greater than 3 million bushels, and each such group shall be entitled to at least 1 member on the Board; (2) units with at least 3 million bushels, but fewer than 15 million bushels shall be entitled to 1 board member; (3) units with 15 million bushels or more but fewer than 70 million bushels shall be entitled to 2 Board members; (4) units with 70 million bushels or more but fewer than 200 million bushels shall be entitled to 3 Board members; and (5) units with 200 million bushels or more shall be entitled to 4 Board members.

The Board was last reapportioned in 2021. The total Board membership decreased from 78 to 77 members, with Alabama decreasing one member. The final rule was published in the **Federal Register** (86 FR 61668) on November 8, 2021. This change was effective with the 2022 appointments.

This proposed rulemaking would keep total membership of the Board at 77 members. Production data was used for years 2018–2022 (excluding the crops in years in which production was the highest and in which production was the lowest in each State) was reported by U.S. Department of Agriculture's (USDA) National Agricultural Statistics Service (NASS). This change would not affect the number of geographical units.

This proposed rulemaking would adjust representation on the Board as follows:

State	Current representation	Proposed representation
New York	1	2
North Dakota	4	3

Board adjustments as proposed by this rulemaking would become effective, if adopted, with the 2025 appointment process.

Initial Regulatory Flexibility Act

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS considered the economic effect of this action on small entities and determined that this proposed rulemaking would not have a significant economic impact on a substantial number of small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly burdened.

Effective August 19, 2019, the Small Business Administration (SBA) (13 CFR part 121.201) published an interim final rule (84 FR 34261) that adjusts the monetary-based size standards for inflation. As a result of this rule, the size classification for soybean producers changed from sales of $750,000 or less to sales of $1,000,000 or less. There are an estimated 413,358 soybean producers and an estimated 10,000 first purchasers who collect the assessment, most of whom would be considered small businesses under the criteria established by SBA.

According to USDA's NASS 2022 Census of Agriculture, the number of operations in the United States with soybean production totaled 270,851.[1] The most recent (2022) Census of Agriculture data show that roughly 19 percent of producers with soybean production, or 52,756 operations, have annual receipts of $1,000,000 or more.[2] Therefore, most soybean producers, 81 percent, would be considered small businesses with the new SBA guidance. It should be noted that producers are only indirectly impacted by the proposed rulemaking.

The proposed rulemaking imposes no new burden on the industry, as it only adjusts representation on the Board to reflect changes in soybean production. The adjustments are required by the Order and would not result in a change to Board membership, which will remain at 77 members.

AMS is committed to complying with E-Government Act of 2002 to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to government information and services, and for other purposes. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rulemaking.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Reporting and recordkeeping requirements, Soybeans.

For the reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 1220 as follows:

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

■ 1. The authority citation for 7 CFR part 1220 continues to read as follows:

Authority: 7 U.S.C. 6301–6311 and 7 U.S.C. 7401.

■ 2. Amend § 1220.201 by revising paragraph (a) to read as follows:

§ 1220.201 Membership of Board.

(a) For the purposes of nominating and appointing producers to the Board, the United States shall be divided into 31 geographic units and the number of Board members from each unit, subject to paragraphs (d) and (e) of this section shall be as follows:

TABLE 1 TO PARAGRAPH (a)

State/unit	Number of members
South Dakota	4
Ohio	4
Nebraska	4
Missouri	4
Minnesota	4
Iowa	4

[1] *https://www.nass.usda.gov/AgCensus/index.php.*

[2] *https://quickstats.nass.usda.gov/results/F0860BE3-0E1F-33B4-8571-74E2B061CBED.*

TABLE 1 TO PARAGRAPH (a)—Continued

State/unit	Number of members
Indiana	4
Illinois	4
North Dakota	3
Wisconsin	3
Tennessee	3
Mississippi	3
Michigan	3
Kentucky	3
Kansas	3
Arkansas	3
Virginia	2
Pennsylvania	2
North Carolina	2
Maryland	2
Louisiana	2
New York	2
Alabama	1
Texas	1
South Carolina	1
Oklahoma	1
New Jersey	1
Georgia	1
Delaware	1
Unit:	
Eastern Region (Connecticut, Florida, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, West Virginia, District of Columbia, and Puerto Rico)	1
Western Region (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming)	1

* * * * *

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–13225 Filed 6–14–24; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1614; Airspace Docket No. 24–AEA–9]

RIN 2120–AA66

Amendment of Class D Airspace; Martinsburg, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace extending upward from the surface to and including 3,100 feet MSL within a 4.2-mile radius of Eastern West Virginia Regional/Shepherd Field Airport by updating the airport coordinates and description formatting to comply with FAA Orders and databases. This action would not change the airspace boundaries or operating requirements.

DATES: Comments must be received on or before August 1, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–1614 and Airspace Docket No. 24–AEA–9 using any of the following methods:

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

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 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 for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

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

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: Joseph Kann, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5576.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class D airspace in Martinsburg,

WV. An airspace evaluation determined that this update is necessary to support IFR operations in the area.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

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

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except on federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

Class D airspace designations are published in Paragraph 5000 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 proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates will be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class D airspace extending upward from the surface to and including 3,100 feet MSL within a 4.2-mile radius of Eastern West Virginia Regional/Shepherd Field Airport by updating the airport coordinates and formatting to comply with FAA Orders and databases. The legal description was updated by referencing ''Notice to Air Missions'' (previously ''Notice to Airmen'') and ''Chart Supplement'' (previously ''Airport/Facility Directory''). This action would not change the airspace boundaries or operating requirements.

Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' prior to any final regulatory action by the FAA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA WV D Martinsburg, WV

Eastern West Virginia Regional/Shepherd Field Airport, WV
(Lat. 39°24′08″ N, long. 77°58′59″ W)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 4.2-mile radius of Eastern West Virginia Regional/Shepherd Field Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Mission. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Issued in College Park, Georgia, on June 6, 2024.

Patrick Young,

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

[FR Doc. 2024–12977 Filed 6–14–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

[Docket No. FDA–2024–N–1939]

Requirements for Additional Traceability Records for Certain Foods; Proposed Exemption for Cottage Cheese Regulated by the National Conference on Interstate Milk Shipments Grade ''A'' Pasteurized Milk Ordinance

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed exemption.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is proposing to grant an exemption for certain cottage cheese products from the requirements of the Requirements for Additional Traceability Records for Certain Foods rule (the Food Traceability Rule). The Agency is taking this action in accordance with the FDA Food Safety Modernization Act and FDA's implementing regulations.

DATES: Submit either electronic or written comments on the notice by September 16, 2024 to ensure that the Agency considers your comment on the proposed exemption.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–1939 for ''Requirements for Additional Traceability Records for Certain Foods; Proposed Exemption for Cottage Cheese Regulated by the National Conference on Interstate Milk Shipments Grade ''A'' Pasteurized Milk Ordinance.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Katherine Vierk, Office of Analytics and Outreach, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2122, *Katherine.Vierk@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 21, 2022, FDA published in the **Federal Register** (87 FR 70910) a final rule entitled ''Requirements for Additional Traceability Records for Certain Foods'' (the Food Traceability Rule), which established additional recordkeeping requirements for persons who manufacture, process, pack, or hold foods the Agency has designated for inclusion on the Food Traceability List (FTL). In the preamble to the final rule, we announced our intention to consider initiating a process under the new regulation (codified in subpart S of part 1 of title 21 of the Code of Federal Regulations (CFR)) to determine whether to exempt cottage cheese regulated under the Grade ''A'' Pasteurized Milk Ordinance (PMO) (Grade ''A'' cottage cheese) from the requirements of the Food Traceability Rule (87 FR 70910 at 70932).

As contemplated in the preamble to the final rule, we are initiating a process in accordance with § 1.1360 (21 CFR 1.1360) *et seq.* to determine whether it would be appropriate to exempt Grade ''A'' cottage cheese that appears on the Interstate Milk Shippers (IMS) List (''IMS listed Grade ''A'' cottage cheese'') from the requirements of the Food Traceability Rule. Section 1.1360(a) states, in part, that FDA will exempt a food or type of entity from the requirements of subpart S when we determine that application of the requirements that would otherwise apply to the food or type of entity is not necessary to protect the public health. Under § 1.1385 (21 CFR 1.1385), if FDA, on our own initiative, determines that granting an exemption from subpart S for a food or type of entity is appropriate, we will publish a notice in

the **Federal Register** setting forth the proposed exemption and the reasons for the proposal. The notice will establish a public docket so interested persons may submit written comments on the proposal.

Currently, cottage cheese is covered by the Food Traceability Rule because it is included on the FTL in the commodity ''Cheese (made from pasteurized milk), fresh soft or soft unripened.'' However, FDA recognizes that much of the cottage cheese produced in the United States is regulated through the National Conference on Interstate Milk Shipments (NCIMS). NCIMS is a cooperative program among the U.S. Public Health Service (USPHS), FDA, the States, and the dairy industry, with the objective of promoting the availability of a high quality milk supply (Refs. 1 and 2). FDA and NCIMS have together developed a cooperative, Federal-State program (the IMS Program) to ensure the sanitary quality of milk and milk products shipped interstate. All 50 States and the District of Columbia participate in the IMS Program.

The IMS Program is implemented and enforced by the States, with FDA providing oversight, including scientific, technical, and inspection expertise as set forth in an active 1977 Memorandum of Understanding (MOU) between FDA and NCIMS (Ref. 2). As described in the MOU, the IMS Program relies on the PMO, which incorporates relevant Federal requirements, and related technical documents for the sanitary standards, requirements, and procedures it follows to ensure the safety and wholesomeness of Grade ''A'' milk and milk products, including cottage cheese. FDA considers these standards, requirements, and procedures to be adequate for the protection of the health and safety of the consumer (Ref. 2). The NCIMS recommends changes and modifications to the PMO and other related technical documents at its biennial conferences (Ref. 3). This ensures that the PMO represents the most current science-based knowledge and experience concerning the safe production and processing of Grade ''A'' milk products and incorporates the latest Federal requirements for food safety (Ref. 3).

Interstate milk and milk product shippers who have been certified by Milk Sanitation Rating Officers as having attained certain identified sanitation compliance and enforcement ratings are listed on the IMS List. Such certification is based on compliance with the requirements of the PMO. Cottage cheese—including lowfat, nonfat, and dry curd—is identified using product code 7 in the IMS sanitation compliance and enforcement ratings (Ref. 4). The proposed exemption would only apply to manufacturers of cottage cheese that are both regulated under PMO requirements and IMS listed for cottage cheese.

As discussed above, cottage cheese is on the FTL because it is included in the commodity ''Cheese (made from pasteurized milk), fresh soft or soft unripened.'' FDA developed a Risk-Ranking Model for Food Tracing (RRM–FT) to inform the FTL. The RRM–FT is a semiquantitative risk-ranking model that evaluates known or reasonably foreseeable hazards in a wide range of commodities for FDA-regulated human foods, and scores commodity-hazard pairs according to data and seven criteria consistent with the requirements in the FDA Food Safety Modernization Act (FSMA), section 204(d)(2)(A) (Ref. 5). Results from the RRM–FT provide a risk ranking of commodities and commodity-hazard pairs. Based on data and results from the RRM–FT, the Agency considered commodities and associated commodity-hazard pairs with criteria scores in the moderate to strong range and identified commodities for inclusion on the FTL (Ref. 6). The risk score for the commodity ''Cheese (made from pasteurized milk), fresh soft or soft unripened'' is 430, which is driven by the risk score for the commodity-hazard pair associated with *Listeria monocytogenes* (Ref. 7). Because of this risk score, the commodity ''Cheese (made from pasteurized milk), fresh soft or soft unripened'' is included on the FTL (Ref. 6).

As explained in the preamble to the final rule, products such as soft cheeses made from pasteurized milk and nut butters made from roasted nuts can be on the FTL regardless of the fact that some or all of their ingredients were previously subjected to a kill step (87 FR 70910 at 70931–32, responses 60 and 64). This is because the RRM–FT considers potential hazards that may be introduced from exposure to the processing environment after a lethality treatment (id.). In the case of the commodity ''Cheese (made from pasteurized milk), fresh soft or soft unripened,'' which includes cottage cheese, the RRM–FT took into account the risk from contamination with environmental pathogens, such as *L. monocytogenes,* which could occur during the manufacturing process, after the pasteurization steps. Thus, while pasteurization of the incoming ingredients provides a significant level of risk-reduction, this commodity nonetheless appears on the FTL because of the risk from post-pasteurization in-process contamination, most notably with *L. monocytogenes.*

We are proposing to exempt IMS listed Grade ''A'' cottage cheese from the requirements of the Food Traceability Rule because of the specific processing requirements specified in the PMO that address the risk factors that resulted in the commodity ''Cheese (made from pasteurized milk), fresh soft or soft unripened'' being on the FTL, and because of the enhanced regulatory oversight of the manufacturing of such products. As discussed in the following paragraphs, manufacturers of IMS listed Grade ''A'' cottage cheese must comply with requirements intended to control pathogens during pasteurization and to prevent contamination during post-pasteurization processing. Additionally, there are requirements pertaining to information that must be documented in records, and provisions that dictate inspectional and sampling frequencies (Ref. 3).

Pasteurization. Both the milk and creaming mixture used in making cottage cheese must be pasteurized. The PMO requires that all pasteurization equipment be tested and inspected by the relevant Regulatory Agency every 3 months.

Post-pasteurization processing requirements. The cottage cheese processing steps that occur after milk pasteurization prior to packaging can be performed in vessels that are open to the environment, which presents a risk for contamination of in-process food with environmental pathogens, such as *L. monocytogenes,* if sanitary conditions are not maintained. The PMO contains specific requirements for the control of critical factors including, but not limited to, pH, filling temperature, and the use of microbial inhibitors and preservatives to address post-pasteurization contamination (Refs. 3 and 6). These requirements include:

- Ensuring that all critical factors are monitored and documented by the processing facility, the records of which are verified by the Regulatory Agency;
- Ensuring that capping, closing, and sealing of containers is done in a sanitary manner by approved mechanical equipment (hand capping of IMS listed Grade ''A'' cottage cheese is not permitted);
- Ensuring that Grade ''A'' cottage cheese is at a pH of 5.2 or below and is either:
  - Hot-filled at a temperature at or above 145 °F for containers of 4 ounces or larger, and at a temperature of 155 °F or above for containers of 2.9 ounces (these temperatures prevent the survival of *L. monocytogenes,* a pathogen that

might have been introduced into the product from the environment); or

o cold-filled at a temperature of 55 °F or less, with addition of the microbial inhibitor potassium sorbate at a minimum concentration of 0.06 percent, or another approved inhibitor that provides sustained inhibition of *L. monocytogenes;* and

• Communicating to the Regulatory Agency if there are any formulation or processing changes that affect critical food safety factors (Ref. 3).

Enhanced regulatory oversight. IMS listed Grade ''A'' cottage cheese manufacturers are subject to stringent regulatory oversight. All milk and milk products manufacturers regulated by the PMO, including IMS listed cottage cheese manufacturers, are subject to a three-tier inspection oversight program that includes inspections by the Regulatory Agency every 3 months, a rating performed by FDA-certified State Rating Officers every 2 years for IMS listing purposes, and check ratings performed by FDA Milk Specialists every 3 years (Refs. 1, 3, and 8). Additionally, during any consecutive 6 months, at least four samples of packaged cottage cheese made from pasteurized milk from each plant that manufactures IMS listed cottage cheese is collected by the Regulatory Agency for analysis (Ref. 3).

Considering the aforementioned features of regulation of IMS-listed Grade ''A'' cottage cheese, we tentatively conclude that application of the subpart S requirements to IMS listed Grade ''A'' cottage cheese is not necessary to protect the public health. As described above, the primary hazard associated with ''Cheese (made from pasteurized milk), fresh soft or soft unripened,'' which includes cottage cheese, is the risk of post-pasteurization, in-process contamination, specifically with *L. monocytogenes.* This hazard is well controlled when cottage cheese is manufactured in accordance with the PMO. The post-pasteurization processing requirements in the PMO (*e.g.,* requirements for processing steps, including container filling, to be performed under sanitary conditions; requirements relating to pH; requirements for hot-filling and cold-filling; and the requirement that all critical factors are monitored and documented by the manufacturing facility, the records of which are verified by the Regulatory Agency) provide effective control measures for this hazard. Furthermore, cottage cheese with a maximum pH of 5.2 and containing a minimum of 0.06 percent potassium sorbate, when stored at appropriate refrigeration temperature, will prevent *L. monocytogenes* growth. More generally, the PMO imposes stringent food safety requirements at every stage of the manufacturing process, covering both pasteurization and post-pasteurization processing, and also requires labeling to include the plant name or IMS number for product traceability. Frequent inspections that include reviewing production records documenting control of critical factors by both the States and FDA Milk Specialists provide a high level of oversight of these cottage cheese manufacturers. FDA's own involvement in the PMO and the Grade ''A'' program—along with the involvement of other public health governmental entities, such as USPHS and our State, Territorial, and municipal partners—provides a high degree of confidence regarding the safety of Grade ''A'' dairy products. Therefore, we propose to exempt from the Food Traceability Rule IMS listed Grade ''A'' cottage cheese that is produced and distributed in accordance with the PMO.

The discussion of the PMO in this document is based on the 2019 Revision.[1] However, this proposed exemption would apply to any IMS listed Grade ''A'' cottage cheese, including Grade ''A'' cottage cheese regulated under past revisions of the PMO (in jurisdictions that might not have adopted the 2019 Revision) and any IMS listed Grade ''A'' cottage cheese manufacturers regulated under future revisions of the PMO, once such revisions are released and adopted. We do not expect future revisions of the PMO to deviate from the 2019 Revision in material ways that would affect our conclusion that IMS listed Grade ''A'' cottage cheese should be exempt from the requirements of subpart S, nor do we think that past revisions were materially different in ways that would affect this conclusion. If this exemption is finalized but we subsequently determine that it is necessary to revise or revoke the exemption in order to protect the public health—either because of changes to the PMO or for any other reason—we will follow the procedures set forth in 21 CFR 1.1395 and 1.1400.

In accordance with § 1.1385, we request comments on this proposed exemption. Interested persons may submit written comments on the proposed exemption in the docket established by this notice in accordance with the instructions in the **ADDRESSES** section of this notice. In accordance with § 1.1385(b), after considering any comments timely submitted, we will publish a notice in the **Federal Register** stating whether we are granting the proposed exemption for IMS listed Grade ''A'' cottage cheese and the reasons for our decision.

[1] The PMO is typically updated every 2 years. However, due to the COVID–19 pandemic, the NCIMS Conference was postponed to April 2023, so there was no 2021 Revision.

II. References

The following references are on display at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *http://www.regulations.gov.* Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

1. FDA and NCIMS, ''Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipment (2019 Revision)'', 2019. Available at *https://www.fda.gov/media/138115/download?attachment.* Accessed June 3, 2024.
2. FDA and NCIMS, ''Memorandum of Understanding Between the National Conference on Interstate Milk Shipments and the Food and Drug Administration'', 1977. Available at: *https://www.fda.gov/about-fda/mou-225-78-1000.* Accessed June 3, 2024.
3. FDA, ''Grade ''A'' Pasteurized Milk Ordinance (2019 Revision),'' 2019. Available at: *https://www.fda.gov/media/140394/download?attachment.* Accessed June 3, 2024.
4. FDA, ''2024 Interstate Milk Shippers List,'' 2024. Available at: *https://www.fda.gov/media/177531/download?attachment.* Accessed June 3, 2024.
5. FDA Memorandum, ''Methodological Approach to Developing a Risk-Ranking Model for Food Tracing FSMA Section 204 (21 U.S.C. 2223),'' September 2022. Available at: *https://www.fda.gov/media/142247/download?attachment.* Accessed June 3, 2024.
6. FDA Memorandum, ''Designation of the Food Traceability List Using the Risk-Ranking Model for Food Tracing,'' October 2022. Available at: *https://www.fda.gov/media/142282/download?attachment.* Accessed June 3, 2024.
7. FDA, ''Risk-Ranking Model for Food Tracing: Web-based Tool for Criteria and Results,'' 2022. Available at: *https://cfsanappsexternal.fda.gov/scripts/FDARiskRankingModelforFoodTracingfinalrule/.* Accessed June 3, 2024.
8. FDA, ''Compliance Program Guidance Manual 7318.003: National Conference on Interstate Milk Shipments (NCIMS) Milk Safety Program,'' 2012. Available at: *https://www.fda.gov/media/142503/download?attachment.* Accessed June 3, 2024.

Dated: June 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–13236 Filed 6–14–24; 8:45 am]

BILLING CODE 4164–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[PS Docket Nos. 24–146, 22–90; RIN 3060–AL83; FCC 24–62; FR ID 225236]

Reporting on Border Gateway Protocol Risk Mitigation Progress; Secure Internet Routing

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks to increase the security of the information routed across the internet by proposing certain reporting obligations on providers of broadband internet access service (BIAS providers) and their use of the Border Gateway Protocol (BGP). Internet traffic can be disrupted, intercepted, and blackholed—when a service provider drops traffic addressed to a targeted IP address or range of addresses by redirecting it to a null route—due to either accidental or deliberate adversarial manipulation of security vulnerabilities inherent to BGP. Together, the intended effect of the plans, filings, and measures the Commission proposes would be to mitigate such threats. BIAS providers would be required to develop BGP Routing Security Risk Management Plans that describe their plans for and progress in implementing security measures that utilize the Resource Public Key Infrastructure (RPKI). Nine of the largest service providers would be required to file specific additional data on a quarterly basis. The FCC also seeks comment on issues related to implementing RPKI-based security measures.

DATES: Comments are due on or before July 17, 2024 and reply comments are due on or before August 1, 2024. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public and other interested parties on or before August 16, 2024.

ADDRESSES: You may submit comments, identified by PS Docket Nos. 24–146 and 22–90, by any of the following methods:

- *Federal Communications Commission's website: https://www.apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: George Donato, Associate Division Chief, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, (202) 418–0729, or by email to *george.donato@fcc.gov;* or James Zigouris, Attorney-Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, (202) 418–0697, or by email to *james.zigouris@fcc.gov;* or Bradley Rosen, Attorney-Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, (202) 418–0226, or by email to *bradley.rosen@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole Ongele, Office of Managing Director, Performance Evaluation and Records Management, 202–418–2991, or by email to *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking (NPRM),* PS Docket Nos. 24–146 and 22–90; FCC 24–62, adopted June 6, 2024, and released June 7, 2024. The full text of this document is available by downloading the text from the Commission's website at: *https://www.fcc.gov/document/fcc-proposes-internet-routing-security-reporting-requirements-0.* When the FCC Headquarters reopens to the public, the full text of this document will also be available for public inspection and copying during regular business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Ex Parte Rules—Permit-But-Disclose: This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules, with a limited exception described in the following paragraph. 47 CFR 1.1200, 1.1206. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to

be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

In order to facilitate the free exchange of exploratory ideas among the staff of the federal agencies working toward the critical goal of promoting secure internet routing, we find the public interest requires a limited modification of the *ex parte* status in this proceeding. *See* 47 CFR 1.1200(a). Communications between the Commission staff and staff of the Federal Government entities with a formal role in these internet security matters, *i.e.,* Office of the National Cyber Director (ONCD), Cybersecurity and Infrastructure Security Agency (CISA), Department of Justice (DOJ), Office of the Director of National Intelligence, National Institute of Standards and Technology (NIST), and National Telecommunications and Information Administration (NTIA) shall be exempt from the rules requiring disclosure in permit-but-disclose proceedings and exempt from the prohibitions during the Sunshine Agenda period. *See generally* 47 CFR 1.1206, 1.1203. To be clear, while the Commission recognizes that consultation with these entities is critically important, the Commission will rely in its decision-making only on facts and arguments that are placed in the public record for this proceeding. To this end, the enumerated Federal Government entities, like all interested parties, should submit in the public record of this proceeding comments, reply comments, and other presentations presenting those facts and arguments they wish the Commission to rely on in its decision-making process. If the presentation made by staff of one of the federal agencies enumerated above is of ''substantial significance and clearly intended to affect the ultimate decision,'' the Commission will rely on such presented information in its decision-making process only if it coordinates in advance with the agency involved to ensure that such agency retains control over the timing and extent of any disclosure that may impact that agency's jurisdictional responsibilities. *See* 47 CFR 1.1206(b)(3).

Paperwork Reduction Act: This document may contain proposed modified information collection requirements. Therefore, the Commission seeks comment on potential new or revised information collections subject to the Paperwork Reduction Act of 1995. If the Commission adopts any new or revised information collection requirements, the Commission will publish a notice in the **Federal Register** inviting the general public and the Office of Management and Budget to comment on the information collection requirements, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comments on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Regulatory Flexibility Act: The Regulatory Flexibility Act of 1980, as amended (RFA), requires an agency to prepare a regulatory flexibility analysis for notice-and-comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The Commission seeks comment on potential rule and policy changes contained in the document, and accordingly, has prepared an IRFA. The IRFA for this document in PS Docket Nos. 24–146 and 22–90 is set forth below in this document and written public comments are requested. Comments must be filed by the deadlines for comments on the *NPRM* indicated under the **DATES** section of this document and must have a separate and distinct heading designating them as responses to the IRFA. The Commission reminds commenters to file in the appropriate dockets: PS Docket Nos. 24–146 and 22–90.

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on *https://www.fcc.gov/proposed-rulemakings.*

Synopsis

Introduction and Background

1. Today, we are seeking comment on several proposals targeted towards improving the security of internet routing, in particular of BGP, which, as detailed above includes key vulnerabilities capable of impacting this nation's critical infrastructure. We intend these proposals to apply to providers of broadband internet access service on a mass market retail basis (BIAS), based primarily on our authority under Title II of the Communications Act. Our proposals take into account our understanding of the current state of industry participation in RPKI-based approaches to routing security, including the deployment of Route Origin Validation (ROV), from our active and continuing engagement on these issues with industry stakeholders and other government agencies. In short, there is an apparent wide disparity in the percentage of originated routes covered by Route Origin Authorizations (ROAs) and limited or incomplete support for ROV. Further action is urgently required.

2. As of May 2024, only 38% of U.S. networks allow for the validation of their routing information by registering and maintaining ROAs in the RPKI. That figure is derived from data found in Cloudflare's Radar, and it is confirmed by data in the MANRS Observatory. The MANRS Observatory provides trend data for the maintenance of routing information in the RPKI by the networks participating in MANRS. There are other measurement tools publicly available online that reveal similar data, such as NIST's RPKI Monitor. Looking at an earlier date, as of December 2024, 36% of traffic originating from non-U.S. Federal Government networks was covered by a valid ROA, but less than 1% of traffic originating from U.S. Federal Government networks was covered by a valid ROA. Thus, we observe that the use of RPKI services across the internet has continued to increase over the past several years through service providers seeking to secure their BGP architectures. Despite the increasing deployment of RPKI-based security measures by some service providers in the United States, service providers that participate in BGP routing will need to make additional progress to reduce exposure to the types of communications attacks described and the ensuing risks.

3. Thus, consistent with comments filed by DOD, DOJ, and CISA in response to the *Secure internet Routing NOI,* we are proposing reporting obligations on service providers intended to help assess, prioritize, and maintain plans for utilizing the RPKI architecture to further BGP operational security. As the agency with regulatory authority in this area, we intend to continue our close collaboration with

other federal agencies which have been actively considering similar secure internet routing issues through National Cybersecurity Strategy initiatives. We seek comment on how the deployment of RPKI and other solutions may promote accountability through collaboration among key internet stakeholders, such as private, government, regulated, and unregulated entities, and between the United States and our global partners. Our proposals are largely focused on the preparation and filing of BGP Routing Security Risk Management Plans, but we do seek comment on certain additional measures that we believe hold promise for facilitating the implementation of RPKI-based routing security.

A. BGP Routing Security Risk Management Plans

4. We propose to require service providers to prepare and maintain BGP Routing Security Risk Management Plans (BGP Plans) describing and attesting to the specific efforts they have made, and further plan to undertake, to create and maintain ROAs in the RPKI. We expect that requiring service providers to prepare plans on how they have and will institute RPKI, a solution developed through an open standards setting process, can promote participation in the standards setting process. The Commission continues to strongly support open standards setting processes, and that is also a core goal of strategic objective 4.1 of the National Cybersecurity Strategy. We seek comment on the impact that our reporting proposals may have on this goal.

5. Under our proposals, BGP Plans can be risk-based performance plans, but would have to describe and attest to the extent to which the service provider conducts ROV filtering at the interconnection points between the service provider and its peers and clients, as well as describe any other methods at their disposal. These plans are to be updated on an annual basis. The following subsections discuss which service providers would be required to confidentially file their BGP Plans with the Commission, in addition to discussing the details that we propose should be included in all BGP Plans, whether filed with the Commission or not. Should the Commission promote risk-based solutions among service providers?

1. Initial BGP Plans

6. We propose to require certain large service providers to file initial BGP Plans with the Commission. In particular, we propose to impose this filing requirement on all Tier 1 service providers as well as the other most significant service providers, which would currently include: AT&T, Inc.; Altice USA; Charter Communications; Comcast Corporation; Cox Communications, Inc.; Lumen Technologies, Inc.; T-Mobile USA, Inc.; Telephone & Data Systems (including US Cellular); and Verizon Communications, Inc. These significant providers are likely to originate routes covering a large proportion of the IP address space in the United States and will play critical roles ensuring effective implementation of ROV filtering. The initial BGP plans prepared by service providers other than those suggested above would not need to be filed with the Commission but should be made available to FCC staff upon request. We propose, but seek comment on, a requirement that BGP Plans submitted to the Commission should be attested by a corporate officer at each service provider.

7. We seek comment on whether we should require the filing of BGP Plans by a different set of service providers than those identified above. If so, commenters should explain the reasons for, and factors involved with, reaching that determination, and the feasibility of using particular metrics. For instance, should only the most significant service providers based on number of clients, or number of public peers, need to file? Or, should we choose based on other criteria, such as several of the following: the size of the address space under their control (through legacy ownership or assigned by ARIN), the number of customers, or the number of originated routes?

8. We do not propose in this *NPRM* to set specific industry-wide substantive requirements with industry-wide deadlines. BGP Plans are intended to establish a mechanism by which the Commission, working in coordination with other federal agencies, can assess a service provider's actions to prioritize routing security through use of the RPKI architecture, measure its progress over time to evaluate the reasonableness of its BGP routing security risk management plan, and verify its commitments to following it. In addition, the development of BGP Plans by all service providers would be important for securing BGP operations in the near term because it would require service providers to consider the benefits of creating and maintaining ROAs and conducting ROV filtering. We recognize that service providers often have different network architectures and different technologies, partly as a reflection of the types of customers and services offered, and that these differences may have affected the speed with which they have deployed RPKI and may affect their plans going forward. We seek comment on whether our proposals address these issues and promote the implementation of routing security among U.S. service providers. The specific BGP Plan requirements concerning ROAs and ROV are discussed *seriatim.* We seek comment generally on whether it would be helpful for the Public Safety and Homeland Security Bureau (PSHSB) to develop a standardized template for preparing BGP Plans. We also seek comment on how service providers should respond if mandatory elements of a BGP Plan do not apply to their particular circumstances.

a. Creating and Maintaining Route Origin Authorizations

9. Registering and maintaining updated ROAs with the appropriate internet registry is a critical and necessary step for securing BGP operation in the near term. At present, only the holders of specific IP address prefixes can register ROAs for originated routes that pertain to those prefixes. As a result, a service provider is able to directly register and manage ROAs only when it controls the IP address prefix(es) in question. An effective path forward must therefore take into account the difference in the service provider's route origination control over the IP prefix(es) assigned to it by ARIN. The information we would require service providers to submit would depend on the various categories of IP address prefixes for which a service provider can be the route originator. In the subsections below, we discuss the different cases that we have observed in which the service provider either does or does not control the IP address prefix(es) assigned or allocated to it and route originations for the same. We anticipate that most service providers will be originating routes for prefixes drawn from all these cases. We would evaluate RPKI deployment in each set of circumstances differently depending on what type of control the service provider has over route originations to various IP address prefix(es).

i. Cases Where the Service Provider Controls the ASNs and IP Address Prefix(es)

10. We first consider where a service provider has full authority to register ROAs because it controls the associated IP address prefix(es). ROAs are registered with the responsible regional registry, which is ARIN for the United States and North America. ARIN assigns

ASNs and IP address prefixes to the Local Internet Registries (LIRs). As set out in the ARIN Manual, LIRs are ''generally ISPs whose customers are primarily end users and possibly other ISPs.'' The ISP might in turn designate a subset of the IP address space it holds to be used by its customers, but in the current ARIN operational convention only the original ISP can register ROAs even for reallocated address space.

11. For these cases, we propose that BGP Plans would be required to include a detailed description of the service provider's process for assessing and prioritizing the creation and maintenance of ROAs which cover the routes originating from their networks. We contemplate that general statements that a service provider is following a risk-based approach would not be sufficient to satisfy the requirement for a detailed description. Rather, we believe there should be sufficient reporting to understand whether each service provider is taking meaningful action to assess its risk posture and that it prioritizes implementing protections accordingly. The BGP Plan would incorporate and explain in detail factors affecting the service provider's ability to register and maintain ROAs for its IP address prefix(es). We seek comment on whether a BGP Plan should include specific goals for the service provider pertaining to ROA registrations as well as estimated timetables for attaining those goals. We seek comment on what criteria providers should include in their BGP Plans for measuring progress in deployment of BGP origin validation, as well as what specific details should be provided to describe the service provider's plans for creating and maintaining ROAs going forward. We seek comment as well on whether there are alternatives to ROAs or to specific ROA registration goals that would ensure continued progress in the implementation of RPKI, and if so, what they would be. We propose that the initial BGP Plans that are to be filed with the Commission should be filed no later than 90 days after the effective date of the requirement.

12. We seek comment on the criteria by which we should evaluate the relevance of individual BGP Plans filed with, or reviewed by, the Commission. We recognize, for instance, that different service providers are in substantially different positions regarding the extent to which they control the ASN and the IP address prefixes that they originate. We also understand that some service providers have fewer in-house resources available than others. We recognize as well that the processes for creating ROAs for legacy number resources originally issued to the service provider by an Internet Registry prior to the creation of ARIN may raise additional issues, and we seek comment on how our proposals may address those issues. Finally, we anticipate receiving detailed explanations if a service provider contends that ''multi-homing,'' traffic engineering, or some other factor significantly reduces its ability to increase and maintain ROA coverage for IP prefixes they control. Regarding multi-homing, are there measures that would facilitate coordinating all necessary ROAs for all the ASNs that may originate routes to the same prefix? What are factors that might inhibit such coordination? If at least one ROA registration of the IP prefix is valid, is that sufficient to protect the IP prefix even if there are other invalid registrations for that prefix?

13. To help ensure that we are accurately measuring and tracking the status of ROA registrations, we seek comment regarding the metrics offered by several publicly available tools. The NIST RPKI Monitor is one example of these tools, but there are others available, too. We seek comment on the relative merits of such publicly available tools that track the status of ROA registrations covering route originations, including their utility in measuring providers' execution of their individual BGP Plans. Which, if any, are perceived to be more accurate or comprehensive than others? Should the FCC select one tool, based on comments submitted, to use to track ROA coverage? Or, should the FCC use a subset of public monitoring tools and cross-reference among them to track and analyze ROA coverage?

ii. Cases Where the Service Provider Does Not Control the IP Address Prefix(es)

14. We next consider the information we propose to require in an initial BGP Plan in cases where we understand that service providers are unable to register a ROA because that service provider does not control the IP address prefix(es) in question. This apparently can happen in three instances: (1) A service provider can contractually reassign one or more IP address prefixes to downstream providers or other client customers, who are then the entities able to register ROAs for those prefixes. (2) A party may obtain its own IP prefix directly from ARIN and use the service provider as its upstream provider. (3) A party may obtain its own ASN and IP prefix directly from ARIN and contract with the service provider to propagate the route. In those cases, we understand that the entity which controls the associated IP address prefix(es) in the RIR (ARIN), would have to register ROAs for those prefixes. In order to implement RPKI-based improvements to BGP security architectures successfully and to create a healthy ecosystem, it is essential that every entity that controls IP address prefixes effects all necessary coordination to register the associated ROAs.

15. For these cases, we propose to require that a service provider's initial BGP Plan describe the status of the ROA registrations for routes they originate within these three cases. We propose that the BGP Plan explain the reason(s) why the service provider is unable to register particular sets of IP prefixes. The Plan should also describe in detail the service provider's efforts and plans for facilitating the ROA registrations for the IP prefixes that have been transferred and not under its control. Among other issues, we believe that BGP Plans would need to describe the steps that the service provider takes to identify and address cases in which customers or clients with their own IP prefixes are multi-homed and the frequency it encounters multi-homing. In multi-homing situations where it is the responsibility of the customer or client to create and register, rather than the service provider, the chances for errors in ROA registration may be greater, potentially resulting in the customer's traffic becoming blackholed through a given provider. We understand that in many cases, the service provider will have direct contractual relationships with the holder of the IP address prefixes and will be, or can be, made aware of the ROA registration status of those prefixes with ARIN. Although the service provider itself is not able at this time to register ROAs in these circumstances, we are seeking comment on the steps that service providers can or should do to help secure ROAs for the IP address space held by downstream clients.

b. Route Origin Validation Filtering

16. The implementation of ROV is necessary to determine whether received route advertisements are legitimate when checked against ROAs in the RPKI repositories. ROV is the step in origin validation predicated on the existence of ROAs, and is the key action that facilitates detection of invalid or unknown route originations that indicate a prefix is being incorrectly advertised, either maliciously or accidentally, by a service provider or enterprise network. For the RPKI to be effective, most if not all service providers will need either to conduct ROV filtering in their interconnections

with other service providers, or to have contractual commitments with third parties to have routes propagated to them subject to ROV filtering. Moreover, to fully realize the origin validation benefits of the RPKI, some service providers may need to perform ROV filtering in interconnections with their clients. In this way, the service provider examines incoming BGP routing announcements from its peers in addition to its clients. In cases where a service provider is downstream from a more widely accessed provider (*e.g.,* stub networks), there could be great benefits from the downstream provider relying on the ROV filtering performed by its upstream provider.

17. We propose that the BGP Plan of a Tier 1 service provider should describe the extent to which it has implemented ROV filtering at its interconnection points with its peers as well as its customers, and to what extent ROV has been disabled or not deployed within its network. We also propose that BGP Plans describe, to the extent applicable, any contractual requirements a service provider may have for upstream third-parties to provide ROV filtering for incoming routes. We seek comment on whether this information would be required of all BGP Plans, whether filed with the Commission or made available upon request. We believe that this information is likely to be most relevant for Tier 3 service providers who do not have peering relationships and solely rely on contracts with other upstream service providers. We seek comment on the use of this information to monitor the effective deployment of ROV.

18. We also seek comment on two proposals regarding the implementation of ROV filtering that potentially may affect the ROV information that needs to be included in certain providers' BGP Plans. We seek comment, first, on whether it would be sufficient if a corporate officer or other responsible official at a Tier 1 service provider attests that it supports ROV for all directly connected peers with settlement-free access as well as their directly connected clients, including other service providers. We seek comment, second, on whether it would be sufficient if such official within a Tier 2 service provider attests that it is implementing ROV filtering in peering relationships with other Tier 2 providers, and have contractual relationships with Tier 1 providers that require Tier 1 providers to perform ROV filtering on traffic being terminated to the Tier 2 provider. We seek comment as to whether there are circumstances where Tier 2 service providers need not provide ROV support for clients that participate in BGP routing. We also seek comment on the extent to which, if we adopt such proposals, ROV information needs to be included in a provider's BGP Plan.

19. We recognize that there are no publicly available resources that allow comprehensive third-party measurement and validation regarding the extent that service providers conduct ROV filtering. Third-party measurement methodologies involve some degree of sampling and estimation and come with varying strengths and weaknesses. For example, APNIC, Cloudflare, and Virginia Tech (RoVISTA), are examples of entities which have developed methodologies using various sampling techniques to assess the degree of ROV filtering prevalent, and which make the resulting assessments public. We propose to monitor a limited set of respected consensus methodologies to determine whether the set, as a whole, shows consistent trends and patterns. We seek comment on whether there are particular approaches or sources that we should monitor for determining the extent to which an essential set of service providers is performing ROV filtering and executing on its BGP Plan.

20. We note that there are several publicly available, open-source software packages that validate BGP routing information based on information stored in the RPKI. We seek comment on the maturity of the open-source software used in route validation, the degree to which these are currently deployed by service providers, the extent to which such deployments verify that secure software design principles including testing for trustworthy operation have been utilized, and the extent to which such software receives continued support by contributors. We seek comment on the inclusion of deployment decisions in the BGP Plan, to include mitigation plans in cases where the public domain software is no longer supported or available. We also seek comment on other validators not listed by ARIN.

2. Subsequent BGP Plans

21. We propose that subsequent BGP Plans do not need to be filed with the Commission by large service providers that file an attestation that they have registered and maintained ROAs covering at least 90% of originated routes for IP address prefixes under their control. In other words, after the initial filings, large service providers that continue to have at least 90% of the originated IP address prefixes that they control covered by ROAs would not need to submit information about their process and future plans for assessing and prioritizing the creation and maintenance of ROAs in the RPKI, nor of their plans to conduct ROV filtering. Such a service provider, however, would be obligated to make its BGP Plan available to the Commission upon request from its staff. We anticipate that we may establish specific goals and deadlines for ROA registration in the future if progress is deemed insufficient after collaboration with federal interagency partners.

22. We seek comment as to whether the 90% ROA coverage metric is a reasonable standard for determining when the large service providers identified above should no longer be required to file BGP Plans after the filing of their initial plans. Commenters disagreeing with use of that standard should propose an alternative standard, along with reasons why the alternative better serves the overall purposes of this proceeding.

23. We also seek comment on the content that needs to be included in the BGP Plans prepared after the initial Plans. We anticipate that subsequent Plans would largely consist of updates to the initial Plans, so that the burden of preparing such Plans would be significantly less than preparing the initial Plans. We seek comment on that conclusion and on what information should be included in subsequent Plans. We seek comment on when the requirement to prepare subsequent BGP Plans annually should sunset, such as in five years. Would the information included in these plans become less important as the RPKI is extensively deployed? To that end, we seek comment on the frequency with which the Commission should revisit the form and content of BGP Plans.

3. BGP Plan Issues for Service Providers Other Than the Largest Providers

24. As discussed above, we are proposing to require service providers other than the largest providers as defined in this *NPRM* to prepare their BGP Plans generally in accordance with the same provisions. Such service providers would not have to file their BGP Plans with the Commission but would still need to make them available to the Commission upon receiving a request from its staff. We believe that the development of a BGP Plan—even if never requested by the Commission—would be important for securing BGP in the near term because it would require service providers to consider the benefits of creating and maintaining ROAs and conducting ROV filtering. We also think that those provisions

generally take into account the different circumstances of various service providers.

25. Nevertheless, we also seek comment here on whether the information that these service providers would need to include in their BGP Plans should differ from the information required in the BGP Plans filed by the large service providers. If so, what information would not be needed, and why? In addition, to what extent should the required information change if they have maintained the 90% ROA threshold described above during the previous year?

26. We seek comment as well on whether to adopt significantly limited requirements for Tier 3 service providers—that is, those service providers that do not have peering relationships with any other providers and connect to the internet only through upstream transit providers. What information should be included in the BGP Plans prepared by such Tier 3 service providers? For instance, would it be sufficient for their BGP plans to attest to all of the Org_ID information used in ARIN's WHOIS entries and to their ROA registration of their IP prefix(es), as well as to whether they have default BGP route(s) to their upstream provider(s) that all implement ROV on their traffic?

B. BGP Routing Security Information—Quarterly Reports

27. In addition to the preparation of BGP plans, we propose to require a set of the largest service providers as defined in this *NPRM* to file specific data on a quarterly basis, which would be made publicly available by provider. We anticipate that such quarterly filings would allow the Commission to measure progress in ROA registration and maintenance and assess the reasonableness of the service provider's BGP Plan (not only on an industry-wide basis but also by individual and types of service providers). Tier 1 service providers would need to file the quarterly data described in the paragraph below, which would show the extent to which the service provider has maintained that coverage. We propose that the first quarterly report be filed 30 days after the necessary steps are concluded to allow the relevant rule to take effect, and not from the date of publication of the adopted rule in the **Federal Register**.

28. We propose to include, and seek comment on including, the following information in quarterly reports concerning both ARIN allocated resources (*i.e.,* ASN and IP prefix) and legacy number resources originally issued to the service provider by an Internet Registry prior to the creation of ARIN: (i) List of all Registry Org_IDs for all AS and address allocations to the service provider (obtained from WHOIS); (ii) list of all ASNs held by service provider; (iii) list of ASNs held by service provider that it uses to originate routes; (iv) list of address holdings that have been reassigned or reallocated; (v) list of IP prefixes in originated routes that are covered by ROAs (grouped by originating AS number); and (vi) list of IP prefixes in originated routes that are not covered by a ROA (grouped by originating ASN). We seek comment as well on obtaining ROV-related data, including the extent to which ROV filtering is performed by the Tier 1 service provider for both directly connected peers with settlement-free access as well as their directly connected clients, including other service providers. We anticipate that much of the information requested would not vary by quarter, but that certain key data points related to ROA registrations could be tracked on a quarterly basis and would promote the Commission's ability to assess RPKI trends. We seek comment as well on whether it would be helpful for PSHSB to develop a standardized template for quarterly data reporting.

29. As noted above, there may be special challenges in the cases of ROAs for routes pertaining to networks that are multi-homed, and so the prevalence of such routes may well be relevant in assessing the security of the BGP routing system. To what extent are service providers aware of multi-homing scenarios for the routes they originate, and can they enumerate and report on these use cases? Are there other sources of information on these cases? We believe that quarterly reporting is necessary, at least initially, to measure on a reasonably timely basis the evolution of RPKI-derived routing security, and to determine whether additional steps are needed—whether regulatory or otherwise—to encourage continued progress. We also believe that the data proposed for collection should be readily available within the individual service providers. In addition, once collected, it should not be burdensome to be updated on a quarterly basis. For instance, ARIN repositories are updated every five minutes, and the NIST RPKI Monitor updates its analyses every six hours to reflect the corresponding route collector updates. We seek comment as to whether the reporting obligations in this context should be reduced if a service provider files with the Commission an attestation that—as specified above with regard to subsequent BGP Plans—it has achieved and maintained ROAs covering at least 90% of originated routes in IP address prefixes that it controls. In those cases, would semi-annual or annual reporting be sufficient for monitoring that service provider's progress toward full RPKI implementation? Would any data reporting be necessary? We seek comment on this approach.

30. In addition, this proposed direct reporting by service providers provides data, even though in the public domain, that is difficult, if not impossible, to reliably aggregate from publicly available sources. For instance, many service providers, especially the most widely accessed service providers, possess resources obtained from ARIN, including ASNs and IP address prefixes, under a wide variety of different Org IDs that are subject to change at any time. In addition, each publicly available measurement tool may have its own set of approaches and assumptions. We believe that direct reporting by a service provider of the requested information would not be burdensome because that information should be readily available to it. Reporting that information would help ensure that Commission staff and the service providers are considering BGP progress from the same set of facts. We seek comment on these observations.

31. We further seek comment on the utility of requiring non-public information related to the above, including the following: (i) number of invalid routes received from peers and customers; (ii) proportion of invalid routes received relative to the total routes received per peer and customer; (iii) number of routes filtered in cases where the service provider itself implements RPKI–ROV; (iv) number of observed instances, if any, where RPKI–ROV processes were shown to incorrectly deem routes invalid due to inaccurate ROAs or other reasons; and (v) number of origin hijack instances pertinent to routes for service providers' address space that were (a) detected and (b) undetected during the reporting period.

32. *Service Providers Other Than the Largest Providers.* We propose that service providers other than the largest providers as defined in this *NPRM* do not need to file quarterly data reports, and we have proposed significantly limited data reporting requirements to be included in their annual BGP Plans.

C. Confidential Treatment of BGP Plans and FOIA

33. We propose to treat the BGP Plans as confidential under our rules; we tentatively conclude that such Plans will contain highly confidential and competitively sensitive business information that the companies would not publicly reveal, and may also contain trade secrets. We seek comment on this conclusion, and on whether there are any other BGP routing security submissions that we might require that should be treated as confidential. We note that, pursuant to § 0.461(d)(3) of our rules, when the Commission receives a request under the Freedom of Information Act (FOIA) for inspection of records that are presumed confidential or have been submitted with a request for confidential treatment, the custodian of the records shall provide a copy of the request to the submitter of the information, who will be given 10 calendar days to submit a detailed written statement specifying the grounds for any objection to disclosure. If the submitter fails to respond, it will be considered to have no objection to disclosure. We seek comment on whether this notice process is routinely necessary for filings with the Commission of BGP Plan reports or of any other submissions we conclude should be treated as presumptively confidential. In particular, should staff have discretion, upon consideration of all the circumstances, whether to initiate the notice process for any such reports or to deny such requests, other than from governmental entities that may be granted confidential access in connection with their official functions, outright? Is there any appreciable possibility, given the competitive sensitivity of the information contained in such reports and its potential misuse to cause network harm, that a submitter might not treat this information as confidential and object to its disclosure? If not, what is the benefit of routinely undertaking the notice process? Are there particular considerations, for example, the type of information requested within the reports or the stated public interest purpose for the request, that may militate in favor of disclosure after notice to the submitter? Are there objective criteria, such as the age of the reports, under which confirmation of the submitter's continued confidential treatment of the information and justification of its objection to disclosure should always be required? Are there any legal limitations on our ability to withhold the reports under Exemption 4 of the FOIA without confirming the submitter's objection to a specific information request? We invite comment on these and any other questions relating to our affording confidential treatment to any such reports.

D. Other Issues

1. Possible Conditions on Service Provider Contracts

34. Based on our continuous engagement with industry and government stakeholders on BGP issues, we understand that a substantial portion of IP address prefixes issued by ARIN for the United States are prefixes for which service providers cannot register ROAs. As detailed above, these prefixes include circumstances in which the service provider has contractually reassigned IP prefixes received from ARIN to downstream providers or other client customers and therefore no longer controls the IP prefix for purposes of ROA registration. These cases also include circumstances in which the client customer has obtained the IP prefix (and possibly an ASN) directly from ARIN and therefore is the party able to register a ROA for those prefixes. In all these circumstances, we understand, the service provider has a contractual relationship with the holder of the IP address prefixes who is able to register ROAs with ARIN.

35. Given the substantial presence of these situations in the United States, it is critical to develop an overall strategy to address secure internet routing issues and implement solutions that facilitate more widespread registration of ROAs for these prefixes—the foundational step necessary to enable RPKI-based BGP security measures towards securing the nation's communications from adversaries seeking to exploit BGP's inherent vulnerabilities, and thereby promote public safety and protect against serious national security threats. We propose above that BGP Plans address in detail the steps that a service provider is taking to address these issues. We continue to recognize as well the continuing importance of outreach and education efforts. However, we are concerned that these steps may not be enough.

36. For instance, from our continuing stakeholder engagement, we understand that service providers believe that they are not in a position to insist in these situations that client customers register ROAs for these IP address prefixes. Unlike some internet participants that have successfully adopted policies that require ROA registration for interconnection, service providers believe that they are not in a position to adopt similar policies and practices because client customers are likely to have alternative options for their upstream service provider who would not insist that the IP address holder take the additional step of registering ROAs.

37. Because the benefits that the RPKI-based approach to a more secure BGP can contribute to national security are so great, we must consider all possible tools and options at our disposal in order to address these potential collective action issues. We therefore are seeking comment on the additional proposals below, which we believe to be in line with the whole-of-government approach to ''develop and drive adoption of solutions that will improve the security of the internet ecosystem and support research to understand and address reasons for slow adoption.''

38. In particular, we seek comment on possible conditions that the Commission should require service providers to place on current and future contracts. There are three separate cases to consider in this context: (i) where the IP address prefix was originally held by the service provider holding the ASN, who then reallocated/reassigned the prefix to a client; (ii) where the IP address was obtained directly from ARIN by the client; and (iii) where the service provider is propagating routes where the client has obtained both the ASN and the IP address prefixes that are to be originated.

39. We seek comment in such cases on the possibility of the following conditions to address cases where the service provider does not hold the IP address prefix in a route without a corresponding ROA: (i) prohibiting entry into new contracts unless those contracts contain plans for registering ROAs for the originated routes; (ii) requiring service providers to insist on ROA registrations by existing clients with IP prefixes it has transferred to them, or to ''take back'' any IP prefixes it has leased to clients; and (iii) requiring service providers, at the time of contract renewal (or after a set period, such as two years), to insist on having a plan for ROA registration from their client. We are, at the same time, mindful of our goal in this proceeding to avoid substantive BGP implementation obligations enforced by the Commission in favor of a reporting regime.

40. Again, we seek to address any potential for collective action issues under these circumstances. Would a service provider or its customer be likely to encounter any disincentives for the registration of ROAs, particularly if, in the absence of any conditions, other service providers are free not to do so? We seek comment on the likelihood that

a service provider might lose customers if it wanted to require ROA registration (and/or ROV filtering) to be implemented by their peering or downstream neighbor. Assuming that a peering or downstream service provider (*e.g.,* Tier 3 provider) might well choose a different transit provider to connect their customers to the internet if the alternate transit provider did not require the downstream service provider to register and maintain accurate ROA objects pertaining to its IP address prefixes, to what extent can providers of transit or other interconnectivity services incorporate mandatory language into the corresponding contractual agreements?

41. To address these potential collective action barriers to widespread ROA registration, we seek comment on requiring that providers' contracts in these cases to provide for the registration of ROAs for the relevant IP address prefixes. For instance, as identified above, we seek comment on requiring service providers not to enter into new contracts to route traffic unless ROAs are registered for the relevant IP address prefixes. Should such contracts also require the holder of the IP prefix to maintain the active ROAs? We also seek comment on requiring service providers to mandate that clients with whom they have a direct contractual relationship to register their IP prefixes with ARIN. If a client refuses to register assigned prefixes, could a service provider ''take back'' unregistered IP address prefixes it has leased to others so as to enable the service provider to register ROAs for those prefixes? We recognize possible disruptions in certain cases that may outweigh the benefits, and so seek comment on imposing certain requirements at the time of contract renewal. In order to judge the potential benefits and costs of any such requirements, we seek comment on whether general industry standards exist for setting the term of any such contracts. We also recognize that any such requirement would depend on the provisions and terms of the existing contracts, as well as when their contracts are set to renew. We further seek comment on the percentage of client contracts that extend beyond two years of the publication of this proceeding. For instance, if a substantial percentage of contracts are five years or longer, should the Commission consider imposing requirements no later than a set time period, such as two years from the effective date of the adoption of rules.

42. In summary, we seek comment about the benefits and drawbacks of considering these and any other regulatory approaches to encourage the creation and maintenance of ROAs in the RPKI through contractual requirements between service providers and their customers, and the provisioners of internet resources.

2. Possible ROV and ROA Requirements for Service Providers

43. We have sought comment above on whether the ROV implementation content of the BGP Plans of Tier 1 and Tier 2 service providers should differ depending on whether they are able to attest to certain ROV implementation. We here seek comment on proposals to require certain levels of implementation of ROV by Tier 1 and Tier 2 service providers. In particular, we seek comment on whether Tier 1 service providers should be required to achieve the ROV deployment described above within one year of the effective date of such a requirement, and whether Tier 2 service providers should be required to achieve the ROV deployment described above within two years of the effective date. As described above, ROV implementation is a critical piece of successful RPKI implementation, and we believe that those target dates are reasonable given the current state of ROV deployment. We seek comment on whether ROV implementation requirements would be consistent with the Commission's expressed construction of the proposals contained in this *NPRM* to establish a framework for multistakeholder collaboration instead of a rigid regulatory mandate.

44. In the sections above we propose that the largest service providers prepare and file BGP Plans that address the service providers' plans for registering and maintaining ROAs in the RPKI. Here, we seek comment on whether the Commission should establish goals and timelines for the largest service providers to register ROAs covering the routes they originate. If so, how should the Commission determine reasonably achievable goals and timelines for service providers? What factors should we consider in making those determinations? Should we set goals and timelines on an individualized basis for the largest providers dependent on the service provider's individual circumstances? To what extent should the registration of certain ROAs in the RPKI be prioritized, and what should be the basis for identifying those ROAs and defining reasonable prioritization? Can we set meaningful goals and/or timelines on a standardized basis for those providers or for all service providers subject to this *NPRM*? Is there a floor below which ROA registration levels should raise particular concern regarding whether ROAs registrations are being timely deployed? If so, commenters should provide specific suggestions, along with justifications.

3. Outreach and Education

45. We see a clear need for additional education efforts by the service providers, various stakeholder groups, ARIN, and governmental entities. As described below, we believe that a number of holders of IP address prefix(es) do not fully appreciate the importance of registering ROAs for their IP address prefix(es) to help protect those critical resources from being compromised in the internet routing system, with potentially disastrous consequences described in the examples above. Education about the substantial benefits of registering ROAs is a necessity. To what extent can or should large service providers as defined in this *NPRM* take steps to support ROA registration by other, downstream providers? We also think it is important to increase the options for holders of IP prefixes to register ROAs for those prefixes.

46. We seek comment in this context on steps we should consider to facilitate the creation and maintenance of ROAs in the RPKI. There are resources available to help entities of all sizes. For example, the RIRs provide guidance to help populate RPKI, including the registration and maintenance of ROAs. We seek comment on the extent to which such implementation guidance and resources help service providers of all sizes create and maintain ROAs over the IP address(es) that they originate from their networks. Are there any aspects that would be better served or supported by a government-led educational campaign seeking to drive awareness of the issue and facilitate increases in the proportions of ROAs to route originations in the RPKI repositories? If so, would the inclusion of our federal partners, for example, CISA, NIST, and ONCD in such a campaign, facilitate driving both awareness of the seriousness of the issue, as well as provide educational support for the process involved with accurately registering and actively maintaining ROAs in the RPKI infrastructure? What would the metric for ''success'' be for such an educational campaign? Should we request volunteers to join workshops to encourage and facilitate the creation and maintenance of ROAs? Additionally, how should we treat those cases where a downstream service provider holds its own or reassigned IP address space?

47. We separately seek comment on the extent to which a government-led educational campaign could facilitate service providers increasing their level of ROV filtering on their own networks. Should we consider the relative size of the service provider in addition to the Tier category to which it might be considered to belong? Should such a campaign educate on both ROV filtering and ROA object registration and maintenance, or should they target them as separate campaigns? What would a metric for ''success'' be for such an educational campaign? Should we request volunteers to join workshops to encourage and facilitate the use of ROV filtering on certain parts of the networks they control?

4. ARIN Processes

48. ARIN is the RIR serving the United States and other countries within its coverage area. It maintains a RPKI repository publication point, offers hosted RPKI services, and is the source from which would-be resource holders/network operators/service providers within the United States obtain internet number resources, such as ASNs and IP addresses. ARIN is also the entity that enables U.S. service providers to register, update, and publish ROAs. Beyond providing additional educational materials, conducting workshops, and outreach, ARIN has at least two initiatives that could facilitate the uptake of RPKI-based routing security measures: (i) ARIN had referred for community consultation a question from one of its members, that was filed in the form of a ticket, asking if reassigned address space holders can register their prefixes with ROAs, and thus take advantage of the benefits of RPKI origin validation; and (ii) ARIN is considering changes in its ROA creation processes to flag instances where attempted ROA registrations raise the possibility of misconfigurations.

5. Beyond RPKI Origin Validation—Further Efforts To Secure Internet Routing

49. Although the regulations proposed with this *NPRM* focus on securing route origination, we seek comment on techniques and architecture towards path validation as well. Path validation ensures the integrity and authenticity of the AS Path attribute. The only standard designed to address issues with path validation and plausibility is BGPsec. Implementing this is challenging due to the intensive cryptographic operations involved. A less complete guarantee on path security is offered by a work-in-progress effort from the IETF, known as autonomous system provider authorization (ASPA). This effort is designed to detect invalid BGP AS_PATHs by registering ASPA objects in the RPKI containing verifiable, attested information as to probable ASNs in the path. In addition, the ASPA approach accommodates incremental deployment, and ''provides benefits to early adopters in the context of limited deployment.'' These methods, however, are still undergoing discussion among the academic and standards community and are not ready for implementation. Although this *NPRM* focuses on issues with origin validation and the techniques currently available to address them, achieving a truly secure routing system will involve steps beyond deploying RPKI-based origin validation. We do not propose at this time to require service providers to implement measures or disclose efforts regarding path validation, but we note that their implementation is expected to be a critical, future step that service providers would need to take to secure their routing systems. We seek comment on the maturity of this work-in-progress and any anticipated timeline in which ASPA can be deployed after it has been standardized.

Appendix A

Technical Appendix: Additional Background on Inter-Domain Routing

1. Information traverses the internet in the data fields of internet protocol (IP) packets. Each version of IP (of which there are currently two established standards, IPv4 and IPv6) specifies the most fundamental formats and semantics of internet data transfer. Every IP packet includes a source and destination address, to indicate the source and destination of that IP packet, representing the corresponding endpoints. These networked endpoints may communicate through a medium access layer mechanism if the communicating endpoints are on a local area/non-routed network. Alternatively, when the networked endpoints are on separate networks, the endpoints communicate via IP routers that compile reachability data using routing protocols. In any sizable collection of networked endpoints, for reasons of resilient design and network management, individual Local Area Network segments are connected by IP routers that support one or more routing protocols.

2. Routing protocols implement the signaling mechanisms that exchange reachability information between or within independent networks, as to destinations available and the network paths by which to reach them. There are specialized categories of routing protocols for signaling, depending on whether the routing protocols are deployed within independent networks (Interior Gateway Protocols or IGPs) or between independently managed networks (External Gateway Protocols or EGPs). Each category of routing protocol has different performance characteristics and functional optimizations. Of the two major candidate protocols, Inter Domain Routing Protocol and the Border Gateway Protocol (BGP), that were considered for use as EGPs, BGP emerged as the ubiquitous deployment choice. As mentioned earlier, the internet consists of approximately 70,000 independently administered and managed networks at the time of writing. These networks use BGP to signal reachability information to reflect both technical priorities and business objectives, in terms of permitting a choice of the next hop of the path to carry their external traffic. In this way, BGP is termed as a ''path vector'' routing protocol. However, since BGP also supports business priorities by allowing path selection, BGP is also said to support policy based routing.

3. The networks interconnected by BGP are termed BGP Autonomous Systems (ASes) and are referred to by their Autonomous System Numbers (ASNs). An AS may include one or multiple separate networks, collectively all under the technical administration of a single entity. For BGP purposes, a network path is denoted as a string of ASNs termed an AS Path. The AS Path is one of the ''BGP path attributes'' or control variables used in signaling BGP reachability that influences how each BGP speaker selects routes to a specific destination. Originally, the AS Path was intended to reflect the initial ASN originating an advertisement for a prefix, as well as the succession of ASes traversed by a BGP update (the basic BGP message carrying signaling information). However, no means were provided to verify whether this attribute was correct or false in any way. Deliberations on how best to address this type of risk and others have occurred since at least 1997. As these and other references cited note, there are additional vulnerabilities that go beyond the ones described in this section.

4. A BGP route can be defined as a destination prefix associated with a string of BGP Path attributes. Attributes provide the semantics that affect how the BGP logic in each BGP speaker processes the routes it receives from other BGP speakers. The BGP hijacks referred to in this document deal with

incidents associated with manipulating the AS Path attribute, including distorting or falsifying the Origin AS, or the originated route specificity. Some of the relatively more well-known routing incidents have involved these attack vectors.

5. Internet addressing conventions have implications for BGP routing, since BGP routers advertise the reachability of destination addresses to which they can find a path. Reachability information exchange occurs by exchanging BGP protocol data units or packets that contain the necessary information using the formats and semantics specified in BGP standard documents. To allow BGP routing to scale, Internet Service Providers (ISPs) are required to aggregate the IP address space in the route advertisements they originate into a compacted contiguous block that forms the ''network prefix.'' Doing so reduces the number of route table entries needed to cover the full scope of available internet destinations, thus diminishing the size of the routing table in those routers central to routing topology in the so-called ''default-free zone.'' Since memory and route look up speeds both affect router operation, this form of aggregation allows the number of addressable endpoints to grow and the internet to scale while still retaining acceptable performance in the routers that carry the most comprehensive sets of routes, in effect constituting a connectivity core for the internet. However, a route that is more specific than one that is aggregated is preferred by the BGP state machine, so announcing this will preferentially attract traffic relative to a route advertising an aggregate. This attack vector is somewhat distinct from AS PATH manipulation and has been used in prior BGP hijack incidents as well.

6. Details of the concepts introduced above are further explained in several accessible reference works, including the primer entitled ''Security of the Internet's Routing Infrastructure,'' issued by the Broadband Internet Technical Advisory Group (BITAG). For more information beyond the summary descriptions in this section, readers are referred to the text on ''Network Routing'' in the Morgan Kaufman series in Networking or, for simplified review, the BITAG document as well as the OECD publication on routing security.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–13048 Filed 6–14–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 90 and 95

[ET Docket No. 19–138, DA 24–538; FR ID 225149]

Use of the 5.850–5.925 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Office of Engineering and Technology invites supplemental comment to address issues regarding the use of geofencing in cellular-vehicle-to-everything on-board units to reduce out-of-band emission power limits around specified federal radiolocation services.

DATES: Interested parties may file comments on or before July 5, 2024.

ADDRESSES: Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before the dates provided in the ''Dates'' section of this Proposed Rule. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). You may submit comments, identified by ET Docket No. 19–138 and referencing this public notice, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by First-Class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service First-Class, Express, and Priority mail must be addressed to Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.
- *People with Disabilities:* Contact the Commission to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.
- *Availability of Documents:* Comments and *ex parte* submissions will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

FOR FURTHER INFORMATION CONTACT: Brian Butler of the Office of Engineering and Technology, at *Brian.Butler@fcc.gov* or 202–418–2702.

SUPPLEMENTARY INFORMATION: This is a summary of the Office of Engineering and Technology's Public Notice in ET Docket No. 19–138, DA 24–538, released June 11, 2024. The full text of this document is available for public inspection at the following internet address: *https://www.fcc.gov/document/oet-seeks-comment-board-unit-power-limits-c-v2x-operations.*

Regulatory Flexibility Analysis. The *Further Notice of Proposed Rulemaking* (*FNPRM*) in ET Docket No. 19–138 included an Initial Regulatory Flexibility Analysis (''IRFA'') pursuant to 5 U.S.C. 603, exploring the potential impact on small entities of the Commission's proposals. *Use of the 5.850–5.925 GHz Band,* 86 FR 23323, 23333–36 (May 3, 2021). We invite parties to file supplemental comments on the IRFA in light of this request to refresh the record.

Paperwork Reduction Act Analysis. This document does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. Thus, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Ex Parte Presentations. This proceeding shall be treated as ''permit-but-disclose'' in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2)

summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this Public Notice is available at *https://www.fcc.gov/proposedrulemakings*.

Synopsis

By this Proposed Rule, the Office of Engineering and Technology invites supplemental comment to the *FNPRM* in the Commission's proceeding titled *Use of the 5.850–5.925 GHz Band,* 86 FR 23323 (May 3, 2021), to address issues raised by a commenter regarding the use of geofencing to allow for higher power limits in devices operating in certain areas while ensuring that their power is sufficiently limited in locations near specified federal radiolocation service sites. Specifically, the National Telecommunications and Information Administration (NTIA) recently filed a letter in this proceeding making recommendations to address three specific areas related to the protection of federal radiolocation systems: general provisions for cellular vehicle-to-everything (C–V2X) technical and service rules; C–V2X roadside unit (RSU) equivalent isotropically-radiated power (EIRP) limits; and EIRP limits for C–V2X on-board units (OBUs). Letter from Charles Cooper, Associate Administrator, Office of Spectrum Management, NTIA, to Ronald T. Repasi, Chief, Office of Engineering and Technology and Joel Taubenblatt, Chief, Wireless Telecommunications Bureau, FCC, ET Docket No. 19–138 (filed June 7, 2024) (NTIA Letter). The NTIA suggestions regarding EIRP limits for C–V2X OBUs present a proposal to allow for higher power limits in devices equipped with geofencing than in devices not so equipped. We specifically request comment on this proposal.

In the *First Report and Order* of this proceeding, *Use of the 5.850–5.925 GHz Band,* 86 FR 23281 (May 3, 2021), the Commission adopted provisions requiring Intelligent Transportation System (ITS) operators to move Dedicated Short-Range Communications (DSRC) operations out of the lower 45 megahertz of the 5.850–5.925 GHz band (5.9 GHz band) and the transition of those operations to C–V2X technology. At the same time, in the *FNPRM,* the Commission sought comment on numerous proposals aimed at finalizing the technical parameters for C–V2X operations. With regard to OBU device power limits, the Commission proposed to limit C–V2X OBUs' output power to no more than 20 dBm and EIRP to no more than 23 dBm.

NTIA's recommendations focus on ensuring that the power levels of C–V2X operations are limited as necessary to protect federal radiolocation services. Under current Commission rules, the federal radiolocation service site locations for which protection is sought are specified in 47 CFR 90.371(b), and the DSRC RSU facilities within certain radii relative to these locations (''coordination zones'') must be coordinated with the NTIA prior to authorization. 47 CFR 90.371. The existing rules addressing power limits for both RSUs and OBUs are agnostic regarding operations relative to the coordination zones.

Among other things, in its letter, NTIA suggests that the Commission adopt power requirements for OBUs to ensure federal radiolocation service sites are protected within the coordination zones, including optionally incorporating geofencing that would enable OBUs to operate at variable levels depending on location. ''Geofencing'' is used to create a virtual boundary around a physical location by enabling a radiofrequency device using a geolocation capability to determine whether its geographic coordinates are within a defined geographic area. As proposed by NTIA, an OBU could incorporate a geolocation capability to respond to the appropriate areas around federal radiolocation sites, currently enumerated in 47 CFR 90.371(b), by dynamically reducing power when entering any of those areas. NTIA suggests that such OBUs would be able to operate without such power restrictions in areas outside the coordination zones, provided that they are programmed with information about these sites—geographic coordinates and a predetermined radius—ensuring that they operate with reduced EIRP levels within the relevant areas. NTIA suggests that OBU devices not incorporating a geolocation capability be required to comply with the more restrictive EIRP limits.

Accordingly, considering the need to protect the federal radiolocation service through the optional use of geofencing techniques, NTIA suggests the following EIRP power spectral density (PSD) limits for C–V2X OBUs operating without a geofencing capability at all locations and those that incorporate a geofencing capability when operating inside of a coordination zone:

- 10 megahertz channel (5.895–5.905 GHz): 23 dBm/10 MHz EIRP; 10 megahertz channel (5.905–5.915 GHz): 33 dBm/10 MHz EIRP, reduced to 27 dBm within ±5 degrees of horizontal;
- 10 megahertz channel (5.915–5.925 GHz): 33 dBm/10 MHz EIRP, reduced to 27 dBm within ±5 degrees of horizontal;
- 20 megahertz channel (5.895–5.915 GHz): 23 dBm/20 MHz EIRP;
- 20 megahertz channel (5.905–5.925 GHz): 33 dBm/20 MHz EIRP, reduced to 27 dBm within ±5 degrees of horizontal; and
- 30 megahertz channel (5895–5925 GHz): 23 dBm/30 MHz EIRP.

NTIA suggests the following EIRP PSD limits for C–V2X OBUs that incorporate a geofencing capability when operating outside of a coordination zone:

- 10 megahertz channel (5.895–5.905 GHz): 33 dBm/10 MHz EIRP;
- 10 megahertz channel (5.905–5.915 GHz): 33 dBm/10 MHz EIRP;
- 10 megahertz channel (5.915–5.925 GHz): 33 dBm/10 MHz EIRP;
- 20 megahertz channel (5.895–5.915 GHz): 33 dBm/20 MHz EIRP;
- 20 megahertz channel (5.905–5.925 GHz): 33 dBm/20 MHz EIRP; and
- 30 megahertz channel (5.895–5.925 GHz): 33 dBm/30 MHz EIRP.

NTIA also suggests that manufacturers implementing a geofencing capability would need to specifically demonstrate and certify compliance of the capability within the equipment certification process specified in part 2 of the

Commission's rules. In addition, NTIA suggests that responsible parties should provide a mechanism to update the OBUs with new information within a reasonable timeframe if geofencing locations and parameters are subsequently modified.

Through this Proposed Rule, we seek comment on NTIA's recommendations that the Commission modify its part 95 rules to adopt power limit rules for C–V2X OBUs that include provisions for the optional use of geofencing techniques. Given that using geofencing would be an option and not required, we seek comment on the likelihood of manufacturers incorporating such a capability. What performance gains would be expected for C–V2X devices and the ITS overall when a geolocation capability is used as compared to if it is not? Are NTIA's recommendations regarding the power limits for C–V2X devices inside and outside the coordination areas appropriate? Would NTIA's recommendations provide benefits for C–V2X devices and ITS as compared to the Commission's C–V2X OBU rules originally proposed in this proceeding? What would be the relative complexity for adding a geolocation capability and the associated logic necessary for the OBU to adjust its power when in a coordination zone compared to devices without such capability? Would there be increased costs? If so, what would be the expected cost increase? What is the likelihood that manufacturers would incorporate a geofencing capability into their devices given any increased device complexity, additional compliance requirements, and increased cost? Conversely, would the proposed limits have a detrimental effect on operations or compliance? What methods could be used to update deployed OBUs to reflect revised geofencing locations and parameters?

Federal Communications Commission.

Ronald T. Repasi,

Chief, Office of Engineering and Technology.

[FR Doc. 2024–13266 Filed 6–14–24; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 240610–0154]

RIN 0648–BM98

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Lane Snapper Catch Limits

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in an abbreviated framework action under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) as prepared by the Gulf of Mexico Fishery Management Council (Council). This proposed rule would modify the Gulf of Mexico (Gulf) lane snapper catch limits. The purpose of this proposed rule is to modify the Gulf lane snapper catch limits based on the best scientific information available. This proposed rule would also revise reporting and compliance requirements for Gulf reef fish commercial permit holders using vessel monitoring systems (VMS).

DATES: Written comments must be received by July 17, 2024.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2024-0049*. You may submit comments on this document, identified by [NOAA–NMFS–2024–0049] by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2024–0049, in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit all written comments to Dan Luers, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the abbreviated framework action, which includes a Regulatory Flexibility Act (RFA) analysis and a regulatory impact review, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/gulf-mexico-lane-snapper-catch-limits-abbreviated-framework*.

FOR FURTHER INFORMATION CONTACT: Dan Luers, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *daniel.luers@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery, which includes lane snapper, under the FMP. The FMP was prepared by the Council, approved by the Secretary of Commerce, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the optimum yield (OY) from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

Unless otherwise noted, all weights in this proposed rule are in round weight.

Lane snapper occur in estuaries and shelf waters of the Gulf, and are particularly abundant off south and southwest Florida. Lane snapper in the Gulf exclusive economic zone are managed as a single stock, with a combined annual catch limit (ACL) for the commercial and recreational sectors that is set equal to the acceptable biological catch (ABC). The fishing season is open year-round, January 1 through December 31. Currently, the lane snapper overfishing limit (OFL) is 1,053,834 pounds (lb) (478,011 kilograms (kg)) and the ABC is 1,028,973 lb (466,734 kg). These catch limits are based on the results of an update to the Southeast Data, Assessment, and Review 49 (SEDAR 49)

that was completed in 2019, and used recreational landings estimates generated by the Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) instead of the previous MRIP-Coastal Household Telephone Survey.

This abbreviated framework action and proposed rule would increase the lane snapper OFL, ABC, and ACL based on the results of the SEDAR 49 interim analysis (IA) and recommendations from the Council's Scientific and Statistical Committee. The SEDAR 49 IA included updated landings and dead discards information as well as an updated catch-per-unit-effort index for the headboat fleet.

Management Measures Contained in the Abbreviated Framework Action and This Proposed Rule

The abbreviated framework action and proposed rule would increase the lane snapper OFL from 1,053,834 lb (478,011 kg) to 1,116,331 lb (506,359 kg), the ABC from 1,028,973 lb (466,734 kg) to 1,088,873 lb (493,904 kg), and set the stock ACL equal to the ABC at 1,088,873 lb (493,904 kg). This would result in an increase in the allowable harvest of 59,900 lb (27,170 kg).

Proposed Changes to Regulations Not Associated With the Abbreviated Framework Action

For fishermen with a valid Federal commercial permit to harvest Gulf reef fish, NMFS is proposing revisions to the process for requesting a power-down exemption to the VMS requirement. NMFS is also proposing to remove the requirement that the vessel owner or operator certify compliance with the proper installation and activation of a VMS unit. NMFS expects both of these changes to reduce the burden on individual fishermen and NMFS, and increase enforceability.

Regulations at 50 CFR 622.28(a) require the owner or operator of a vessel that has been issued a commercial permit for Gulf reef fish to maintain an operational satellite-linked VMS unit on the vessel that transmits the location of the vessel on a regular and consistent basis. Regulations at 50 CFR 622.28(d) allow an owner or operator to power down the VMS unit if the vessel will be continuously out of the water or in port more than 72 consecutive hours. The regulations at 50 CFR 622.28(d) also specify the process for requesting this power-down exemption, which includes obtaining a letter of exemption from the NMFS Office of Law Enforcement (OLE), filing a report through the VMS terminal prior to each power down, and entering the power-down code in the VMS terminal prior to each prior down.

When VMS was first required, the process to request a power-down exemption was not included in the regulations; instead, the regulations referred to the NOAA Enforcement Draft VMS Requirements that were included in Appendix E to Amendment 18A to the FMP (71 FR 45248, August 9, 2006). When NMFS revised the VMS regulations in 2007, NMFS added to the regulations the process for requesting a power-down exemption (72 FR 73270, December 27, 2007). Technology now allows for use of an online form and immediate authorization by NMFS.

Therefore, NMFS is proposing to modify the process for submitting the power-down exemption, including how and what information is collected. The owner or operator of the permitted vessel would use an online form to request the VMS power-down exemption. The information requested on the online form would be similar to the current form. The only change to the data collected would be a field for an email address for the person making the request and their self-identification as the vessel owner or operator. NMFS expects the online form to allow for faster communication and approval for the requester, and to streamline the administrative process by eliminating the need for manual data entry. NMFS would use the self-identification to confirm that the submitter is authorized to submit the request as the vessel owner or operator.

If all of the required information is provided, the authorization for the power-down exemption would be provided automatically as a visible display soon after the time of submission, and would also be sent to the email address provided by the requester and, if different from the requester, to the permit holder's email address if NMFS was provided that information as part of the permit holder's previous permit application. Vessel owners and operators would no longer send an email from the VMS unit on the vessel to NMFS OLE, or enter the power-down code using the VMS declaration form on the VMS terminal.

A power-down exemption would be valid until the expiration date requested, which NMFS would limit to not more than 1 year from the authorization date. A new request for a power-down exemption would be required after the completion of the previous authorization for any subsequent time period. There would be no limit on the number of exemptions that can be requested.

If a vessel owner or operator wants to end a power-down exemption before the expiration date, the authorization would end automatically when the vessel owner or operator submits a commercial trip declaration. Alternatively, the vessel owner or operator may contact NMFS OLE to end the power-down exemption.

In addition to the changes to the power-down exemption regulations, NMFS proposes to remove the current requirements at 50 CFR 622.28(f)(1) through (3) for a vessel owner or operator to submit a form certifying that a qualified marine electrician has installed and activated a NMFS-approved VMS unit on the vessel. The intent of the form, ''Vessel Monitoring System (VMS) Installation and Activation Certification for the Reef Fish Fishery of the Gulf of Mexico,'' was to provide NMFS with additional assurance that a vessel owner or operator is compliant with the requirements to install and activate an approved VMS unit. However, NMFS has determined that the compliance form is overly burdensome and has little utility. To accomplish the same purpose as the form, NMFS intends to add a check-box certification to the permit application that is required when a commercial reef fish permit is renewed or transferred. In addition, NMFS can detect whether a unit is operational. The existing requirement for a qualified marine technician to install the VMS unit would remain in § 622.28(f).

Classification

NMFS is issuing this rule pursuant to sections 304(b)(1)(A) and 305(d) of the Magnuson-Stevens Act, which provide the specific authority and procedure for implementing this action. Section 304(b)(1)(A) authorizes NMFS to issue proposed regulations prepared and recommended by the Council under section 303(c), and section 305(d) of the Magnuson-Stevens Act authorizes NMFS to propose regulations necessary to carry out an FMP. This action is necessary to carry out the FMP because it would reduce the compliance burden on the owners and operators of commercial reef fish vessels and increase the enforceability of the VMS requirement applicable to vessels issued commercial fish permits. The NMFS Assistant Administrator has determined that this proposed rule is consistent with the abbreviated framework action, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for

purposes of Executive Order 12866. The Magnuson-Stevens Act provides the legal basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. The first objective of this proposed rule is to update existing Gulf lane snapper catch limits based on the best scientific information available to achieve OY for Gulf lane snapper while preventing overfishing, consistent with the requirements of the Magnuson-Stevens Act. The second objective of this proposed rule is to revise VMS related reporting requirements for commercial Gulf reef fish permit holders to be consistent with NMFS OLE's current practices and to remove the requirement to provide the certification of installation and activation.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. A description of the factual basis for this determination follows. All monetary estimates in the following analysis are in 2022 dollars.

The abbreviated framework action and proposed rule would revise the OFL, ABC, and stock ACL for Gulf lane snapper from 1,053,834 lb (478,011 kg), 1,028,973 lb (466,734 kg), and 1,028,973 lb (466,734 kg), respectively, to 1,116,331 lb (506,359 kg), 1,088,873 lb (493,904 kg), and 1,088,873 lb (493,904 kg) respectively. Because all the current and proposed catch limits were both derived, in part, using MRIP–FES data, they are directly comparable.

In addition, NMFS is proposing to revise existing requirements for the collection of information approved under Office of Management and Budget (OMB) Control Number 0648–0544, Southeast Region Vessel Monitoring System and Related Requirements. This proposed rule would revise the process for fishermen to request a VMS power-down exemption, including how and what information is collected, and the valid period of an exemption. This proposed rule would also remove an existing requirement for a vessel owner or operator to submit a form certifying that a qualified marine electrician has installed and activated a NMFS-approved VMS unit on the vessel, and that NMFS personnel have verified its operation. This proposed rule contains a collection-of-information requirement subject to review and approval by the OMB under the Paperwork Reduction Act (PRA).

A valid commercial Gulf reef fish vessel permit is required in order for commercial fishing vessels to legally harvest reef fish species in the Gulf. As of August 26, 2021, there were 814 vessels that possessed a valid commercial Gulf reef fish vessel permit. Ownership data regarding vessels that harvest Gulf reef fish are incomplete. Therefore, it is not currently feasible to accurately determine affiliations between these particular vessels. Because of the incomplete ownership data, for purposes of this analysis, NMFS assumes each of these vessels is independently owned by a single business, which is expected to result in an overestimate of the actual number of businesses directly regulated by this proposed action. Thus, NMFS assumes this proposed rule would regulate 814 commercial fishing businesses.

Although the proposed changes to the stock ACL would apply to recreational anglers, under the RFA, recreational anglers are not considered to be entities. Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(6) and 601(3)–(5)). Recreational anglers are not businesses, organizations, or governmental jurisdictions and so they are outside the scope of this analysis (5 U.S.C. 603).

A valid charter vessel/headboat (for-hire) Gulf reef fish vessel permit is required in order for for-hire vessels to legally harvest lane snapper in the Gulf. NMFS does not possess complete ownership data regarding vessels that hold charter vessel/headboat Gulf reef fish vessel permits, and thus potentially harvest lane snapper. Therefore, NMFS is not currently able to accurately determine affiliations between these vessels and the businesses that own them. As a result, for purposes of this analysis, NMFS assumes each for-hire vessel is independently owned by a single business, which is expected to result in an overestimate of the actual number of for-hire fishing businesses regulated by this proposed rule.

This proposed rule would only be expected to alter the fishing behavior of for-hire vessels that target lane snapper in the Gulf (*i.e.,* the behavior of for-hire vessels that incidentally harvest lane snapper in the Gulf is not expected to change). Therefore, only for-hire vessels that target lane snapper in the Gulf are expected to be directly affected by this proposed rule.

NMFS does not possess data indicating how many for-hire vessels actually harvest or target Gulf lane snapper in a given year. However, in 2020, there were 1,289 vessels with valid charter vessel/headboat Gulf reef fish vessel permits. Further, Gulf lane snapper is primarily targeted in waters off the west coast of Florida. Of the 1,289 vessels with valid charter vessel/headboat Gulf reef fish vessel permits, 803 were homeported in Florida. Of these permitted vessels, 62 are primarily used for commercial fishing rather than for-hire fishing purposes and thus are not considered for-hire fishing businesses. In addition, 46 of these permitted vessels are considered headboats. Although headboats are considered for-hire fishing businesses, they take a relatively large, diverse set of anglers to harvest a diverse range of species on a trip, and therefore do not typically target a particular species. Therefore, NMFS assumes that no headboats would be directly affected as a result of this proposed rule. However, charter vessels often target lane snapper. Of the 803 vessels with valid charter vessel/headboat Gulf reef fish vessel permits that are homeported in Florida, 695 vessels are charter vessels. As described in the abbreviated framework action, 76 percent of charter vessels with valid charter vessel/headboat permits in the Gulf were active in 2017 (*i.e.,* 24 percent were not fishing). A charter vessel would only be directly affected by this proposed rule if it is fishing. Given this information, NMFS' best estimate of the number of charter vessels that are likely to target Gulf lane snapper in a given year is 528. Thus, this proposed regulatory action is estimated to regulate 528 for-hire fishing businesses if finalized.

On December 29, 2015, NMFS issued a final rule establishing a small business size standard of $11 million in annual gross receipts (revenue) for all businesses primarily engaged in the commercial fishing industry (NAICS code 11411) for RFA compliance purposes only (80 FR 81194, December 29, 2015). In addition to this gross revenue standard, a business primarily involved in commercial fishing is classified as a small business if it is independently owned and operated, and is not dominant in its field of operations (including its affiliates). From 2018 through 2022, the maximum annual gross revenue earned by a single commercial reef fish vessel during this time was about $3.63 million, while the average annual gross revenue for a vessel commercially harvesting Gulf lane snapper was $63,698. Based on this information, all commercial fishing businesses regulated by this proposed rule are determined to be small entities for the purpose of this analysis.

The SBA has established that a business primarily involved in for-hire fishing (NAICS code 487210) is

classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has annual receipts (revenue) not in excess of $14.0 million for all its affiliated operations worldwide. The maximum annual gross revenue for a single headboat in the Gulf was about $1.45 million in 2017. On average, annual gross revenue for headboats in the Gulf is about three times greater than annual gross revenue for charter vessels, reflecting the fact that businesses that own charter vessels are typically smaller than businesses that own headboats. Based on this information, all for-hire fishing businesses regulated by this proposed rule are determined to be small businesses for the purpose of this analysis.

If implemented, NMFS expects this proposed rule to directly affect the 814 commercial fishing businesses that possess a valid commercial Gulf reef fish permit. Further, NMFS expects this proposed rule to directly affect 528 of the 1,227 for-hire fishing businesses with valid Federal charter vessel/headboat permits in the Gulf reef fish fishery, or approximately 43 percent of those for-hire fishing businesses. For the purpose of this analysis, all affected commercial and for-hire fishing businesses are small entities. Based on this information, NMFS expects the proposed rule to affect a substantial number of small entities.

For vessels that commercially harvest lane snapper in the Gulf, currently available data indicate that economic profits are approximately 32 percent of annual average gross revenue. Given that their average annual gross revenue is $63,698, annual average economic profit per vessel is estimated to be approximately $20,383.

As noted above, the abbreviated framework action and this proposed rule would increase the stock ACL from 1,028,973 lb (466,734 kg) to 1,088,873 lb (493,904 kg). This increase in the stock ACL would increase the amount of lane snapper available for harvest by the commercial sector. Based on the commercial and recreational sector-specific landings from 2018–2022, the recreational sector has accounted for 97.26 percent of landings, while the commercial sector has accounted for 2.74 percent of landing. If this current relative sector usage persists, NMFS expects the increase of 59,900 lb (27,170 kg) to the lane snapper stock ACL to allow the commercial sector to utilize an additional 1,641 lb (744 kg). NMFS expects this increase in commercial landings to have a minimal increase on the average ex-vessel price due to a relatively high number of substitute products (*e.g.,* imports, other reef fish species landed in the Gulf and South Atlantic, *etc.*). Thus, assuming the average ex-vessel price of $3.35/lb, gutted weight, from 2018–2022, NMFS expects the annual gross revenue to increase by $5,498 and economic profit to increase by $1,759. On a per vessel basis, NMFS expects annual gross revenue and economic profit to increase by $18 and $10, respectively.

As described in the abbreviated framework action, the average annual economic profits are approximately $27,000 per charter vessel. The proposed action to change the total OFL, ABC, and stock ACL for Gulf lane snapper would increase the total amount of lane snapper available for harvest by the recreational sector. If current relative sector usage persists, the increase of 59,900 lb (27,170 kg) to the lane snapper stock ACL would allow the recreational sector to utilize an additional 58,259 lb (26,426 kg).

The change to the Gulf lane snapper stock ACL may cause a change in the number of recreational targeted trips. In the long run, factors of production, such as labor and capital, can be used elsewhere in the economy, and so only short-term changes to economic profits are expected. In the Gulf, headboat trips take a diverse set of anglers on a single vessel, generally advertising a diverse range of species to be caught. Therefore, an assumption that no headboat trips would be gained due to a change in ACL would be reasonable. However, charter vessel trips that are targeting lane snapper may be added and are the focus of the recreational sector analysis. Based on the predicted closure dates under the 3-year average (2018–2020) and 5-year average (2018–2022) as shown in the abbreviated framework action, the recreational season is not expected to close early under either the proposed or current ACLs. Therefore, the proposed ACL would not be expected to lengthen the recreational season and provide additional charter trips, and therefore no changes to for-hire profits are expected as a result of this proposed regulatory action.

If implemented, NMFS expects the proposed VMS power-down exemption changes to decrease the number of respondents per year and decrease the number of annual responses. Public reporting burden for requesting a VMS power-down exemption is expected to be reduced per entity due to faster to completion rates with the online form, as opposed to filling out and mailing a paper-based form with postage and waiting for a response from NMFS OLE to be delivered by postal mail. However, NMFS expects an increase in the total number of annual power down exemption requests due to NMFS' increased outreach to participants on the requirement to submit a power down exemption request before turning off their VMS unit. Opportunity costs are associated with any time burden created by reporting requirements. Typically, opportunity cost is approximated using the average wage or salary of those covered by the requirement. Vessel owners or operators would be responsible for submitting the VMS power-down exemption, and thus use of the average wage of first line supervisors and managers in the fishing, forestry, and farming industries is appropriate. As of May 2023, which is the most currently available information, the Bureau of Labor Statistics reported that the mean wage of individuals in this occupation group was $28.28. The revised VMS power-down exemption would apply to all 814 actively permitted Gulf reef fish vessels. The annual fleet-wide time burden associated with this revision would be increased from 12.5 hours to 21.75 hours, or an increase of 9.25 total burden hours. Thus, the public reporting burden per vessel is expected to increase by approximately 0.01 hours per year. This results in an increase in opportunity cost of approximately $0.32 per business per year, which is trivial relative to the average annual gross revenue for a commercial Gulf reef fish vessel. The total cost savings in postage resulting from changes to the VMS power-down exemption per vessel is approximately $0.66 per year. Based on the analysis above, the additional costs per business resulting from the VMS power down exemption revisions are expected to be minimal.

If implemented, NMFS OLE expects the removal of the VMS Installation and Activation Certification for the Reef Fish Fishery of the Gulf of Mexico changes to decrease the number of respondents per year and decrease the number of annual responses. Removing the required form to certify an installed and activated VMS unit, as proposed, would remove the associated annual time burden and costs from respondents. The revised VMS Installation and Activation Certification would apply to all 814 actively permitted Gulf reef fish vessels. The annual fleet-wide time burden associated with this revision would be decreased from 593.3 hours to 2.67 hours, or a reduction of 590.63 total burden hours. Thus, the total decrease in time burden per vessel is approximately 0.73 hours per year. These estimates include the time for

reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This results in a reduction in opportunity cost of approximately $20.20 per business per year.

Based on the information above, NMFS does not expect a reduction in profits for a substantial number of small entities as a result of this proposed rule. Thus, this proposed rule would not have a significant economic impact on a substantial number of small entities and an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains a collection-of-information requirement subject to review and approval by the OMB under the PRA. NMFS is proposing to revise existing requirements for the collection of information approved under OMB Control Number 0648–0544, Southeast Region Vessel Monitoring System and Related Requirements. This proposed rule would revise the process for fishermen to request a VMS power-down exemption, including how and what information is collected, and the valid period of an exemption. This proposed rule would also remove an existing requirement for a vessel owner or operator to submit a form certifying that a qualified marine electrician has installed and activated a NMFS-approved VMS unit on the vessel, and that NMFS personnel have verified its operation.

NMFS seeks public comment regarding: whether this 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 burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Submit comments on these or any other aspects of the collection of information at *https://www.reginfo.gov/public/do/PRAMain*.

Notwithstanding any other provision of the law, no person is required to respond to, nor will any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Gulf, Lane snapper, Recreational, Reef fish, Vessel monitoring systems.

Dated: June 10, 2024.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.28, revise paragraphs (d) and (f) to read as follows:

§ 622.28 Vessel monitoring systems (VMSs).

* * * * *

(d) *Power-down exemptions.* An owner or operator of a vessel subject to the requirement to have a VMS operating at all times as specified in paragraph (a) of this section can be exempted from that requirement and may power down the required VMS unit as specified in the following provisions.

(1) The vessel will be continuously out of the water or in port, as defined in paragraph (c) of this section, for more than 72 consecutive hours.

(2) The owner or operator of the vessel requests and obtains authorization from NMFS OLE to power-down the VMS unit on the same vessel. VMS units must remain on and positioning until the vessel owner or operator receives such authorization. A request for a power-down exemption must be completed through a NMFS website. The request must provide the specified information, such as, the identity of person making the request, vessel owner, vessel identification, and the reason for an exemption. Authorization for the power-down is displayed on the website after submission of all required information, and is transmitted by email to the requester and the vessel owner, if different from the requester. After receipt of the authorization, the VMS unit may be turned off for the approved time period.

(3) If a vessel with an approved VMS power-down exemption submits a trip declaration, as specified in paragraph (e) of this section, before the power-down exemption expires, the power-down exemption will be void, and the vessel is required to have a VMS operating at all times as specified in paragraph (a) of this section. Authorization for a new power-down exemption will be required before the vessel can subsequently power-down the VMS unit.

(4) An approved VMS power-down exemption is not transferrable and is granted only to the vessel owner, vessel, and the commercial reef fish permit number contained in the authorization.

(5) The maximum period for a single approved VMS power-down exemption is 1 year from the date that NMFS grants the VMS power-down exemption. A vessel owner or operator may request a subsequent VMS power-down exemption for the same vessel after the expiration of the preceding power-down exemption.

* * * * *

(f) *Installation and activation of a VMS.* Only a VMS that has been approved by NMFS for the Gulf reef fish fishery may be used, and the VMS must be installed by a qualified marine electrician.

* * * * *

■ 3. In § 622.41, revise paragraph (k) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(k) *Lane snapper.* If the sum of the commercial and recreational landings, as estimated by the SRD, reaches or is projected to reach the stock ACL, as specified in this paragraph (k), the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of the fishing year. The stock ACL for lane snapper is 1,088,873 lb (493,904 kg), round weight.

* * * * *

[FR Doc. 2024–13140 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 89, No. 117
Monday, June 17, 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

Submission for OMB Review; Comment Request

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

Comments regarding this information collection received by July 17, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: WIC Farmers' Market Nutrition Program (FMNP) Forms and Regulations.

OMB Control Number: 0584–0447.

Summary of Collection: The Farmers' Market Nutrition Program (FMNP) is associated with the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and was established by Congress in 1992. The FMNP is authorized by Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)), as amended. The FMNP was established to provide fresh, nutritious, unprepared locally grown fruits and vegetables from farmers' markets and roadside stands to WIC participants; to expand the awareness and use of farmers' markets; and to increase sales at such markets. Women, infants (over 4 months old) and children that have been certified to receive WIC Program benefits or who are on a waiting list for WIC certification are eligible to participate in the WIC FMNP. The Food and Nutrition Service (FNS) will collect information from each state that receives a grant under the FMNP program in conjunction with the preparation of annual financial and recipient reports.

Need and Use of the Information: The respondents to this information collection are FMNP State and local agencies (including Indian Tribal Organizations, District of Columbia, and Territories), participants, local agencies that are for-profit or non-profit businesses, and FMNP authorized outlets (farmers, farmers' markets, and roadside stands). The State and local agencies collect and maintain information related to program operation and administration, while the participants and FMNP authorized outlets provide the eligibility information needed to participate in the program. Some of the information requirements in this collection are mandatory, while others are required to obtain or retain a benefit. FNS uses the information to assess how each FMNP State agency operates; to ensure the accountability of State agencies, local agencies, and farmers/farmers' markets/roadside stands; to make program management decisions; and to report to Congress as needed.

Description of Respondents: State, Local, or Tribal Government; Individuals or Households; Business or other-for-profit; Not-for-profit institutions; and Farms.

Number of Respondents: 1,351,492.

Frequency of Responses: Recordkeeping; Reporting: Annually; Semi-annually; Quarterly; and Other (every one to three years).

Total Burden Hours: 1,175,964.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–13235 Filed 6–14–24; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2024–0023]

Notice of Request for Approval of an Information Collection; APHIS National Incident Management System (NIMS) Training and Exercise Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's (APHIS') intention to request approval of a new information collection associated with the APHIS National Incident Management System Training and Exercise Program that provides Federal Emergency Management Agency-related training to respondents responding to plant, pest, and animal disease outbreaks.

DATES: We will consider all comments that we receive on or before August 16, 2024.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Enter APHIS–2024–0023 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2024–0023, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov* or in our reading room, which is in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the APHIS National Incident Management System Training and Exercise Program, contact Mr. Joshua Lochte, Supervisory Emergency Management Specialist, Emergency and Regulatory Compliance Services, APHIS, 4700 River Road, Riverdale, MD 20737; phone (240) 723–0872; email: *joshua.l.lochte@usda.gov.* For more detailed information on the information collection process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2533; email: *joseph.moxey@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: APHIS National Incident Management System (NIMS) Training and Exercise Program.

OMB Control Number: 0579–XXXX.

Type of Request: Approval of a new information collection.

Abstract: Under the Animal and Plant Health Inspection Service (APHIS) Directive 1810.2, APHIS National Incident Management System (NIMS) Training and Exercise Program, APHIS is assuming responsibility for providing to APHIS employees certain Federal Emergency Management Agency (FEMA)-related training. The training consists of courses such as Introduction to the Incident Command System (ICS), ICS for Initial Response, ICS for Expanding Incidents, and advanced training to employees who require advanced knowledge of ICS. Additional training includes an overview of NIMS and the National Response Framework focusing especially on those who are involved in delivering and applying the response core capabilities. The training will also provide introduction and overview of ICS for senior officials (executives, elected and appointed officials, city/county managers, agency administrators, etc.). Seats not filled by APHIS employees will be made available to State, local and Tribal government employees.

Information that will be collected from participants includes an application email, a course evaluation sheet, and an affidavit on a course roster confirming attendance.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.125 hours per response.

Respondents: State, local and Tribal government employees who respond to plant pest/disease and animal disease outbreaks.

Estimated annual number of respondents: 300.

Estimated annual number of responses per respondent: 2.

Estimated annual number of responses: 600.

Estimated total annual burden on respondents: 75 hours. (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.)

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.

Done in Washington, DC, this 10th day of June 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–13202 Filed 6–14–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0016]

Privacy Act of 1974; System of Records

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of a modified system of records; reopening of comment period.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) is reopening the comment period for our notice that proposes to modify an existing system of records titled, APHIS Animal Health Surveillance and Monitoring System, USDA/APHIS–15, which will be renamed Animal Health, Disease, and Pest Surveillance and Management System, USDA/APHIS–15. This system is used by APHIS to collect, manage, and evaluate animal health data for disease and pest control and surveillance programs. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the notice published on April 3, 2024 (89 FR 22975–22979) is reopened. We will consider all comments that we receive on or before July 17, 2024.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Enter APHIS–2020–0016 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2020–0016, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Any comments we receive on this docket may be viewed at *http://www.regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact Mr. Christopher Quatrano, CFI Director, Center for Informatics, Center for Epidemiology and Animal Health, VS, APHIS, USDA, 2150 Centre Ave., Bldg.

B, Fort Collins, CO 80526; *vs.dataservices@usda.gov.* For Privacy Act questions concerning this system of records notice, please contact Director, Freedom of Information and Privacy Act Staff, 4700 River Road, Unit 50, Riverdale, MD 20737; (301) 851–4076; email: *APHISPrivacy@usda.gov.* For USDA Privacy Act questions, please contact the USDA Chief Privacy Officer, Information Security Center, Office of Chief Information Officer, USDA, Jamie L. Whitten Building, 1400 Independence Ave. SW, Washington, DC 20250; email: *USDAPrivacy@usda.gov.*

SUPPLEMENTARY INFORMATION: On April 3, 2024, we published in the **Federal Register** (89 FR 22975–22979, Docket No. APHIS–2020–0016) a notice [1] to modify an existing system of records for the Animal and Plant Health Inspection Service (APHIS) Animal Health Surveillance and Monitoring System, USDA/APHIS–15. In addition to other things, APHIS is modifying the system of records to rename the system as ''Animal Health, Disease, and Pest Surveillance and Management System, USDA/APHIS–15'' and expanding the system to include records of activities maintained in the Comprehensive and Integrated Animal Health Surveillance System (CIAHSS), which consists of multiple information technology platforms that exchanges data and that contains animal health and surveillance data. Expansion of the system also includes any electronic or hard copies of forms or other records used to enter data into CIAHSS or that may be saved in a CIAHSS application.

Comments on the notice were required to be received on or before May 3, 2024. We are reopening the comment period on Docket No. APHIS–2020–0016 for an additional 30 days from the date of publication of this notice because the Comment button did not appear on *regulations.gov* when the notice was posted, though interested parties could provide comments via postal mail. This action will allow interested persons additional time to prepare and submit comments. We will also consider all comments received between May 4, 2024 (the day after the close of the original comment period) and the date of this notice.

[1] To view the notice and comments, go to *www.regulations.gov.* Enter APHIS–2020–0016 in the Search field.

Done in Washington, DC, this 10th day of June 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–13201 Filed 6–14–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Temporarily Denying Export Privileges

SkyTechnic, Kiyevskoye Shosse 22–Y, Moskovsky Settlement, Moscow, Russia 108811;
Skywind International Limited, Room 2403A 24/F Lippo CTR Tower One, 89 Queensway, Admiralty, Hong Kong;
Hong Fan International, Shop 102, Level 1, One Exchange Square, Hong Kong;
AND
Room A 11/F Henfa Commercial Building, 348–350 Lockhart Road, Hong Kong;
AND
Vistra Corporate Services Centre, Wickhams Cay II, Road Town, Tortola, British Virgin Islands;
Lufeng Limited, Room A 11/F Henfa Commercial Building, 348–350 Lockhart Road, Hong Kong;
AND;
Vistra Corporate Services Centre, Wickhams Cay II, Road Town, Tortola, British Virgin Islands;
Unical dis Ticaret Ve Lojistik JSC, 34140 Zeytinlik Mh. Halcki Sk, Iten Han Gue Carsi Blok No 28/58, Bakirkoy, Istanbul, Turkey;
AND
Room A 11/F Henfa Commercial Building, 348–350 Lockhart Road, Hong Kong;
Izzi Cup DOO, Koste Cukia 14, Zemun 200915, Serbia;
AND
Jl.Danau Tondano No. 55, 80228 Sanur—Bali, Indonesia;
Alexey Sumchenko, Hong Kong;
Anna Shumakova, Russia;
Branimir Salevic, Koste Cukia 14, Zemun 200915, Serbia;
AND
Jl.Danau Tondano No. 55, 80228 Sanur—Bali, Indonesia;
Danijela Salevic, Koste Cukia 14, Zemun 200915, Serbia;
AND
Jl.Danau Tondano No. 55, 80228 Sanur—Bali, Indonesia

Pursuant to section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (''EAR'' or ''the Regulations''),[1] the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, through its Office of Export Enforcement (''OEE''), has requested the issuance of an Order temporarily denying, for a period of 180 days, the export privileges under the Regulations of: Alexey Sumchenko (''Sumchenko''), Anna Shumakova (''Shumakova''), Branimir Salevic (''Branimir''), Danijela Salevic (''Danijela''); SkyTechnic, Skywind International Limited (''Skywind''), Hong Fan International (''Hong Fan''), Lufeng Limited (''Lufeng''), Unical dis Ticaret Ve Lojistik LSC (''Unical''), and Izzi Cup DOO (''Izzi Cup'') (collectively, the ''Respondents''). OEE's request and related information indicate that these parties are located in the Russian Federation, Hong Kong, the British Virgin Islands, Turkey, Serbia, and Indonesia at the respective addresses listed on the caption page of this order. OEE's request and related information further indicates that SkyTechnic, a Russian aircraft parts supplier, has developed and continues to utilize a network of Hong Kong-based shell companies, including Skywind, Hong Fan, and Lufeng, to obtain civil aircraft parts from the United States and obfuscate the ultimate end users of those parts in Russia, contrary to the requirements of the Regulations.

I. Legal Standard

Pursuant to section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and

[1] The Regulations, currently codified at 15 CFR parts 730–774 (2021), originally issued pursuant to the Export Administration Act (50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by successive Presidential Notices, continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)) (''IEEPA''). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders.

766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]'' *Id.* A ''[l]ack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

II. OEE's Request for a Temporary Denial Order (''TDO'')

The U.S. Commerce Department, through BIS, responded to the Russian Federation's (''Russia's'') further invasion of Ukraine by implementing a sweeping series of stringent export controls that severely restrict Russia's access to technologies and other items that it needs to sustain its aggressive military capabilities. These controls primarily target Russia's defense, aerospace, and maritime sectors and are intended to cut off Russia's access to vital technological inputs, atrophy key sectors of its industrial base, and undercut Russia's strategic ambitions to exert influence on the world stage.

Effective February 24, 2022, BIS imposed expansive controls on aviation-related (*e.g.,* Commerce Control List Categories 7 and 9) items to Russia, including a license requirement for the export, reexport or transfer (in-country) to Russia of any aircraft or aircraft parts specified in Export Control Classification Number (''ECCN'') 9A991 (section 746.8(a)(1) of the EAR).[2] BIS will review any export or reexport license applications for such items under a policy of denial. *See* section 746.8(b). Effective March 2, 2022, BIS excluded any aircraft registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia from being eligible for license exception Aircraft, Vessels, and Spacecraft (''AVS'') (section 740.15 of the EAR).[3]

In its request, OEE presented evidence indicating that the Respondents seek to procure various U.S.-origin commodities, including certain aircraft parts classified as ECCN 9A991.d, and transship them to Russia without seeking the required authorization from BIS, contrary to the requirements in the Regulations. Some of the parties to the transactions facilitated by Respondents included denied persons on the BIS Denied Persons List (''DPL''), which are parties prohibited from participating in exports from the United States and other activities subject to the Regulations. Specifically, within months of the BIS comprehensive export controls on Russia, SkyTechnic began using the Skywind, Hong Fan, and Lufeng aliases in Hong Kong in an effort to conceal its Russian connections and transship U.S. aircraft parts through Hong Kong to Russia.

A. Alexey Sumchenko

Business records list Sumchenko as the owner of Skywind, Hong Fan, and Lufeng. Furthermore, bank records show that in February 2023, Sumchenko directed a third company to pay Lufeng approximately $450,000 for services rendered to Skywind.

B. Anna Shumakova

U.S. visa information reveals that Shumakova is a Russian national. Social media lists Shumakova as the head of a logistics and material department in Russia. Correspondence indicates that Shumakova coordinated the purchase and export of aircraft parts for SkyTechnic, Skywind, Hong Fan, and Lufeng after the February 24, 2022 implementation of BIS controls on the export of aircraft parts to Russia.

C. Izzi Cup DOO and Branimir and Danijela Salevic

Izzi Cup is a Serbian-registered company that brokers transactions of aircraft parts, including aircraft parts from the United States, for SkyTechnic. The company owner, Branimir Salevic (''Branimir''), lives in and operates the business from Indonesia. By at least mid-May 2022, Izzi Cup knew that its brokered transactions were ultimately destined to Russia via transshipment points and advised SkyTechnic on how to address its shipment without obvious linkages to Russia. In February 2023, Export Enforcement (''EE'') personnel emailed Izzi Cup about several aircraft parts shipments. Branimir responded and informed EE personnel that Izzi Cup is a mom-and-pop shop.[4] U.S. visa records indicate that Danijela is Branimir's wife and that she conducted business for Izzi Cup. Branimir and Danijela coordinated with Shumakova to circumvent U.S. export controls by shipping aircraft parts to Russia on several occasions without BIS authorization.

D. SkyTechnic/Skywind/Hong Fan/ Lufeng

Following the Russian invasion of the Ukraine, and the resultant implementation of BIS export controls affecting the Russian aviation industry, the respondents engaged in a transnational scheme—involving multiple companies—to ship aircraft parts to Russia in circumvention of BIS export controls. One of the companies, SkyTechnic, is an aircraft parts company based in Moscow, Russia. In March 2022, Shumakova—on behalf of SkyTechnic—contacted a freight-forwarder about ways to ship aircraft parts from the United States to Russia despite the United States' export control restrictions.

In May–June 2022, Shumakova asked Izzi Cup whether she—on behalf of SkyTechnic— could purchase aircraft parts using Russian bank accounts and have the parts shipped to Russia. Izzi Cup responded that it could facilitate the transaction if Shumakova amended her order to reflect Skywind—which had a non-Russian address—as the purchaser. Izzi Cup also asked Shumakova to provide non-Russian contact information to accompany her order.

By May 2022, SkyTechnic began using Hong Kong as a transshipment point for aircraft parts from the United States that were ultimately bound for Russia. In May 2022, Shumakova, acting on behalf of both SkyTechnic and Skywind, informed a freight forwarder that Skywind would complete purchases on behalf of Pobeda Airlines.[5]

By June 2022, SkyTechnic began using the business name Hong Fan, a company owned by Sumchenko, to facilitate further exports of aircraft parts from the United States. Although Hong Fan is a company registered in Hong Kong, its website is hosted in Russia. In October 2022, Hong Fan attempted to

[2] 87 FR 12226 (Mar. 3, 2022). Additionally, BIS published a final rule effective April 8, 2022, which imposed licensing requirements on items controlled on the Commerce Control List (''CCL'') under Categories 0–2 that are destined for Russia or Belarus. Accordingly, now all CCL items require export, reexport, and transfer (in-country) licenses if destined for or within Russia or Belarus. 87 FR 22130 (Apr. 14, 2022).

[3] 87 FR 13048 (Mar. 8, 2022).

[4] Small business owned and operated by a husband-and-wife team are colloquially referred to as ''mom-and-pop shops.''

[5] Pobeda Airlines is itself the subject of a TDO. The first TDO against Pobeda Airlines was effective upon its issuance on June 24, 2022 and published in the **Federal Register** on June 29, 2022 (87 FR 38707). The TDO has been renewed three times and the last renewal, which is effective for one year, was published in the **Federal Register** on December 14, 2023 (88 FR 86628).

ship aircraft parts, meant for a company called Euro Asia,[6] to the Maldives. In November 2022, Hong Fan coordinated with a freight forwarder to ship aircraft parts that were ultimately destined to Pobeda Airlines, LLC. The associated invoice was issued by SkyTechnic.

SkyTechnic also used another alias, Lufeng, in its diversionary scheme. Like Hong Fan, Lufeng is owned by Sumchenko and registered in Hong Kong. Similarly, Lufeng's electronic contact information is of Russian origin.[7] In June 2022, Shumakova—on behalf of SkyTechnic—requested a quote for aircraft parts from Izzi Cup. Danijela responded for Izzi Cup and upon negotiating the purchase, Shumakova asked Izzi Cup to instead issue an invoice to Lufeng. Additionally, correspondence reflects Lufeng referred to Izzi Cup as its supplier.

E. Unical

Unical is an Istanbul, Turkey-based logistics company that has facilitated shipments of aircraft parts to SkyTechnic. SkyTechnic, Hong Fan, and Lufeng also purchased aircraft parts from Unical, a company whose website is hosted in Turkey but also has electronic contact information of Russian origin. Correspondence, and an associated January 2023 invoice, reflects that Unical sold aircraft parts to SkyTechnic and shipped the parts to Russia. Additionally, communications occurring between February and March 2023 show Unical negotiating the purchase of aircraft parts from a repair facility within the United States. The parts were transshipped through Turkey before ultimately being delivered to Aeroflot in Russia, on behalf of SkyTechnic. The transaction was invoiced to Hong Fan.

F. Ongoing and Pending Exports

As detailed in OEE's request and related information, the Respondents continue to engage in prohibited conduct. Export data reveals that between March 2022 and October 2023, Izzi Cup received approximately 16 shipments of aircraft parts worth a total of $226,000. Similarly, export data shows that between April 2022 and March 2023, Lufeng received approximately 22 shipments worth a total of $388,000. Likewise, export data indicates that between July 2022 and February 2023, Hong Fan received approximately 27 shipments worth a total of $245,000.

Moreover, Russian import data reveals that between February 2023 and December 2023, SkyTechnic received approximately 259 imports, the majority of which consisted of U.S. aircraft parts. Lastly, import data shows that between January 2023 and May 2023, Pobeda received approximately 1,422 shipments, worth a total of $1.5 million, at the same Russian address as SkyTechnic. Most of the items contained within the shipments were manufactured by U.S. aircraft parts manufacturers.

Furthermore, elements of this procurement network appear to be unresponsive to or unmoved by repeated outreach by the U.S. Department of Commerce. For example, after outreach to Izzi Cup via email during February and March 2023 to verify a shipment of U.S.-origin starter generators classified under ECCN 9A991 (a classification used for aircraft parts), the Department determined Izzi Cup to be an unreliable recipient of U.S.-origin items. The Department has also determined that Lufeng is an unreliable recipient of U.S.-origin items. This determination was based on a July 2023 end use check by BIS, in which a Hong Kong based U.S. Export Control Officer contacted Lufeng twice to schedule a meeting to verify exports of controlled items from the United States, and subsequently conducted an in-person visit of Lufeng's registered address during which Lufeng failed to provide information regarding the disposition of the controlled items.

III. Findings

Under the applicable standard set forth in section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that the Respondents have acted in violation of the Regulations; that such violations have been significant and deliberate; and that given the foregoing and the nature of the matters under investigation, there is a likelihood of imminent violations. Therefore, the TDO is necessary in the public interest to prevent imminent violation of the Regulations and to give notice to companies and individuals in the United States and abroad that they should avoid dealing with the Respondents, in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

IV. Order

It is therefore ordered:

First, SkyTechnic, Kiyevskoye Shosse 22–Y, Moskovsky Settlement, Moscow, Russia 108811; Skywind International Limited, Room 2403A 24/F Lippo CTR Tower One, 89 Queensway Admiralty, Hong Kong; Hong Fan International, Shop 102, Level 1, One Exchange Square, Hong Kong, and Room A 11/F Henfa Commercial Building, 348 Lockhart Road, Hong Kong, and Vistra Corporate Services Centre, Wickhams Cay II, Road Town, Tortola, British Virgin Islands; Lufeng Limited, Room A 11/F Henfa Commercial Building, 348 Lockhart Road, Hong Kong, and Vistra Corporate Services Centre, Wickhams Cay II, Road Town, Tortola, British Virgin Islands; Unical dis Ticaret Ve Lojistik JSC, 34140 Zeytinlik Mh. Halcki Sk, Iten Han Gue Carsi Blok No 28/58, Bakirkoy, Istanbul, Turkey, and, Room A 11/F Henfa Commercial Building, 348 Lockhart Road, Hong Kong; Izzi Cup DOO, Koste Cukia 14, Zemun 200915, Serbia, and Jl.Danau Tondano No. 55, 80228 Sanur—Bali, Indonesia; Alexey Sumchenko, Hong Kong; Anna Shumakova, Russia, and Branimir and Danijela Salevic, Koste Cukia 14, Zemun 200915, Serbia and Jl.Danau Tondano, No.55 80228, Sanur—Bali Indonesia, when acting for or on their behalf, any successors or assigns, agents, or employees may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license (except directly related to safety of flight), license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations, or engaging in any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

[6] Euro Asia's website previously advertised a sales relationship with Aeroflot-Russian Airlines (''Aeroflot''). Aeroflot is itself the subject of a TDO. The first TDO against Aeroflot was effective upon its issuance on April 7, 2022 and published in the **Federal Register** on April 12, 2022 (87 FR 21611). The TDO has been renewed three times and the last renewal, which is effective for one year, was published in the **Federal Register** on September 28, 2023 (88 FR 19609).

[7] Additionally, Hong Fan and Lufeng share an address in the British Virgin Islands and Hong Kong.

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Respondents any item subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Respondents of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Respondents acquires or attempts to acquire such ownership, possession or control except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Respondents of any item subject to the EAR that has been exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

D. Obtain from the Respondents in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by the Respondents, or service any item, of whatever origin, that is owned, possessed or controlled by the Respondents if such service involves the use of any item subject to the EAR that has been or will be exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations. For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to Respondents by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

In accordance with the provisions of section 766.24(e) of the EAR, the Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by the Respondents as provided in section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to the Respondents and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Matthew S. Axelrod,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2024–13258 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Temporarily Denying Export Privileges

Turboshaft FZE, Q3–117 Saif Zone 9732, Sharjah, UAE;
Treetops Aviation, Office #4801, Marina Pinnacle Tower, Dubai, UAE;
#1575 New Agents Bldg., Cargo Village P.O. Box 62369, Dubai, UAE;
Black Metal FZE, Q3–117 Saif Zone 9732, Sharjah, UAE;
Timur Badr, Q3–117 Saif Zone 9732, Sharjah, UAE;
Elaine Balingit, Office #4802, Marina Pinnacle Tower, Dubai, UAE;
Q3–117 Saif Zone 9732, Sharjah, UAE

Pursuant to section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (''EAR'' or ''the Regulations''),[1] the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, through its Office of Export Enforcement (''OEE''), has requested the issuance of an Order temporarily denying, for a period of 180 days, the export privileges under the Regulations of: Turboshaft FZE (''Turboshaft''), Treetops Aviation (''Treetops''), Black Metal FZE (''Black Metal''), Timur Badr, and Elaine Balingit (collectively, the ''Respondents''). OEE's request and related information indicate that the parties are located in the United Arab Emirates (''UAE''), at the respective addresses listed on the caption page of this order, and that Badr, a Russian national, owns or controls Turboshaft FZE and Treetops Aviation.

I. Legal Standard

Pursuant to section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and 766.24(d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]'' *Id.* A ''[l]ack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

[1] The Regulations, currently codified at 15 CFR parts 730–774 (2021), originally issued pursuant to the Export Administration Act (50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13222 of August 17, 2001 (3 CFR 2001 Comp. 783 (2002)), as extended by successive Presidential Notices, continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)) (''IEEPA''). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders.

II. OEE's Request for a Temporary Denial Order (''TDO'')

The U.S. Commerce Department, through BIS, responded to the Russian Federation's (''Russia's'') further invasion of Ukraine by implementing a sweeping series of stringent export controls that severely restrict Russia's access to technologies and other items that it needs to sustain its aggressive military capabilities. These controls primarily target Russia's defense, aerospace, and maritime sectors and are intended to cut off Russia's access to vital technological inputs, atrophy key sectors of its industrial base, and undercut Russia's strategic ambitions to exert influence on the world stage.

Effective February 24, 2022, BIS imposed expansive controls on aviation-related (*e.g.,* Commerce Control List Categories 7 and 9) items to Russia, including a license requirement for the export, reexport or transfer (in-country) to Russia of any aircraft or aircraft parts specified in Export Control Classification Number (''ECCN'') 9A991 (section 746.8(a)(1) of the EAR).[2] BIS will review any export or reexport license applications for such items under a policy of denial. *See* section 746.8(b). Effective March 2, 2022, BIS excluded any aircraft registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia from being eligible for license exception Aircraft, Vessels, and Spacecraft (''AVS'') (section 740.15 of the EAR).[3]

In its request, OEE presented evidence indicating that the Respondents seek to procure the shipment of various U.S.-origin commodities, including certain aircraft parts classified as ECCN 9A991.d, to Russia, including to parties on the BIS Denied Persons List (''DPL'').

A. Badr Conduct Prior to the February 2022 Russian Invasion of Ukraine

In May 2019, Export Enforcement (EE) personnel met with Badr at his office in Sharjah, UAE. Badr informed the EE personnel that his business consisted of trading in civilian aviation electronics and parts—specifically purchasing the parts at low prices and then reselling them for use in the urgent repair of grounded aircraft.[4] He stated that he stored aircraft parts at a property he owned in Moscow, Russia and admitted he purchased a Boeing 737 and tore it down for parts. The EE personnel informed Badr that the failure to secure export licenses prior to exporting controlled items, such as aircraft parts, could result in criminal prosecution. The EE personnel also advised Badr to conduct due diligence by obtaining end-user statements from his customers. Badr replied that he would lose customers if he required them to provide end-user statements.

B. Badr/Turboshaft/Treetops/Balingit Conduct After the February 2022 Russian Invasion of Ukraine

In February 2023, the head of the transportation department for S7 Engineering, an arm of Siberian Airlines,[5] contacted a U.S. freight forwarder regarding the status of an aircraft part—a hydromechanical fuel unit used in Airbus aircraft—it ordered from Turboshaft.[6] The communication included a Turboshaft invoice billed to S7 Engineering at a Russian Federation address. The communication established that the item was shipped from the United States, through the UAE, and along to Russia.

A social media profile associated with Elaine Balingit lists her as Turboshaft's logistics officer. Additionally, U.S. export records indicate that Balingit was listed as the ultimate consignee contact person for 18 shipments of aircraft parts and equipment to Turboshaft between January and July 2023. Balingit was likewise listed as the ultimate consignee contact person for 18 shipments of aircraft parts and equipment to Treetops between September and November 2023.

D. Ongoing and Pending Exports

As detailed in OEE's request and related information, Badr, Turboshaft, Treetops, Black Metal, and Balingit continue to engage in prohibited conduct. Import data reveals that 502 separate shipments, at least some of which consisted of aircraft parts, arrived in Russia between April 2022 and December 2023 in the name of Turboshaft, Treetops, or Black Metal.

Import data shows that between January 2, 2023 and December 29, 2023, Turboshaft was listed as the supplier on 136 imports of goods into Russia worth a claimed $1.6 million. Moreover, Turboshaft received 89 exports from the United States, worth almost $2.1 million since the implementation of enhanced licensing requirements imposed on exports to Russia on February 24, 2022. Throughout November and December 2023, Turboshaft attempted to purchase two Air Data Inertial Reference Units, valued at nearly $400,000 each, from a U.S. supplier. The most recent shipment occurred on May 8, 2024.

Import data shows that between January 2, 2023 and December 29, 2023, Treetops was listed as the supplier on 244 imports of goods into Russia worth a claimed $4.46 million. Siberia Airlines, an entity subject to a TDO, received many of these shipments—which included items produced by U.S. aerospace manufacturers. Additionally, Treetops received 29 exports from the United States worth a claimed $626,755 between September 12, 2023 and April 23, 2024. On April 26, 2024, U.S. Customs and Border Protection seized a shipment of aircraft parts meant for Treetops due to the submission of false Electronic Export Information (EEI) through the Automated Export System (AES). Lastly, Treetops is listed as the intermediate consignee of a September 2023 shipment of aircraft parts to Turboshaft.

Import data shows that between March and December 2022, Black Metal was listed as the supplier on 122 imports of goods into Russia. Moreover, Black Metal received 16 exports from the United States, worth almost $461,000 since the implementation of enhanced licensing requirements imposed on exports to Russia on February 24, 2022. As indicated above, Badr toggles between operating as Black Metal or Turboshaft to facilitate his procurement efforts.

III. Findings

Under the applicable standard set forth in section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that the Respondents have acted in violation of the Regulations; that such violations have been significant and deliberate; and that given the foregoing and the nature of the matters under investigation, there is a likelihood of imminent violations. Therefore, the TDO is necessary in the public interest to prevent imminent

[2] 87 FR 12226 (Mar. 3, 2022). Additionally, BIS published a final rule effective April 8, 2022, which imposed licensing requirements on items controlled on the Commerce Control List (''CCL'') under Categories 0–2 that are destined for Russia or Belarus. Accordingly, now all CCL items require export, reexport, and transfer (in-country) licenses if destined for or within Russia or Belarus. 87 FR 22130 (Apr. 14, 2022).

[3] 87 FR 13048 (Mar. 8, 2022).

[4] During the May 2019 meeting, Badr informed the OEE personnel that his business' name changed from Turboshaft to Black Metal FZE due to debts incurred under the Turboshaft name.

[5] Siberia Airlines, doing business as S7 Airlines, is itself the subject of a TDO. The first TDO against Siberia Airlines was effective upon its issuance on June 24, 2022, and published in the **Federal Register** on June 29, 2022 (87 FR 38709). The TDO has been renewed three times and the last renewal, which is effective for one year, was published in the **Federal Register** on December 14, 2023 (88 FR 86626).

[6] During an August 2023 meeting, Badr informed OEE personnel that he changed his business name from Black Metal FZE back to Turboshaft due to customer and bank familiarity with the Turboshaft name.

violation of the Regulations and to give notice to companies and individuals in the United States and abroad that they should avoid dealing with the Respondents, in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

IV. Order

It is therefore ordered:

First, Turboshaft FZE, Q3–117 Saif Zone 9732, Sharjah, UAE; Treetops Aviation, Office #4801, Marina Pinnacle Tower, Dubai, UAE and #1575 New Agents Bldg., Cargo Village P.O. Box 62369, Dubai, UAE; Black Metal FZE, Q3–117 Saif Zone 9732, Sharjah, UAE; Timur Badr, Q3–117 Saif Zone 9732, Sharjah, UAE; and Elaine Balingit, Office #4802, Marina Pinnacle Tower, Dubai, UAE and Q3–117 Saif Zone 9732, Sharjah, UAE, when acting for or on their behalf, any successors or assigns, agents, or employees may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license (except directly related to safety of flight), license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations, or engaging in any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Respondents any item subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Respondents of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Respondents acquires or attempts to acquire such ownership, possession or control except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Respondents of any item subject to the EAR that has been exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

D. Obtain from the Respondents in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by the Respondents, or service any item, of whatever origin, that is owned, possessed or controlled by the Respondents if such service involves the use of any item subject to the EAR that has been or will be exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations. For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to Respondents by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

In accordance with the provisions of sections 766.24(e) of the EAR, the Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by the Respondents as provided in section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to the Respondents and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Matthew S. Axelrod,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2024–13257 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

Announcement of Approved International Trade Administration Trade Mission

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The United States Department of Commerce, International Trade Administration (ITA), is announcing one upcoming trade mission that will be recruited, organized, and implemented by ITA. This mission is: Design and Construction Business Development Mission to Hong Kong, Taipei, and Ho Chi Minh City—October 28—November 1, 2024.

A summary of the mission is found below. Application information and more detailed mission information, including the commercial setting and sector information, can be found at the trade mission website: *https://www.trade.gov/trade-missions.* For this mission, recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (*https://www.trade.gov/trade-missions-schedule*) and other internet websites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

FOR FURTHER INFORMATION CONTACT: Jeffrey Odum, Trade Events Task Force, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–6397 or email *Jeffrey.Odum@trade.gov.*

SUPPLEMENTARY INFORMATION:

The Following Conditions for Participation Will Be Used for the Mission

Applicants must submit a completed and signed mission application and supplemental application materials, including adequate information on their products and/or services, primary market objectives, and goals for participation that is adequate to allow the Department of Commerce to evaluate their application. If the Department of Commerce receives an incomplete application, the Department may either: reject the application, request additional information/clarification, or take the lack of information into account when evaluating the application. If the requisite minimum number of participants is not selected for a particular mission by the recruitment deadline, the mission may be canceled.

Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, are marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content by value. In the case of a trade association or organization, the applicant must certify that, for each firm or service provider to be represented by the association/organization, the products and/or services the represented firm or service provider seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least 51% U.S. content by value.

A trade association/organization applicant must certify to the above for all of the companies it seeks to represent on the mission.

In addition, each applicant must:

- Certify that the products and services that it wishes to market through the mission would be in compliance with U.S. export controls and regulations;
- Certify that it has identified any matter pending before any bureau or office in the Department of Commerce;
- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce; and
- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

In the case of a trade association/organization, the applicant must certify that each firm or service provider to be represented by the association/organization can make the above certifications.

The Following Selection Criteria Will Be Used for the Mission

Targeted mission participants are U.S. firms, services providers, and trade associations/organizations providing or promoting U.S. products and services that have an interest in entering or expanding their business in the mission's destination country. The following criteria will be evaluated in selecting participants:

- Suitability of the applicant's (or in the case of a trade association/organization, represented firm's or service provider's) products or services to these markets;
- The applicant's (or in the case of a trade association/organization, represented firm's or service provider's) potential for business in the markets, including the likelihood of exports resulting from the mission; and
- Consistency of the applicant's (or in the case of a trade association/organization, represented firm's or service provider's) goals and objectives with the stated scope of the mission.

Balance of company size and location may also be considered during the review process. Referrals from a political party or partisan political group or any information, including on the application, containing references to political contributions or other partisan political activities will be excluded from the application and will not be considered during the selection process. The sender will be notified of these exclusions.

Definition of Small- and Medium-Sized Enterprise

For purposes of assessing participation fees, an applicant is a small or medium-sized enterprise (SME) if it qualifies as a ''small business'' under the Small Business Administration's (SBA) size standards (*https://www.sba.gov/document/support--table-size-standards*), which vary by North American Industry Classification System (NAICS) Code. The SBA Size Standards Tool (*https://www.sba.gov/size-standards*) can help you determine the qualifications that apply to your company.

Mission List: (additional information about trade missions can be found at *https://www.trade.gov/trade-missions*).

Design and Construction Business Development Mission to Hong Kong, Taipei, and Ho Chi Minh City—October 28–November 1, 2024

Summary

The United States Department of Commerce, International Trade Administration (ITA), is organizing a Design & Construction Business Development Mission (D&C BDM) to Hong Kong, Taipei and Ho Chi Minh from October 28 through November 1, 2024. The objective of this mission is to advance U.S. national interests and focus on meeting demand for U.S. design and construction solutions for East and Southeast Asian markets.

The business development mission will bring 10–15 U.S. companies to Hong Kong, Taipei, and Ho Chi Minh City to meet with officials and potential buyers. The business development mission will focus on design and construction industry subsectors including safety; sustainable materials; retrofitting and refurbishment; construction robotics; automation; digitalization; modular integrated construction (MiC); recycling; sustainable design and materials; and environmental and green building technologies. Hong Kong, Taiwan, and Vietnam have commitments to reach carbon neutrality by 2050 and experience shortages of construction workers, causing delays, accidents, and cost inflation.

ITA will organize a tailored program for U.S. companies exploring opportunities in all three markets and will leverage our strong connections with local partners to lead discussions on trade, financing, and technical aspects of doing business in these three Asian markets.

Mission participants will develop business prospects through ITA-hosted networking events, vetted business-to-business matchmaking meetings, roundtable discussions with U.S. and foreign government and industry leaders, product presentations, and site visits.

Mission participants will receive assistance to secure meetings, gain greater exposure to Asian markets, and benefit from the guidance and insights of ITA's commercial teams.

PROPOSED TIMETABLE

[***Note:** The final schedule and potential site visits will depend on the availability of host government and business officials, specific goals of mission participants, and ground transportation.]

Sunday, October 27, 2024; Hong Kong	• Trade Mission Participants Arrive in Hong Kong.
Monday, October 28, 2024; Hong Kong	• U.S. Consulate Market Briefing. • Meetings with the Hong Kong Green Building Council, the Business Environment Council, the Construction Industry Council, the American Institute of Architects, the Urban Land Institute. • Evening Reception.
Tuesday, October 29, 2024; Hong Kong	• One-on-one business matchmaking. • Site visit to a construction project .• Travel to Taipei, Taiwan
Wednesday, October 30, 2024; Taipei	• Country briefing at the American Institute in Taiwan. • Meetings with the National Association of Architects, Architecture Association of the R.O.C., and The American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE). • Evening Reception.
Thursday, October 31, 2024; Taipei	• One-on-one business matchmaking. • Site visit to a construction project. • Travel to Ho Chi Minh City, Vietnam.
Friday, November 1, 2024; Ho Chi Minh City	• U.S. Consulate Country Briefing. • Meeting with American Chamber of Commerce, Vietnam Green Building Council, Vietnam Association of Construction, Ho Chi Minh Real Estate Association, Saigon Construction and Building Material Association. • One on one business matchmaking. • Evening Networking Reception. • End of Mission.

Participation Requirements

All parties interested in participating in the trade mission must complete and submit an application package for consideration by the Department of Commerce. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 10 and a maximum of 15 firms and/or trade associations will be selected to participate in the mission from the applicant pool.

Fees and Expenses

After a firm or trade association has been selected to participate in the mission, a payment to the Department of Commerce in the form of a participation fee is required. The participation fee for the Business Development Mission will be $3,800.00 for small or medium-sized enterprises (SME)1; and $5,500.00 for large firms or trade associations. The fee for each additional firm representative (large firm or SME/trade organization) is $1000.00. Expenses for travel, lodging, meals, and incidentals will be the responsibility of each mission participant. Interpreter and driver services can be arranged for additional cost. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms.

If and when an applicant is selected to participate in a particular mission, a payment to the Department of Commerce in the amount of the designated participation fee below is required. Upon notification of acceptance to participate, those selected have 5 business days to submit payment or the acceptance may be revoked.

Participants selected for a trade mission will be expected to pay for the cost of personal expenses, including, but not limited to, international travel, lodging, meals, transportation, communication, and incidentals, unless otherwise noted. Participants will, however, be able to take advantage of U.S. Government rates for hotel rooms. In the event that a mission is canceled, no personal expenses paid in anticipation of a mission will be reimbursed. However, participation fees for a canceled mission will be reimbursed to the extent they have not already been expended in anticipation of the mission.

If a visa is required to travel on a particular mission, applying for and obtaining such a visa will be the responsibility of the mission participant. Government fees and processing expenses to obtain such a visa are not included in the participation fee. However, the Department of Commerce will provide instructions to each participant on the procedures required to obtain business visas.

Trade Mission members participate in trade missions and undertake mission-related travel at their own risk. The nature of the security situation in a given foreign market at a given time cannot be guaranteed. The U.S. Government does not make any representations or guarantees as to the safety or security of participants. The U.S. Department of State issues U.S. Government international travel alerts and warnings for U.S. citizens available at *https://travel.state.gov/content/passports/en/alertswarnings.html.* Any question regarding insurance coverage must be resolved by the participant and its insurer of choice.

Travel and in-person activities are contingent upon the safety and health conditions in the United States and the mission countries. Should safety or health conditions not be appropriate for travel and/or in-person activities, the Department will consider postponing the event or offering a virtual program in lieu of an in-person agenda. In the event of a postponement, the Department will notify the public, and applicants previously selected to participate in this mission will need to confirm their availability but need not reapply. Should the decision be made to organize a virtual program, the Department will adjust fees, accordingly, prepare an agenda for virtual activities, and notify the previous selected applicants with the option to opt-in to the new virtual program.

Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (*http://export.gov/*

trademissions) and other internet websites, press releases to general and trade media, direct mail, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for the mission will begin immediately and conclude no later than July 31, 2024. The U.S. Department of Commerce will review applications and inform applicants of selection decisions on a rolling basis. Applications received after July 31, 2024, will be considered only if space and scheduling constraints permit.

Contacts

Geoffrey Parish, Chief Commercial Officer, U.S. Commercial Service, Hong Kong, Tel: +852 2521 5752, Email: *geoffrey.parish@trade.gov*
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Gemal Brangman,

Director, ITA Events Management Task Force.

[FR Doc. 2024–13300 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

The Regents of the University of Michigan, et al.; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). On April 20, 2024, the Department of Commerce published a notice in the **Federal Register** requesting public comment on whether instruments of equivalent scientific value, for the purposes for which the instruments identified in the docket(s) below are intended to be used, are being manufactured in the United States. *See Application(s) for Duty-Free Entry of Scientific Instruments, 89 FR 31723–24, April 25, 2024* (*Notice*). We received no public comments.

Comments: None received. Decision: Approved. We know of no instrument of equivalent scientific value to the foreign instrument described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order.

Docket Number: 24–009. Applicant: The Regents of the University of Michigan, 5082 Wolverine Tower, 3003 South State Street, Ann Arbor, MI 48109–1287. Instrument: Formula Student Motor and Motor Controllers. Manufacturer: AMK Motion GmbH + CoKG, Germany. Intended Use: The instrument is intended to be used to teach current engineering students at the University of Michigan about vehicle integration, design, and dynamics. This is taught to students through participation in the national wide intercollegiate Formula SAE competitions. This motor is a critical component in the electric powertrain of the vehicle as each motor will independently control each wheel of the car. These specific motors from AMK allow our team to learn the fundamentals of such a process without having to design and manufacture our motors and motor controllers, which is a far more expensive, time-consuming, and knowledge-heavy process.

Dated: June 11, 2024.

Gregory W. Campbell,

Director, Subsidies and Economic Analysis, Enforcement and Compliance.

[FR Doc. 2024–13226 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request: Atlantic Mackerel, Squid, and Butterfish Amendment 14 Data Collection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal Agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 16, 2024.

ADDRESSES: Interested person are invited to submit written comment to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0679 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *http://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Maria Fenton, Fishery Policy Analyst, 55 Great Republic Drive, Gloucester, MA 01930, (978) 281–9196, or *maria.fenton@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for renewal of an approved information collection. Under the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce has the responsibility for the conservation and management of marine fishery resources. Much of this responsibility has been delegated to the NOAA's National Marine Fisheries Service (NMFS). Under this stewardship role, the Secretary was given certain regulatory authorities to ensure the most beneficial uses of these resources. One of the regulatory steps taken to care out the conservation and management objectives is to collect information from users of the resources.

This collection requires limited access mackerel and longfin squid/butterfish moratorium permit holders to bring all catch aboard the vessel and make it available for sampling by an observer. If a catch is not made available to an observer before discard, that catch is defined as slippage, and the vessel operator must complete a ''Released Catch Affidavit'' form within 48 hours of the end of the fishing trip which details why catch was slipped, estimates the quantity and species composition of the slipped catch, and records the time and location of the slipped catch.

This collection also requires any vessel with a limited access mackerel permit intending to land over 20,000 lb of mackerel to contact NMFS at least 48 hours in advance of a fishing trip to request an observer. Vessels currently contact NMFS via phone, and selection notices or waivers are issued by NMFS via VMS. If service providers are unable to provide coverage, an owner, operator, or vessel manager may request a waiver by calling the Northeast Fisheries Observer Program. Additionally, if a fishing trip is cancelled, vessels must notify NMFS of the cancelled trip to prevent observers from being deployed to a cancelled trip.

II. Method of Collection

Information is submitted on paper and electronically.

III. Data

OMB Control Number: 0648–0679.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations; individual or households, state, local, or tribal government.

Estimated Number of Respondents: 10,035.

Estimated Time per Response: Pre-trip notification to observer program, 5 minutes; Trip Cancellation notification to observer program, 1 minute; Released Catch Affidavit, 5 minutes; and Vessel Permit Swap Form, 5 minutes.

Estimated Total Annual Burden Hours: 765.85.

Estimated Total Annual Cost to Public: $4,358.

Respondent's Obligation: Mandatory.

Legal Authority: The Magnuson-Stevens Fishery Conservation and Management Act.

IV. Request for Comments

We are soliciting public comments to permit the Agency to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Agency, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected: and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–13295 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Submission for OMB, Comment Request; Digital Equity Competitive Grant Program

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 26, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Telecommunications and Information Administration (NTIA), Commerce.

Title: Digital Equity Competitive Grant Program (DECGP).

OMB Control Number: 0660–XXXX.

Form Number(s): None.

Type of Request: New information collection.

Number of Respondents: 500 for the Consolidated Budget Form, Application Form, and Project(s) Description Form; 300 for the Partnership Members Form).

Average Hours per Response: 15 hours (4 hours for the Consolidated Budget Form, 6 hours for the Application Form, 3 hours for the Project(s) Description Form; and 2 hours for the Partnership Members Form).

Burden Hours: 7,100 hours.

Needs and Uses: With this information collection, NTIA will review the proposed applications and budgets of applicants to evaluate alignment to DECGP requirements and program priorities. Applicants will have more structured questions and guidance for their applications. The forms will ultimately reduce the applicant burden by making the application process clearer and simpler. Additionally, the structured forms will reduce application errors and the number of application updates needed after the applications have been submitted.

Affected Public: Eligible entities applying for Infrastructure Investment and Jobs Act Digital Equity Competitive Grant Program funding, including a political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in the State; Indian Tribes, Alaska Native entities, and Native Hawaiian organizations; foundations, corporations, institutions, and associations that are not-for-profit entities and not schools; community anchor institutions; local educational agencies; and entities that carry out workforce development programs; and other eligible entities (or partnerships between such entities).

Frequency: One-time submission.

Respondent's Obligation: Mandatory.

Legal Authority: Section 60305 of the Infrastructure Investment and Jobs Act of 2021, Public Law 117–58, 135 Stat. 429 (November 15, 2021).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering the title of the collection.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2024–13281 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0080 (Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before August 16, 2024.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0080 comment'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to Justin Isaac, Office of the Chief Adminsitrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7392; or by email at *justin.isaac@uspto.gov* with ''0651–0080 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Executive Order 12862 (Setting Customer Service Standards) directs Federal agencies to provide services to the public that matches or exceeds the best services available in the private sector.[1] In order to work continuously to ensure that its programs are effective and meet its customers' needs, the United States Patent and Trademark Office (USPTO) uses this generic clearance to collect qualitative feedback on its service delivery. Qualitative feedback refers to information that provides useful insights on perceptions and opinions, but is not in the form of statistical surveys which yield quantitative results that can be generalized to the population of study.

The USPTO collects, analyzes, and interprets the information gathered to identify strengths and weaknesses of current services. Based on feedback received, the USPTO will identify operational changes needed to improve programs and services. The solicitation of such feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery.

Collecting this feedback provides the USPTO with information on customer satisfaction. This feedback provides for ongoing, collaborative, and actionable communication between the USPTO and its customers and stakeholders. Additionally, it allows the USPTO to gather feedback in an efficient and timely manner. The information collected from external customers and stakeholders ensures that users have an opportunity to convey their experience with USPTO programs. This information collection also provides insights into customer or stakeholder perceptions, experiences, and expectations, which allows the USPTO to focus its attention on areas where communication, training, or changes in operations may be necessary.

This information collection covers a variety of methods used by USPTO to obtain qualitative feedback from the public. The estimated number of annual responses and burden hours being requested are based on the number of information collections the USPTO expects to conduct over the period of this clearance. Each specific request for clearance under this generic information collection includes estimates for the following information: respondent types, number of respondents, number of responses, time per response, burden hours, and associated costs.

II. Method of Collection

The methods of collection include, but are not limited to, in-person surveys, telephone interviews, questionnaires, mail and email surveys, web-based products, focus groups, and comment cards. Depending upon the particular collection, these items may be completed electronically, in person, by phone, or by mailing items to the USPTO.

III. Data

OMB Control Number: 0651–0080.

Forms: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Individuals and households.

Respondent's Obligation: Voluntary.

Estimated Number of Annual Respondents: 150,000 respondents.

Estimated Number of Annual Responses: 150,000 responses.

Frequency: On occasion.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 10 minutes (0.17 hours) to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 25,500 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $6,429,060.

With each individual survey instrument/evaluation form submitted to OMB, specific burden estimates will be provided. These estimates will include the total number of respondents, frequency of collection, average minutes/hours per response, and total burden hours.

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[1] *https://www.archives.gov/files/federal-register/executive-orders/pdf/12862.pdf.*

[2] In this information collection the USPTO uses an average of the rates for intellectual property (IP) attorneys and pro se applicants. The wage rate for IP attorneys is taken from the Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–41. The USPTO uses the average billing rate for intellectual property work in all firms which is $447 per hour (*https://www.aipla.org/home/news-publications/economic-survey*). The wage rate for pro se applicants is taken from the mean hourly wage ($57.24) for physical scientists according to the data from the Bureau of Labor Statistics' Occupational Employment and Wage Statistics (occupational code 19–2099); *https://www.bls.gov/oes/current/oes192099.htm#:~:text=19%2D2099%20Physical%20Scientists%2C%20All%20Other.*

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO INDIVIDUAL AND HOUSEHOLD RESPONDENTS

Item No.	Item	Estimated annual respondent (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [2] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	Respondents	150,000	1	150,000	0.17	25,500	$252.12	$6,429,060

Estimated Total Annual Respondent Non-Hourly Cost Burden: $0. There are no capital start-up, maintenance costs, recordkeeping costs, filing fees, or postage costs associated with this information collection.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate 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;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2024–13217 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Recording Assignments

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0027 (Recording Assignments). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before August 16, 2024.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0027 comment'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to Joyce R. Johnson, Manager, Assignment Division, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 703–756–1265 or by email at *Joyce.Johnson@uspto.gov* with ''0651–0027 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required by 35 U.S.C. 261 and 262 for patents and 15 U.S.C. 1057 and 1060 for trademarks. These statutes authorize the United States Patent and Trademark Office (USPTO) to record patent and trademark assignment documents, including transfers of properties (*i.e.,* patents and trademarks), liens, licenses, assignments of interest, security interests, mergers, and explanations of transactions or other documents that record the transfer of ownership of a particular patent or trademark property from one party to another. Assignments are recorded for applications, patents, and trademark registrations.

The USPTO administers these statutes through 37 CFR 2.146, 2.171, and 37 CFR part 3. These regulations permit the public, corporations, other federal agencies, and government-owned or government-controlled corporations to submit patent and trademark assignment documents and other documents related to title transfers to the USPTO to be recorded. In accordance with 37 CFR 3.54, the recording of an assignment document by the USPTO is an administrative action and not a determination of the validity of the document or of the effect that the document has on the title to an application, patent, or trademark.

Once the assignment documents are recorded, they are available for public inspection. The only exceptions are those documents that are sealed under secrecy orders according to 37 CFR 3.58, or related to unpublished patent applications maintained in confidence under 35 U.S.C. 122 and 37 CFR 1.14. The public uses these records to conduct ownership and chain-of-title searches. The public may view these records either at the USPTO Public Search Facility or at the National Archives and Records Administration, depending on the date they were recorded. The public may also search patent and trademark assignment information online through the USPTO website.

This information collection covers the recordation of patent and trademark assignments. In order to record an assignment, the respondent must submit an assignment document along with the appropriate cover sheet. The USPTO provides two forms for this purpose, the Recordation Form Cover Sheet—Trademarks Only (PTO–1594), and the Recordation Form Cover Sheet—Patents Only (PTO–1595), which capture all of the necessary data for accurately recording various assignments. Customers may submit assignments electronically by using Assignment Center, which is available on the USPTO website.[1] This system allows customers to fill out the required cover sheet information online using web-based forms and then attach the assignment documents to be submitted for recordation. The USPTO also provides paper forms that may be used to record an assignment. These forms may be downloaded in PDF format from the USPTO website.[2]

II. Method of Collection

The items in this information collection can be submitted electronically, or in paper form by mail or fax.

III. Data

OMB Control Number: 0651–0027.

Forms:

- PTO–1594 (Recordation Form Cover Sheet—Trademarks Only)
- PTO–1595 (Recordation Form Cover Sheet—Patents Only)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Estimated Number of Annual Respondents: 724,442 respondents.

Estimated Number of Annual Responses: 724,442 responses.

Frequency: On occasion.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 30 minutes (0.5 hours) to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 362,222 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $103,233,270.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated annual burden (hours/year) (c) × (d) = (e)	Rate [3] ($/hour) (f)	Estimated annual burden (e) × (f) = (g)
1	Patent Assignments	637,311	1	637,311	0.5 (30 minutes)	318,656	$285	$90,816,960
2	Trademark Assignments.	87,131	1	87,131	0.5 (30 minutes)	43,566	285	12,416,310
	Totals	724,442		724,442		362,222		103,233,270

Estimated Total Annual Respondent Non-hourly Cost Burden: $9,148,303. There are no capital start-up costs, maintenance costs, or recordkeeping costs associated with this information collection. However, the USPTO estimates that the total annual non-hour cost burden for this information collection, in the form of filing fees and postage, is $9,148,303.

Filing Fees

The filing fees in this information collection are listed in the table below.

TABLE 2—FILING FEES

Item No.	Fee code	Item	Estimated annual responses (a)	Estimated cost (b)	Estimated non-hour cost burden (a) × (b) = (c)
1	8021	Recording each patent assignment, agreement or other paper, per property—if not submitted electronically.	214	$50	$10,700
2	8521	Recording trademark assignment, agreement or other ownership document, first mark per document.	87,131	40	3,485,240
2	8522	Recording trademark assignment, agreement or other ownership document, second and subsequent marks in the same document.	226,081	25	5,652,025
		Totals	313,426		9,147,965

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that approximately 243 items will be submitted in the mail. The USPTO estimates that the average postage cost for a mailed submission, using a one-ounce large flat envelope mailed First Class, will be $1.39. Therefore, the USPTO estimates the total mailing costs for this information collection at $338.

[1] *https://assignmentcenter.uspto.gov.*

[2] *https://www.uspto.gov/forms/pto1595.pdf* and *https://www.uspto.gov/sites/default/files/pto1594.pdf,* respectively.

[3] In this information collection the USPTO uses an average of the rates for intellectual property attorneys and paralegals/paraprofessionals. The USPTO uses the average billing rate for intellectual property work in all firms, which is $447 per hour (*https://www.aipla.org/home/news-publications/economic-survey.* 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–41.). The USPTO uses the average billing rate for paralegals/paraprofessionals, which is $122 per hour (*https://nala.org/paralegal-info/*). 2022 National Utilization and Compensation Survey Report published by the National Association of Legal Assistants (NALA); pg. 38.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate 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;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2024–13275 Filed 6–14–24; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0021, Regulations Governing Bankruptcies of Commodity Brokers

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is announcing an opportunity for public comment on the proposed extension of the collection of certain information by the agency. Under the Paperwork Reduction Act (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection, and to allow 60 days for public comment. This notice solicits comments on the collection of information provided for by the Commission's regulations governing bankruptcies of commodity brokers.

DATES: Comments must be submitted on or before August 16, 2024.

ADDRESSES: You may submit comments, identified by OMB Control No. 3038–0021, by any of the following methods:

- The agency's website, at *https://www.cftc.gov*. Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail, above.

Please submit your comments using only one of these methods. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov*.

FOR FURTHER INFORMATION CONTACT: Robert B. Wasserman, Chief Counsel and Senior Advisor, Division of Clearing and Risk, Commodity Futures Trading Commission, (202) 418–5092; email: *rwasserman@cftc.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed extension of the collection of information listed below.

Title: Regulations Governing Bankruptcies of Commodity Brokers (OMB Control No. 3038–0021). This is a request for an extension of a currently approved information collection.[1]

Abstract: This collection of information involves the reporting, recordkeeping, and third party disclosure requirements set forth in the CFTC's bankruptcy regulations for commodity broker liquidations, 17 CFR part 190. These regulations apply to commodity broker liquidations under Chapter 7, Subchapter IV of the Bankruptcy Code.[2] The reporting requirements include, for example, notices to the Commission regarding the filing of petitions for bankruptcy and notices to the Commission regarding the intention to transfer open commodity contracts in a commodity broker liquidation. The recordkeeping requirements include, for example, the statements of customer accounts that a trustee appointed for the purposes of a commodity broker liquidation (Trustee) must generate and adjust as set forth in the regulations. The third party disclosure requirements include, for example, the disclosure statement that a commodity broker must provide to its customers containing information regarding the manner in which customer property is treated under part 190 of the Commission's regulations in the event of a bankruptcy and, in the event of a commodity broker liquidation, certain notices that a Trustee must provide to customers and to the persons to whom commodity contracts and specifically identifiable customer property have been or will be transferred. The information collection requirements are necessary, and will be used, to facilitate the effective, efficient, and fair conduct of liquidation proceedings for commodity brokers and to protect the interests of customers in these proceedings both directly and by facilitating the participation of the CFTC in such proceedings. With respect to the collections of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper

[1] There are two information collections associated with OMB Control No. 3038–0021. The first includes the reporting, recordkeeping, and third party disclosure requirements applicable to a single respondent in a commodity broker liquidation (*e.g.,* a single commodity broker or a single trustee) within the relevant time period provided for in Commission regulations 190.02(b)(1), 190.02(b)(2), 190.02(c)(1), 190.02(c)(2), 190.02(c)(4), 190.05(b), 190.05(d), 190.07(b)(5), 190.12(a)(2), 190.12(b)(1), 190.12(b)(2), 190.12(c)(1), 190.12(c)(2), and 190.14(a), and 190.14(d). The second information collection includes third party disclosure requirements that are applicable on a regular basis to multiple respondents (*i.e.,* multiple FCMs) provided for in Commission regulations 1.41, 1.43 and 1.55(p).

[2] 11 U.S.C. 761 *et seq.*

performance of the functions of the Commission, including whether the information will have a practical use;

• The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

• Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[3]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection requirements will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

Burden Statement: The Commission notes that commodity broker liquidations occur at unpredictable and irregular intervals when particular commodity brokers become insolvent. While a commodity broker liquidation has not occurred in the past three years, the Commission took the conservative approach of maintaining the assumptions contained in the previous renewal of this information collection that, on average, a Futures Commission Merchant (''FCM'') commodity broker liquidation would occur every three years and that a Derivatives Clearing Organization (''DCO'') commodity broker liquidation would occur every fifty years. The Commission generally has retained the burden hour estimates set forth in the previous information collection as there have been no interim experiences nor are there currently apparent circumstances that would warrant altering those estimates. The Commission further notes, however, that the information collection burden will vary in particular commodity broker liquidations depending on the size of the commodity broker, the extent to which accounts are able to be quickly transferred, and other factors specific to the circumstances of the liquidation.

The respondent burden for this information collection is estimated to be as follows: [4]

• **Reporting—FCMs** [5]

Estimated Number of Respondents: 1.
Estimated Annual Number of Responses per Respondent: 1.
Estimated Total Annual Number of Responses: 1.
Estimated Annual Number of Burden Hours per Respondent: 1.
Estimated Total Annual Burden Hours: 1.
Type of Respondents: FCM commodity brokers who have filed a petition in bankruptcy, Trustees.
Frequency of Collection: On occasion.

• **Recordkeeping—FCMs** [6]

Estimated Number of Respondents: 1.
Estimated Annual Number of Responses per Respondent: 26,666.67.
Estimated Total Annual Number of Responses: 26,666.67.
Estimated Annual Number of Burden Hours per Respondent: 266.67.
Estimated Total Annual Burden Hours: 266.67.
Type of Respondents: Trustees.
Frequency of Collection: Only during the pendency of an FCM bankruptcy: daily and on occasion.

• **Third Party Disclosures Applicable to a Single Respondent—FCMs** [7]

Estimated Number of Respondents: 1.
Estimated Annual Number of Responses per Respondent: 10,003.32.
Estimated Total Annual Number of Responses: 10,003.32.
Estimated Annual Number of Burden Hours per Respondent: 1,336.66.
Estimated Total Annual Burden Hours: 1,336.66.
Type of Respondents: Trustees.
Frequency of Collection: On occasion.

• **Reporting—DCOs** [8]

Estimated Number of Respondents: [9] 1.
Estimated Annual Number of Responses per Respondent: 1.
Estimated Total Annual Number of Responses: 1.
Estimated Annual Number of Burden Hours per Respondent: 2.98.
Estimated Total Annual Burden Hours: 0.61.
Type of Respondents: DCO commodity brokers who have filed a petition in bankruptcy, Trustees.
Frequency of Collection: On occasion.

• **Recordkeeping—DCOs** [10]

Estimated Number of Respondents: 1.
Estimated Annual Number of Responses per Respondent: 9.
Estimated Total Annual Number of Responses: 9.
Estimated Annual Number of Burden Hours per Respondent: 0.9.
Estimated Total Annual Burden Hours: 0.9.
Type of Respondents: Trustees.
Frequency of Collection: Only during the pendency of a DCO bankruptcy: daily.

• **Third Party Disclosures Applicable to a Single Respondent—DCOs** [11]

Estimated Number of Respondents: 1.
Estimated Annual Number of Responses per Respondent: 0.9.
Estimated Total Annual Number of Responses: 0.9.
Estimated Annual Number of Burden Hours per Respondent: 0.18.
Estimated Total Annual Burden Hours: 0.18.
Type of Respondents: Trustees.
Frequency of Collection: On occasion.

• **Third Party Disclosures Applicable to Multiple Respondents During Business as Usual** [12]

Estimated Number of Respondents: 125.

[3] 17 CFR 145.9.

[4] Because an FCM commodity broker liquidation is estimated to occur only once every three years, this information collection expresses such burdens in terms of those that would be imposed on *one* respondent during the three-year period.

[5] The reporting requirements for FCMs are contained in Commission regulations 190.03(b)(1) and 190.03(b)(2).

[6] The recordkeeping requirements for FCMs are contained in Commission regulations 190.05(b) and 190.05(d).

[7] These third party disclosure requirements are contained in Commission regulations 190.03(c)(1), 190.03(c)(2), 190.02(c)(4), and 190.07(b)(5).

[8] The reporting requirements for DCOs are contained in Commission regulations 190.12(a)(2), 190.12(b)(1), 190.12(b)(2), 190.12(c)(1), and 190.12(c)(2).

[9] Because a DCO commodity broker liquidation is estimated to occur only once every fifty years, this information collection expresses such burdens in terms of those that would be imposed on one respondent during the fifty-year period.

[10] The recordkeeping requirements for DCOs are contained in Commission regulation 190.14(d).

[11] The third-party disclosure requirements for DCOs are contained in Commission regulation 190.14(a).

[12] The third-party disclosure requirements that are applicable on a regular basis to multiple respondents (*i.e.,* multiple FCMs) are contained in Commission regulations 1.41, 1.43 and 1.55(p).

Estimated Annual Number of Responses per Respondent: 3,000.

Estimated Total Annual Number of Responses: 375,000.

Estimated Annual Number of Burden Hours per Respondent: 60.

Estimated Total Annual Burden Hours: 7,500.

Type of Respondents: FCMs.

Frequency of Collection: On occasion.

There are no new capital or start-up or operations costs associated with this information collection, nor are there any maintenance costs associated with this information collection.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 12, 2024.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2024–13254 Filed 6–14–24; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; From Seedlings to Scale Grant Program and Research Networks Focused on Critical Problems of Education Policy and Practice

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2025 for the Education Research Grant Programs.

DATES:

Application Packages Available: June 20, 2024.

Deadline for Transmittal of Applications: August 15, 2024.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs.*

FOR FURTHER INFORMATION CONTACT: Erin Higgins. Telephone: 202–987–1531. Email: *erin.higgins@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: In awarding research grants, the Institute of Education Sciences (IES) intends to provide national leadership in expanding knowledge and understanding of (1) education outcomes for all learners from early childhood education through postsecondary and adult education, and (2) employment and wage outcomes when relevant (such as for those engaged in career and technical, postsecondary, or adult education). The IES research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners. These interested individuals include parents, educators, learners, researchers, and policymakers. In carrying out its grant programs, IES provides support for programs of research in areas of demonstrated national need.

Assistance Listing Numbers: 84.305I and 84.305N.

OMB Control Number: 4040–0001.

Competitions in This Notice:

The IES National Center for Education Research (NCER) is announcing two competitions: From Seedlings to Scale and Research Networks Focused on Critical Problems of Education Policy and Practice. We published a request for information in the **Federal Register** on October 12, 2023 (88 FR 70652) describing the purpose and goals for the From Seedlings to Scale program.

From Seedlings to Scale (ALN 84.305I). Through this program, IES will invest in innovative products, policies, and processes within an identified focus area through three phases of increasing funding and time duration to support ideas as they grow from seedlings to scalable solutions. In this notice, IES is inviting applications to Phase One. During this initial phase, teams will clarify their understanding of the problem, refine their solution—which could be a product, policy, or process—through engagement with relevant stakeholders, and build out a detailed plan for further research and development (R&D). Phase One teams will apply for Phase Two funding and will need to provide a compelling rationale generated from the Phase One work that the idea is worth further investment and a detailed R&D plan for how they will develop their idea into a scalable solution and generate evidence of impact. Teams that move onto Phase Two will develop their concept into a fully functioning initial version of the solution. IES may, at its discretion, support additional work in Phase Three. This third phase would focus on evaluating the impact of the solution across multiple settings and contexts and laying the foundation to scale the solution to users. Additional information about the phased nature of this competition is provided in the request for applications (RFA). Projects will incorporate high-quality research, solution development, and attention to sustainability and scaling throughout all phases. For the FY 2025 competition, NCER will consider only applications that address the following topic:

- Phase One projects for the Seamless Personalized Education Experiences Delivered at Scale (SPEED at Scale) focus area. The SPEED at Scale focus area aims to develop innovative solutions that allow teachers to seamlessly provide personalized instruction for PreK–12 grade students.

Research Networks Focused on Critical Problems of Education Policy and Practice (ALN 84.305N). For the FY 2025 competition, NCER will only consider applications that address the following topic:

- Accelerate, Transform, Scale (ATS) Initiative Hub. The ATS Initiative supports education R&D to create scalable solutions to improve education outcomes for all learners and eliminate persistent achievement and attainment gaps. The ATS Initiative Hub will support the establishment of new ATS Initiative programs and provide high-level support to IES in coordinating existing programs that fall under this new initiative.

Multiple Submissions: You may submit applications to more than one of the FY 2025 research grant programs offered through the Department, including those offered through IES as well as those offered through other offices and programs within the Department. You may submit multiple applications to each IES grant program announced here as long as they address different key issues, programs, or policies. However, you may submit a given application only once for the IES FY 2025 grant competitions, meaning you may not submit the same application or similar applications to multiple grant programs within IES, to multiple topics within a grant competition, or multiple times within the same topic. If you submit multiple similar applications, IES will determine whether and which applications will be accepted for review and/or will be eligible for funding. In addition, if you submit the same or similar application

to IES and to another funding entity within or external to the Department and receive funding for the non-IES application prior to IES scientific peer review of applications, you must withdraw the same or similar application submitted to IES, or IES may otherwise determine you are ineligible to receive an award. If reviews are happening concurrently, IES staff will consult with the other potential funder to determine the degree of overlap and which entity will provide funding if both applications are being considered for funding.

Exemption from Proposed Rulemaking: Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, IES is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on matters relating to grants.

Program Authority: 20 U.S.C. 9501 *et seq.*

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, 75.230, 75.250(a), and 75.708. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Guidance for Federal Financial Assistance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to these competitions.

Note: The Department will implement the provisions in the OMB final rule *OMB Guidance for Federal Financial Assistance,* which amends 2 CFR parts 25, 170, 175, 176, 180, 182, 183, 184, and 200, on October 1, 2024. Grant applicants that anticipate a performance period start date on or after October 1, 2024 should follow the provisions in the *OMB Guidance for Federal Financial Assistance* (89 FR 30046) when preparing an application. For more information about these updated regulations please visit: *www.cfo.gov/resources/uniform-guidance/.*

II. Award Information

Types of Awards: Discretionary grants and cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2025, IES is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action. IES may announce additional competitions later in 2024.

Estimated Range of Awards:

From Seedlings to Scale (SPEED at Scale Phase One): $300,000 to $500,000 for the entire project period of 1 year.

ATS Initiative Hub: $500,0000 to $1,500,000 annually across an entire project period of 5 years.

The size of the awards will depend on the scope of the projects proposed.

Estimated Number of Awards: The number of awards made under each competition will depend on the quality of the applications received for that competition and the availability of funds.

IES may waive any of the following limits on awards in the special case that the peer review process results in a tie between two or more grant applications, making it impossible to adhere to the limits without funding only some of the equally ranked applications. In that case, IES may make a larger number of awards to include all applications of the same rank.

For the From Seedlings to Scale grant program (ALN 84.305I), we intend to fund up to 12 Phase One SPEED at Scale teams. However, should funding be available, we may consider making additional awards to high-quality applications that remain unfunded after 12 awards are made.

For the Research Networks Focused on Critical Problems of Education Policy and Practice (ALN 84.305N), we intend to fund one ATS Initiative Hub team.

Note: The Department is not bound by any estimates in this notice.

Project Period:

From Seedlings to Scale (Phase One): Up to 1 year.

ATS Initiative Hub: Up to 5 years.

III. Eligibility Information

1. *Eligible Applicants:* Eligible applicants are organizations that have the demonstrated ability and capacity to conduct rigorous research and development. Eligible applicants include, but are not limited to, institutions of higher education and non-profit, for-profit, public, or private entities.

2. a. *Cost Sharing or Matching:* The competitions in this notice do not require cost sharing or matching.

b. *Indirect Cost Rate Information:* These programs use an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c) a grantee under these competitions may award subgrants—to directly carry out project activities described in its application—to the following types of entities: nonprofit and for-profit organizations and public and private agencies and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs,* which contain requirements and information on how to submit an application.

2. *Other Information:* Information regarding program and application requirements for the competitions can be found in the currently available IES Application Submission Guide and in the NCER Request for Applications (RFA), which will be available on or before June 20, 2024, on the IES website at: *https://ies.ed.gov/funding/.* The application packages for these competitions will also be available on or before June 20, 2024.

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times:* The deadline date for transmittal of applications for each competition is August 15, 2024.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at *https://ies.ed.gov/director/sro/peer_review/application_review.asp.*

For the 84.305I competition, peer reviewers will evaluate the breakthrough potential, R&D strategy, and team capacity.

For the 84.305N competition, peer reviewers will evaluate the ATS Initiative hub activities, personnel, and resources.

For all IES competitions, applications must include budgets no higher than the relevant maximum award as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, IES may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, compliance with the IES policy regarding public access to research, and compliance with grant conditions. IES may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, IES requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under these competitions, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, IES may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under these competitions to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the OMB's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We also may notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under a competition announced in this notice, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by IES. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by IES under 34 CFR 75.118. IES may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* To evaluate the overall success of its education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early

science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to academic and post-academic success. Employment and earnings outcomes include hours of employment, job stability, and wages and benefits, and may be measured in addition to student academic outcomes.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, IES considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; whether a grantee is in compliance with the IES policy regarding public access to research; and if IES has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, IES also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the relevant program contact person listed in **FOR FURTHER INFORMATION CONTACT**, as well as in the relevant RFA and application package, individuals with disabilities can obtain this document and a copy of the RFA in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Matthew Soldner,

Acting Director, Institute of Education Sciences.

[FR Doc. 2024–13268 Filed 6–14–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0081]

Agency Information Collection Activities; Comment Request; Impact Aid Electronic Data Collection (EDC) Program Questionnaire

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before August 16, 2024.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2024–SCC–0081. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Brake, 202–453–6136.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Impact Aid Electronic Data Collection (EDC) Program Questionnaire.

OMB Control Number: 1810–0764.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 30.

Total Estimated Number of Annual Burden Hours: 8.

Abstract: The Impact Aid Program (IAP) in the Office of Elementary and Secondary Education (OESE) at the U.S. Department of Education (ED) requests an extension without change of the U.S. Office of Management and Budget (OMB) collection 1810–0764 for the Electronic Data Collection (EDC) Program Questionnaire. Local educational agencies (LEAs) are

required to annually submit federally connected student count data with the grant application for Section 7003 Payments for Federally Connected Children. Traditionally, LEAs have used paper survey forms to collect this information. However, the IAP has allowed LEAs to demonstrate that they can successfully collect this information electronically through student information systems (SIS). IAP has created a questionnaire to help LEAs and IAP determine if the electronic data collection can meet the statutory and regulatory requirements to successfully count their federally connected student counts.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–13283 Filed 6–14–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0055]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Pell Grant Reporting Under the Common Origination and Disbursement (COD) System

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 17, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 570–8414.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Pell Grant Reporting under the Common Origination and Disbursement (COD) System.

OMB Control Number: 1845–0039.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 5,909,584.

Total Estimated Number of Annual Burden Hours: 413,671.

Abstract: The Federal Pell Grant (Pell Grant) program is a student financial assistance program authorized under the Higher Education Act of 1965, as amended (HEA). The program provides grant assistance to an eligible student attending an institution of higher education. The institution determines the students award and disburses program funds on behalf of the Department of Education (the Department). Institutions are required to report student Pell Grant payment information to the Department electronically. Electronic reporting is conducted through the Common Origination and Disbursement (COD) system. The COD system is used by institutions to request, report, and reconcile grant funds received from the Pell Grant program. The Department uses the information collected in the COD system to aid in ensuring compliance with fiscal and administrative requirements under the HEA for the Pell Grant program and under 34 CFR 690 for the Pell Grant program regulations. This is a request for an extension of the current information collection.

Dated: June 11, 2024.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–13199 Filed 6–14–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of a modification to an existing Privacy Act system of records. DOE proposes to amend System of Records DOE–4 Form EIA–457 Survey Reports, Residential Energy Consumption Survey (RECS). This System of Records Notice (SORN) is being modified to align with new formatting requirements, published by OMB, and to ensure appropriate Privacy Act coverage of business processes and Privacy Act information. In ''Categories of Records,'' the following data elements have been changed: ''family size and composition'' has been changed to ''number of household members'' and ''number of children in the household.'' Similarly, ''identification number'' has been changed to ''utility or energy supplier account number associated with the address.'' ''Characteristics of household'' has been changed to ''physical and structural characteristics of housing unit,'' and ''names and addresses of energy suppliers'' has been changed to names and addresses of household energy suppliers.'' Additional categories of records include: ''email address'', ''geolocation of address'', ''education level'', and ''challenges the household may have had paying energy bills.'' While there are no substantive changes to the ''Categories of Individuals'' section covered by this SORN, substantive changes have been made to the ''System Locations,'' ''Routine Uses,'' and ''Administrative, Technical and Physical Safeguards'' sections to provide greater transparency. Changes to ''Routine Uses'' include new

provisions related to responding to breaches of information held under a Privacy Act SORN as required by OMB's Memorandum M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information'' (January 3, 2017). Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

DATES: This modified SORN will become applicable following the end of the public comment period on July 17, 2024 unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503 and to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at *privacy@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm. 8H–085, Washington, DC 20585 or by facsimile at (202) 586–8151, by email at *privacy@hq.doe.gov,* or by telephone at (240) 686–9485.

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act systems of records, which included System of Records DOE–4 Form EIA–457 Survey Reports, Residential Energy Consumption Survey (RECS). This notice proposes the following amendments. In the ''Routine Uses'' section, this modified notice deletes a previous routine use concerning efforts responding to a suspected or confirmed loss of confidentiality of information as it appears in DOE's compilation of its Privacy Act systems of records (January 9, 2009) and replaces it with one to assist DOE with responding to a suspected or confirmed breach of its records of Personally Identifiable Information (PII), modeled with language from OMB's Memorandum M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information'' (January 3, 2017). Further, this notice adds one new routine use to ensure that DOE may assist another agency or entity in responding to the other agency's or entity's confirmed or suspected breach of PII, as appropriate, as aligned with OMB's Memorandum M–17–12. An administrative change required by the FOIA Improvement Act of 2016 extends the length of time a requestor is permitted to file an appeal under the Privacy Act from 30 to 90 days. Both the ''System Locations'' and ''Administrative, Technical and Physical Safeguards'' sections have been modified to reflect the Department's usage of cloud-based services for records storage. Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

SYSTEM NAME AND NUMBER:

DOE–4 Form EIA–457 Survey Reports, Residential Energy Consumption Survey (RECS).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Systems leveraging this SORN may exist in multiple physical or cloud locations. All systems storing records in a cloud-based server are required to use government-approved cloud services and follow National Institute of Standards and Technology (NIST) security and privacy standards for access and data retention. Records maintained in a government-approved cloud server are accessed through secure data centers in the continental United States.

U.S. Department of Energy, Energy Information Administration (EIA), 1000 Independence Avenue SW, Washington, DC 20585.

SYSTEM MANAGER(S):

Headquarters: Administrator, Energy Information Administration, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

PURPOSE(S) OF THE SYSTEM:

Records in this system are used and maintained by DOE to estimate household energy characteristics, consumption, and expenditures. The information also is used for analyzing changes in the residential sector and projecting future energy consumption and cost.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons responding to the Form EIA–457, Residential Energy Consumption Survey (RECS) and associated respondent pretesting activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, telephone number, email address, respondent home address, geolocation of address, utility or energy supplier account number associated with the address, energy program benefit data, age, gender, race, ethnicity, household income, education level, number of household members, number of children in the household, challenges the household may have had paying energy bills, fuels used, physical and structural characteristics of housing unit, possession of electric and hybrid vehicles, name and address of property owner, names and addresses of household energy suppliers, and records of energy purchases.

RECORD SOURCE CATEGORIES:

The subject household residents and energy supply companies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties.

2. A record from this system may be disclosed to other federal government agencies or contractors working on their behalf under a written agreement to maintain the confidentiality of the record, to use the information for exclusively statistical purposes, and to use the information consistent with the purpose cited above. Those provided information under the routine uses are subject to the Privacy Act.

3. A record from this system may be disclosed as a routine use to a member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The member of Congress must provide a copy of the constituent's signed request for assistance.

4. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or

confirmed breach or to prevent, minimize, or remedy such harm.

5. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored as paper records or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, home address and latitude and longitude of the address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration approved records disposition schedule with a 5-year retention.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on identity, credential, and access management (ICAM). Additionally, access policies are based on NIST guidance. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.
- *Technical:* Computerized records systems are safeguarded on Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.
- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records are locked in file cabinets, file rooms, or offices and are under the control of authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in 10 CFR 1008.4. Valid identification of the individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is processed, given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words ''PRIVACY ACT APPEAL'' should appear in capital letters on the envelope and the letter. Appeals relating to DOE records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, 10 CFR part 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was last published in the **Federal Register**, 74 FR 1002–1003, on January 9, 2009.

Signing Authority

This document of the Department of Energy was signed on June 11, 2024, by Ann Dunkin, Senior Agency Official for Privacy, 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 12, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–13259 Filed 6–14–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

21st Century Energy Workforce Advisory Board

AGENCY: Office of Energy Jobs, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open virtual meeting for members and the public of the 21st Century Energy Workforce Advisory Board (EWAB). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, July 9, 2024; 12 to 12:30 p.m. EDT.

ADDRESSES: Virtual meeting:

Registration to participate remotely is available: *https://doe.webex.com/doe/j.php?MTID=mc40277e258098582cc63ba997e31104e.*

The meeting information will be posted on the 21st Century Energy Workforce Advisory Board website at: *https://www.energy.gov/policy/21st-*

century-energy-workforce-advisory-board-ewab and can also be obtained by contacting *EWAB@hq.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Maya Goodwin, Acting Designated Federal Officer, EWAB; email: *EWAB@hq.doe.gov* or at 240–597–8804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The 21st Century Energy Workforce Advisory Board (EWAB) advises the Secretary of Energy in developing a strategy for the Department of Energy (DOE) to support and develop a skilled energy workforce to meet the changing needs of the U.S. energy system. It was established pursuant to section 40211 of the Infrastructure Investment and Jobs Act (IIJA), Public Law 117–58 (42 U.S.C. 18744) in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10. This is the eighth meeting of the EWAB.

Tentative Agenda: The meeting will start at 12 p.m. Eastern Time on July 9th, 2024. The tentative meeting agenda includes roll call, discussion of the Board's upcoming report, and public comments. The meeting will conclude at approximately 12:30 p.m.

Public Participation: The meeting is open to the public via a virtual meeting option. Individuals who would like to attend must register for the meeting here: *https://doe.webex.com/doe/j.php?MTID=mc40277e258098582cc63ba997e31104e*.

It is the policy of the EWAB to accept written public comments no longer than 5 pages and to accommodate oral public comments, whenever possible. The EWAB expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. The public comment period for this meeting will take place on July 9, 2024, at a time specified in the meeting agenda. This public comment period is designed only for substantive commentary on the EWAB's work, not for business marketing purposes. The Designated Federal Officer will conduct the meeting to facilitate the orderly conduct of business.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak by contacting *EWAB@hq.doe.gov* no later than 12 p.m. Eastern Time on July 5, 2024. To accommodate as many speakers as possible, the time for public comments will be limited to three (3) minutes per person, with a total public comment period of up to 15 minutes. If more speakers register than there is space available on the agenda, the EWAB will select speakers on a first-come, first-served basis from those who applied. Those not able to present oral comments may always file written comments with the Board.

Written Comments: Although written comments are accepted continuously, written comments relevant to the subjects of the meeting should be submitted to *EWAB@hq.doe.gov* no later than 12 p.m. Eastern Time on July 5, 2024, so that the comments may be made available to the EWAB members prior to this meeting for their consideration. Please note that because EWAB operates under the provisions of FACA, all public comments and related materials will be treated as public documents and will be made available for public inspection, including being posted on the EWAB website.

Minutes: The minutes of this meeting will be available on the 21st Century Energy Workforce Advisory Board website at *https://www.energy.gov/policy/21st-century-energy-workforce-advisory-board-ewab* or by contacting Maya Goodwin at *EWAB@hq.doe.gov*.

Signing Authority: This document of the Department of Energy was signed on June 11, 2024, by David Borak, Committee Management Officer, 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 12, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–13234 Filed 6–14–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15306–000]

Premium Energy Holdings, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 15, 2023, Premium Energy Holdings, LLC, 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 to be located approximately 40 miles northeast of the City of Bakersfield in Kern County, California. The proposed project would occupy Federal land managed by the Bureau of Land Management and the U.S. Forest Service. 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 use the existing 568,000-acre-foot Isabella Reservoir, operated by the U.S. Army Corps of Engineers, as its lower reservoir and would include one of three new upper reservoir alternatives: Fay Reservoir, Cane Reservoir, and Erskine Reservoir.

The Fay Reservoir Alternative would consist of the following new facilities: (1) a 135-acre Fay Reservoir with a storage capacity of 19,073 acre-feet at a maximum surface elevation of 5,960 feet above mean sea level (msl); (2) a 1,814-foot-long, 650-foot-high roller compacted concrete dam; (3) a 0.89-mile-long, 26-foot-diameter concrete-lined headrace tunnel; (4) a 0.21-mile-long, 23-foot-diameter concrete-lined vertical shaft; (5) a 6.22-mile-long, 23-foot-diameter concrete-lined horizontal shaft; (6) five 0.09-mile-long, 15-foot-diameter penstocks; (7) a 500-foot-long, 125-foot-wide, 150-foot-high concrete powerhouse containing five pump-turbine generator units rated at 560 megawatts each; (8) a 1.29-mile-long, 28-foot-diameter tailrace tunnel; and (9) appurtenant facilities. The average annual energy production of the proposed project is estimated to be approximately 6,900 gigawatt-hours.

The Cane Reservoir Alternative would consist of the following new facilities: (1) a 185-acre Cane Reservoir with a storage capacity of 29,770 acre-feet at a

maximum surface elevation of 4,740 feet msl; (2) a 3,167-foot-long, 470-foot-high roller compacted concrete dam; (3) a 0.53-mile-long, 32-foot-diameter concrete-lined headrace tunnel; (4) a 0.12-mile-long, 29-foot-diameter concrete-lined vertical shaft; (5) a 3.66-mile-long, 29-foot-diameter concrete-lined horizontal shaft; (6) five 0.05-mile-long, 18-foot-diameter penstocks; (7) a 500-foot-long, 125-foot-wide, 150-foot-high concrete powerhouse containing five pump-turbine generator units rated at 560 megawatts each; (8) a 0.76-mile-long, 34-foot-diameter tailrace tunnel; and (9) appurtenant facilities. The average annual energy production of the proposed project is estimated to be approximately 6,900 gigawatt-hours.

The Erskine Reservoir Alternative would consist of the following new facilities: (1) a 400-acre Erskine Reservoir with a storage capacity of 34,459 acre-feet at a maximum surface elevation of 4,500 feet msl; (2) a 2,685-foot-long, 370-foot-high roller compacted concrete dam; (3) a 0.92-mile-long, 34-foot-diameter concrete-lined headrace tunnel; (4) a 0.21-mile-long, 30-foot-diameter concrete-lined vertical shaft; (5) a 6.44-mile-long, 30-foot-diameter concrete-lined horizontal shaft; (6) five 0.09-mile-long, 19-foot-diameter penstocks; (7) a 500-foot-long, 125-foot-wide, 150-foot-high concrete powerhouse containing five pump-turbine generator units rated at 560 megawatts each; (8) a 1.34-mile-long, 36-foot-diameter tailrace tunnel; and (9) appurtenant facilities. The average annual energy production of the proposed project is estimated to be approximately 6,900 gigawatt-hours.

The proposed project would interconnect to the grid at either Southern California Edison's Kernville-Isabella or Isabella-Weldon transmission lines via a 26- to 28-mile-long 500-kilovolt project transmission line.

Applicant Contact: Mr. Victor Rojas, Premium Energy Holdings, LLC, 355 South Lemon Ave., Suite A, Walnut, CA 91789; *victor.rojas@pehllc.net;* phone: (909) 595–5314.

FERC Contact: Everard Baker; email: *everard.baker@ferc.gov;* phone: (202) 502–8554.

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 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/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/.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: Secretary Kimberly Bose, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15306–000.

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 *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15306) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13286 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24–2220–000]

FL Solar 7, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of FL Solar 7, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 1, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is

available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13289 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 943–149]

Public Utility District No. 1 of Chelan County; Notice of Application Accepted for Amendment 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:* 943–149.

c. *Date Filed:* February 29, 2024.

d. *Applicant:* Public Utility District No. 1 of Chelan County.

e. *Name of Project:* Rock Island Hydroelectric Project.

f. *Location:* The project is located on the Columbia River in Chelan County, Washington and occupies Federal land managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Martha Whiteman, 327 N Wenatchee Avenue, Wenatchee, WA 98807, (509) 661–4148, *martha.whiteman@chelanpud.org.*

i. *FERC Contact:* Sophie Katz, (202) 502–8216, *sophia.katz@ferc.gov.*

j. *Cooperating Agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* July 10, 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–943–149. 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.

l. *Description of Request:* The applicant proposes to adjust the project boundary to allow the City of Wenatchee, Washington to construct a new transportation corridor that would encompass land within the Horan Natural Area and Wenatchee Confluence State Park. The applicant also seeks to add portions of Wenatchee Confluence State Park to the project boundary to relocate a ranger residence, shop, and yard that would be moved from their current locations to facilitate the construction of the transportation corridor. The application further requests to amend the Recreation Plan to realign a portion of the Apple Capital Loop trail in the Horan Natural Area to remain within the project boundary if the administrative change is approved, and to remove the pedestrian bridge from the Recreation Plan as the proposed transportation corridor includes pedestrian access over the Wenatchee River.

m. *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.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *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.

p. *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.

q. 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 10, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13180 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24–2219–000]

CED Westside Canal Battery Storage, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of CED Westside Canal Battery Storage, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 1, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13290 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15110–000]

Littoral Power Systems, Inc.; Notice of Application for Amendment of Preliminary Permit Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

On June 7, 2024, Littoral Power Systems, Inc. filed a request to amend its preliminary permit issued June 1, 2021, for the Kootznahoo Inlet Tidal Power Project. The proposed project would be located near the City of Angoon, in Hoonah-Angoon Borough, Alaska.

During its current permit term, Littoral Power Systems has conducted studies and surveys of the project area and has identified additional areas of interest outside of the approved project boundary. Littoral Power Systems requests an amendment to its existing permit to revise the project boundary to include the newly identified areas. The additional areas would increase the current project boundary by approximately 0.4 square miles.

Applicant Contact: Stephen Barrett, 1596 Main Street, Concord, Massachusetts 01742; phone: (339) 234–2696; email: *steve@barrettenergygroup.com.*

FERC Contact: Ryan Hansen; phone: (202) 502–8074; email: *ryan.hansen@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 30 days from the issuance of this notice.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please

contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, you may submit a paper request. 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.

More information about this project, including a copy of the amendment application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15110) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13287 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–468–000]

Texas Gas Transmission, LLC, Gulf Pipeline Company, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Eunice Reliability and Lake Charles Supply Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the Eunice Reliability and Lake Charles Supply Project (Project) consisting of the replacement and expansion of compression facilities at Texas Gas Transmission, LLC's (Texas Gas) Eunice Compressor Station in Acadia Parish, Louisiana and the installation of overpressure protection at Texas Gas's existing Woodlawn Valve Station in Jefferson Davis Parish, Louisiana. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the NEPA Process and Environmental Document section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC, on or before 5 p.m. eastern time on July 10, 2024. Comments may be submitted in written form. Further details on how to submit comments are provided in the Public Participation section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments received during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on May 8, 2024, you would need to file those comments in Docket No. CP24–468–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with State law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Texas Gas provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas, Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP24–468–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory

Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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.*

Summary of the Proposed Project

Texas Gas and Gulf South Pipeline Company, LLC (Gulf South) (collectively referred to herein as ''Applicants'') propose to replace and expand compression facilities at Texas Gas's existing Eunice Compressor Station in Acadia Parish, Louisiana and install overpressure protection at Texas Gas's existing Woodlawn Valve Station in Jefferson Davis Parish, Louisiana.

Specifically, the Project would consist of the replacement and expansion of the following Texas Gas facilities:

1. replace the existing reciprocating compressor units (consisting of four 1,100 horsepower (HP) units and one 2,250 HP unit, totaling 6,650 HP) with a new Solar T70 and T60 (8,968 HP and 6,391 HP, respectively, totaling 15,359 HP site rated) along with the installation of the associated gas cooling, suction and discharge piping, and other necessary appurtenant, auxiliary facilities at its existing Eunice Compressor Station in Acadia Parish, Louisiana;

2. install over pressure protection at its existing Woodlawn Valve Station located in Jefferson Davis Parish, Louisiana; and

3. abandon by capacity lease 120,000 dekatherms per day (Dth/d) of capacity to Gulf South under section 7(b) of the NGA. Gulf South requests to acquire, by capacity lease, 120,000 Dth/d of capacity on the Texas Gas system under section 7(c) of the NGA. Texas Gas also requests any necessary authorization pursuant to NGA section 7(b) to abandon in place the existing reciprocating units at the Eunice Compressor Station, which will be replaced.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Replacement and Expansion of the proposed facilities would disturb a total of 44.1 acres of land during construction, of which 8.3 acres would be permanently impacted during operation of the Project. Following construction activities, approximately 35.8 acres of land consisting of those areas necessary to facilitate construction, including the construction right-of-way for the suction/discharge liens, access roads, and temporary workspaces at aboveground facilities would be restored to approximate pre-construction conditions. Permanent impact areas totaling approximately 8.3 acres, will be associated with the new maintained pipeline right-of-way for the suction/discharge pipeline, the aboveground facilities located at Texas Gas existing Woodlawn Valve Station and at Texas Gas existing Eunice Compressor Station.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- environmental justice;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary[2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at 40 CFR 1501.8.

with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian Tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP24–468–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: June 10, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13182 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

[4] The Advisory Council on Historic Preservation's regulations are at 36 CFR part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15345–000]

Nightfall Renewables Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 26, 2024, Nightfall Renewables Inc., 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 Maxwell Pumped Storage Project to be located in Kern County, California near Rosamond, California. The proposed 3,600-megawatt closed-loop project would occupy federal land managed by the Bureau of Land Management. The sole purpose of a preliminary permit 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: (1) four new roller-compacted concrete or rockfill dams upper dams and reservoirs, and 36 lower reservoirs, excavated from rock consisting of 16 ''rooms'', each 50 feet wide, 70 feet high, and 200 feet-long; (2) four 3,000-feet-long/deep, 24-foot-diameter concrete lined, vertical headrace shafts; (3) nine 20-foot-wide, 20-foot-high headrace tunnels averaging 5,150 feet long; (4) thirty six 12-foot-diameter, 160-foot-long steel penstock pipes at the powerhouse turbine level; (5) twelve 300-foot-long, 100-foot-wide, 230-foot-high powerhouses excavated from rock approximately 5,000 feet below surface; (6) a transformer room 36 feet wide, 25 feet high, and 190 feet long located approximately 260 feet above each powerhouse; (7) thirty six sets of 18-foot-wide, 16-foot-high, 435-foot-long unlined turbine tailraces; foot-wide, 16-foot-high, 410-foot-long on average unlined pump intake tailraces; and 12-foot-diameter, 200-foot-long steel pipe pump discharge tailraces; (8) two access ramps and 35 access tunnels, all approximately 18 feet wide and 16 feet high, totaling approximately 105,000 feet in length; (9) an approximately 5,560-foot-long, 1,780-foot-wide, 160-acre rock pad; (10) a new 9.5-mile-long, 8-inch-diameter pipe connecting the project to an existing untreated water pipe; and (11) two new 500-foot-long, 100-foot-wide pre-fabricated steel buildings.

Upper reservoir dam 1 would be approximately 1,740 feet long and 40 feet wide at the crest, creating upper reservoir 1, with a surface area of approximately 29.1 acres, a storage capacity of approximately 2,420 acre-feet, and a surface elevation of 5,120 feet above mean sea level (msl). Upper reservoir dam 2 would be approximately 1,300 feet long and 40 feet wide at the crest, creating upper reservoir 2, with a surface area of approximately 27.1 acres, a storage capacity of approximately 2,760 acre-feet, and a surface elevation of 4,920 feet msl. Upper reservoir dam 3 will be approximately 1,280 feet long and 60 feet wide at the crest, creating upper reservoir 3, with a surface area of approximately 26.6 acres, a storage capacity of approximately 2,435 acre-feet, and a surface elevation of 4,880 feet msl. Upper reservoir dam 4 will be approximately 1,120 feet long and 60 feet wide at the crest, creating upper reservoir 4, with a surface area of approximately 24.3 acres, a storage capacity of approximately 2,385 acre-feet, and a surface elevation of 4,720 feet MSL.

A new substation (Maxwell Substation) would be constructed, bifurcating two existing Southern California Edison (SCE) 500-kilovolt (kV) single-circuit transmission lines. A second transmission line would be constructed from the Maxwell Substation to the SCE Whirlwind Substation. A new 3.5-mile-long 500-kV double-circuit transmission line would

be constructed from the Maxwell Substation to connect to the powerhouses. A sub-surface line would connect to the underground powerhouse transformers. The estimated annual energy production of the proposed project would be approximately 14,000,000 megawatt-hours.

Applicant Contacts: Mr. Benjamin Wayne Mossman, Chief Executive Director, Nightfall Renewable Resources 30001 Lava Ridge Court, Suite 120, Roseville, CA 95661; email: *bmossman@nightfallrenewables.com;* phone (530) 557–9524.

FERC Contact: Benjamin Mann; email; *benjamin.mann@ferc.gov;* phone (202) 502–8127.

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 filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.* Comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications should be submitted within 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 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.* For assistance, please get in touch with FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll-free), or (202) 502–8659 (TTY). Instead of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15345–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's website at *https://elibrary.ferc.gov/eLibrary/search.* Enter the docket number (P–15345) in the docket number field to access the document. For assistance, do not hesitate to get in touch with FERC Online Support.

Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13285 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM01–5–000]

Electronic Tariff Filings; Notice of Revisions to eTariff

Take notice that on September 30, 2024, the Commission will implement revisions to the eTariff program to enhance the capabilities of the system by enabling filing pipelines and utilities to identify the correct lead applicants for a proceeding and to have more flexibility in the programs used to create and file tariffs by filing tariff records in Microsoft Word or Excel format.

As a result of adding the capability to file in Word or Excel, certain changes will be made in the way eTariff is displayed on the eTariff Public Viewer and eLibrary. The tariff files will be converted to .pdf using print-to-pdf for display. The Public Viewer display should appear as it does today for .pdf filings. The tariff files in eLibrary will display in a FERC Generated PDF document. The metadata for each tariff record will display on one page (rather than at the top of the page) and the tariff text will follow on the next page.

Along with this document, the Commission also is posting, under the same eLibrary Accession Number, a marked version of the revised XML schema and the revised validation codes that will be associated with these revisions.

Starting on June 28, 2024, a sandbox will be made available for pipeline and utility companies to make test filings under the new XML schema.

In addition, pursuant to the Commission's previous practice in developing eTariff standards,[1] the North American Standards Organization (NAESB) will be hosting a virtual meeting with Commission staff on July 23, 2024, starting at 10 a.m. EST to discuss these issues. People wishing to attend the meeting should contact NAESB at: (713) 356–0060 or *naesb@naesb.org* to register and obtain log-on information.

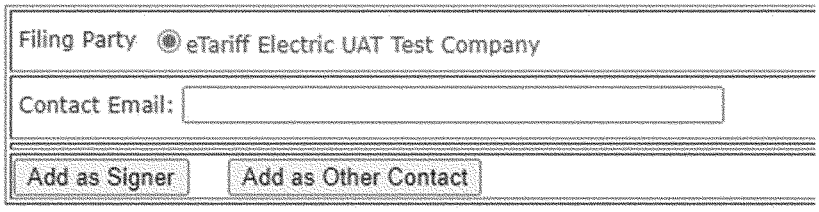
I. Lead Applicant Identification

The eTariff XML schema will add a mandatory lead applicant field. The lead applicant field will determine the lead party making the filing and will be added to the Commission's service list. This change will require the filing pipeline or utility to add the Company Identifier (CID) for the lead applicant to the XML schema. Filings without a lead applicant CID will be rejected. Filers also must continue to include the company id field to identify the company whose tariff is being revised. If pipelines and utilities are filing with themselves as the lead applicant, they will include their own CID in both the lead_applicant_id field and the company_id field if they are filing for themselves.

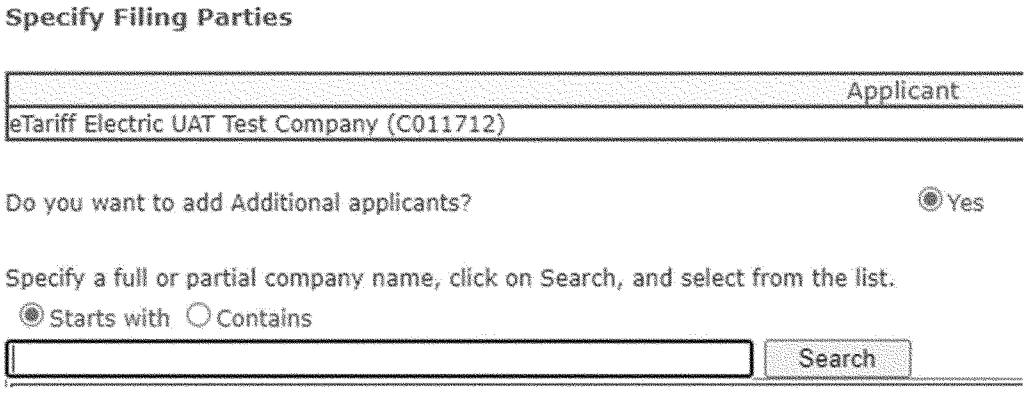
The Commission also will post on the eTariff website, *https://www.ferc.gov/ferc-online/etariff,* a CSV file with CID numbers and will endeavor to update that file monthly.

Pipelines and utilities will continue to make the eTariff filings through the eFiling web page at *https://ferconline.ferc.gov/Login.aspx.* The contact information associated with the CID of the lead applicant will be added to the Commission's service list. Filers need to be aware that although the filing pipeline or utility will be presented with the following screen and will have to enter an email address as signer, the company and email will not be added to the service list.

[1] *Electronic Tariff Filings,* Order No. 714, 124 FERC ¶ 61,270 (2008).



If the pipeline or utility wants to be considered a co-applicant, or enter additional email addresses, they must enter that information on a subsequent screen in the eFiling process along with information about any other co-applicants.



II. Flexibility To Include Microsoft Word and Excel Files as Tariff Records

Filing pipelines and utilities will be able to include tariff records in Microsoft Word and Excel as well as submitting tariff records as RTF or PDF. The Commission wants to provide as much flexibility in making these filings as possible, particularly in Excel, but to assure that tariff records can be read easily, certain formatting requirements are necessary.

A. Word Files

Word files may be in portrait or landscape format with a format no larger than 11″x17″ ledger size.

B. Excel Files

The following are the formatting requirements for Excel files.

1. Filings may be in portrait or landscape.

2. Page size may be no larger than 11″x17″ ledger size.

3. Excel file must properly define the print range, including print titles and print page order, so the document can render properly in PDF. Filers need to be careful to ensure that their print range does not result in generating numerous blank pages.

4. If columns or rows roll over to subsequent pages, columns or row headers need to be repeated so that subsequent pages are easily understood.

5. An accurate marked version of the tariff record still must be filed as an attachment.

Questions on these changes should be directed to: Michael Goldenberg at *Michael.Goldenberg@ferc.gov* or James Sarikas at *James.Sarikas@ferc.gov.*

Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13284 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER23–1271–003.

Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

Description: Compliance filing: Niagara Mohawk Power Corporation submits tariff filing per 35: NMPC Compliance: Segment A Settlement to be effective 8/5/2023.

Filed Date: 6/11/24.

Accession Number: 20240611–5179.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2231–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2198R35 Kansas Power Pool NITSA NOA to be effective 6/1/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5110.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2232–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA No. 4904, Queue No. AA2–119/AC1–055/AD2–192 to be effective 8/11/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5111.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2233–000.

Applicants: The Connecticut Light and Power Company.

Description: § 205(d) Rate Filing: BPUS Generation Develop.m.ent LLC—Engineering and Design Agreement to be effective 6/12/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5113.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2234–000.

Applicants: Midcontinent Independent System Operator, Inc., ITC Midwest LLC.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2024–06–11_SA 4302 ITC Midwest-Interstate Power and Light

PCA (Big Cedar) to be effective 8/11/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5139.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2235–000.
Applicants: Reworld Delaware Valley, L.P.
Description: Compliance filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5149.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2236–000.
Applicants: Reworld Essex Company.
Description: Compliance filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5150.
Comment Date: 5 p.m. ET 7/2/24
Docket Numbers: ER24–2237–000.
Applicants: Reworld Fairfax, LLC.
Description: § 205(d) Rate Filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5154.
Comment Date: 5 p.m. ET 7/2/24
Docket Numbers: ER24–2238–000.
Applicants: Reworld Haverhill Associates, LLC.
Description: § 205(d) Rate Filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5159.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2239–000.
Applicants: Reworld Hempstead Company.
Description: Compliance filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5160.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2240–000.
Applicants: Reworld Niagara I, LLC.
Description: Compliance filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5161.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2241–000
Applicants: Reworld Plymouth, LLC.
Description: Compliance filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5162.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2242–000.
Applicants: Reworld REC, LLC.
Description: Compliance filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5163.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2243–000.
Applicants: Reworld Union (NJ), LLC.
Description: Compliance filing: Notice of Succession to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5164.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2244–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA No. 6103, Queue No. AC1–091, 092, 093, 094/AC2–184, 185 to be effective 8/11/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5166.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2245–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1534R15 Kansas Municipal Energy Agency NITSA NOA to be effective 6/1/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5167.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2246–000.
Applicants: Southern Company Services, Inc.
Description: Southern Companies submit a Notice of Termination of the Large Generator Interconnection Agreement between SCS and AL SB 5, LLC.
Filed Date: 6/6/24.
Accession Number: 20240606–5212.
Comment Date: 5 p.m. ET 6/27/24.
Docket Numbers: ER24–2248–000.
Applicants: Consolidated Edison Company of New York, Inc.
Description: § 205(d) Rate Filing: Correction of WDS Tqriff 6–2024 to be effective 6/11/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5175.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2249–000.
Applicants: Aron Energy Prepay 41 LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 8/11/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5193.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2250–000.
Applicants: Aron Energy Prepay 42 LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 8/11/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5194.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2251–000.
Applicants: Aron Energy Prepay 43 LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 8/11/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5198.
Comment Date: 5 p.m. ET 7/2/24.

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 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13291 Filed 6–14–24; 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: RP24–830–000.
Applicants: Mountain Valley Pipeline, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements—MVP Interim Service to be effective 6/12/2024.
Filed Date: 6/11/24.

Accession Number: 20240611–5112.
Comment Date: 5 p.m. ET 6/24/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13292 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15108–000]

Premium Energy Holdings, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 10, 2021, Premium Energy Holdings LLC, 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 San Onofre Ocean Pumped Storage Project (San Onofre Project or project), an ocean pumped storage power plant to be located in San Diego County, California. The project would occupy federal land managed by the Department of Defense, Camp Pendleton. 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: (1) a new 266-foot-high embankment with a total crest length of 3,850 feet, creating the 26,400 acre-foot upper reservoir, called San Onofre reservoir, with a maximum surface elevation of 915 feet above mean sea level (msl); (2) two proposed alternatives to draw water from the Pacific Ocean for the fill-up process of the proposed San Onofre reservoir and for normal operation: (a) impound intake/discharge facility (Lagoon), including a new proposed semi-open lower reservoir in the ocean close to the coast, cutting part of the existing submarine cooling pipes to an estimated length of 1,400 feet, constructing a new breakwater embankment around the lagoon to create this ocean reservoir, and constructing a pier to connect the beach and the breakwater embankment; (b) open intake/discharge using the ocean as the lower reservoir, consisting cutting part of the existing submarine cooling pipes to an estimated length of 2,500 feet; either alternative requires a new section of pipes that will reroute the existing cooling pipes assembly to the proposed powerhouse; (3) a 41-foot-diameter, 1.2-mile-long hydro power penstock to connect to the new San Onofre pump storage plant, and from there to the Pacific Ocean; (4) three additional upper reservoirs with maximum surface elevation of 915 feet above msl and storage capacity of 2,300-, 3,500-, and 6,800-acre-foot, to increase the storage capacity acting as a reserve in case of need for generation beyond the capacity of the main reservoir; (5) a new powerhouse containing six 250-megawatt (MW) pump-generator sets with a total installed capacity of 1,500 MW; (6) an array of four velocity caps at the end of each existing submersible pipe, that were used to draw water from the ocean for pumping, to reduce water velocity to values about 1 ft/sec or less; (7) a fish deterrent system at the end of each existing submersible pipe; (8) a new underground drainpipe for San Onofre reservoir spill water; (9) nine existing transmission lines that belong to SCE and SDG&E, and are operated by CAISO and interconnect the proposed San Onofre plant substation to the existing 220-kilovolt switchyard; and (10) appurtenant facilities. The estimated average annual generation of the San Onofre Project will be 5,250 gigawatt-hours.

Applicant Contact: Victor M. Rojas, Premium Energy Holdings LLC, 355 South Lemon Ave., Suite A, Walnut, CA 91789; phone: (909) 595–5314.

FERC Contact: Khatoon Melick, (202) 502–8433, *khatoon.melick@ferc.gov.*

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–15108–000.

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–15108) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13288 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24–201–000.

Applicants: Goose Prairie Solar LLC.

Description: Goose Prairie Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/10/24.

Accession Number: 20240610–5050.

Comment Date: 5 p.m. ET 7/1/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–1635–007.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Black Start Filing to Reinstate Prior Rate to be effective 1/1/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5176.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER21–1635–008.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Revision to Black Start Filing to Reinstate Prior Rate to be effective 1/1/2024.

Filed Date: 6/10/24.

Accession Number: 20240610–5094.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER22–983–008.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Compliance filing: ISO New England Inc. submits tariff filing per 35: ISO–NE; Filing to Comply with April 2024 Order Re Order No. 2222 Compliance to be effective 11/1/2026.

Filed Date: 6/10/24.

Accession Number: 20240610–5069.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER22–1804–000.

Applicants: Yaphank Fuel Cell Park, LLC.

Description: Refund Report: Refund report to 1 to be effective N/A.

Filed Date: 6/10/24.

Accession Number: 20240610–5101.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER24–1743–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment to Clean-Up Filing in ER24–1743 to be effective 1/15/2024.

Filed Date: 6/10/24.

Accession Number: 20240610–5059.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER24–2216–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Original GIA, Service Agreement No. 7257; AF2–235 to be effective 5/8/2024.

Filed Date: 6/7/24.

Accession Number: 20240607–5178.

Comment Date: 5 p.m. ET 6/28/24.

Docket Numbers: ER24–2217–000.

Applicants: SunZia Transmission, LLC.

Description: Compliance filing: Orders 2023/2023–A Compliance Filing to be effective 12/31/9998.

Filed Date: 6/10/24.

Accession Number: 20240610–5036.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER24–2218–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2024–06–10_Attachment FF–3 and FF–4 regarding MEAN Integration to be effective 8/10/2024.

Filed Date: 6/10/24.

Accession Number: 20240610–5079.

Comment Date: 5 p.m. ET 7/1/24.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES24–40–000.

Applicants: NextEra Energy Transmission Southwest, LLC.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of NextEra Energy Transmission Southwest, LLC.

Filed Date: 6/10/24.

Accession Number: 20240610–5089.

Comment Date: 5 p.m. ET 7/1/24.

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 10, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13184 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
Revolution Wind, LLC	EG24–128–000
South Fork Wind, LLC	EG24–129–000
Al Pastor BESS LLC	EG24–130–000
Citadel BESS LLC	EG24–131–000
SMT Ironman BESS LLC	EG24–132–000
Widgeon Whistle BESS LLC.	EG24–133–000
KCE TX 15, LLC	EG24–134–000
KCE TX 10, LLC	EG24–135–000
Ables Springs Solar, LLC	EG24–136–000
Ables Springs Storage, LLC.	EG24–137–000
Franklin Solar LLC	EG24–138–000
Clearwater Wind III, LLC	EG24–139–000
IP Lumina BESS, LLC	EG24–140–000
IP Lumina II BESS, LLC	EG24–141–000
IP Radian BESS, LLC	EG24–142–000
Hardin Solar Energy III LLC.	EG24–143–000
Groton BESS 1 LLC	EG24–144–000
Holden BESS 1 LLC	EG24–145–000
Paxton BESS 1 LLC	EG24–146–000
Groton BESS 2 LLC	EG24–147–000
Zier Solar, LLC	EG24–148–000
SBESS TX 5, LLC	EG24–149–000
SBESS TX 6, LLC	EG24–150–000

	Docket Nos.
SBESS TX 7, LLC	EG24–151–000
Cottonwood Bayou Solar, LLC.	EG24–152–000
Furry Creek Power Ltd	EG24–153–000
McNair Creek Hydro Limited Partnership.	EG24–154–000
Cedar Springs Wind IV, LLC.	EG24–155–000
Anticline Wind, LLC	EG24–156–000

Take notice that during the month of May 2024, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2023).

Dated: June 10, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 20EG24–13181 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC24–86–000.

Applicants: Clyde Onsite Generation, LLC, Martinsville OnSite Generation, LLC, South River OnSite Generation, LLC.

Description: Joint application for authorization under Section 203 of the Federal Power Act of Clyde OnSite Generation, LLC, et al.

Filed Date: 6/10/24.

Accession Number: 20240610–5176.

Comment Date: 5 p.m. ET 7/1/24.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24–202–000.

Applicants: SEPV Sierra, LLC.

Description: SEPV Sierra, LLC submits notice of self-certification of exempt wholesale generator status.

Filed Date: 6/10/24.

Accession Number: 20240610–5139.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: EG24–203–000.

Applicants: SEPV Cuyama, LLC.

Description: SEPV Cuyama, LLC submits notice of self-certification of exempt wholesale generator status.

Filed Date: 6/10/24.

Accession Number: 20240610–5142.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: EG24–204–000.

Applicants: CED Westside Canal Battery Storage, LLC.

Description: CED Westside Canal Battery Storage, LLC submits notice of self-certification of exempt wholesale generator status.

Filed Date: 6/10/24.

Accession Number: 20240610–5170.

Comment Date: 5 p.m. ET 7/1/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2475–028; ER10–2474–027; ER10–3246–021; ER13–1266–039; ER15–2211–037.

Applicants: MidAmerican Energy Services, LLC, CalEnergy, LLC, PacifiCorp, Sierra Pacific Power Company, Nevada Power Company.

Description: Supplement to 06/29/2022 Triennial Market Power Analysis for Northwest Region of Nevada Power Company, et al.

Filed Date: 6/10/24

Accession Number: 20240610–5179.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER10–2475–025.

Applicants: MidAmerican Energy Services, LLC, CalEnergy, LLC, PacifiCorp, Sierra Pacific Power Company, Nevada Power Company.

Description: Supplement to 12/23/2021, Triennial Market Power Analysis for Southwest Region of Nevada Power Company.

Filed Date: 6/10/24.

Accession Number: 20240610–5180.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER22–2963–002.

Applicants: Yellowbud Solar, LLC.

Description: Yellowbud Solar, LLC submits response to FERC's 05/10/2024 Deficiency Letter re the triennial market power update.

Filed Date: 6/10/24.

Accession Number: 20240610–5178.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER24–1655–000.

Applicants: New York Independent System Operator, Inc.

Description: Report Filing: NYISO Notice of Effective Date re: Evolving Financial Transaction Capabilities to be effective N/A.

Filed Date: 6/4/24.

Accession Number: 20240604–5161.

Comment Date: 5 p.m. ET 6/20/24.

Docket Numbers: ER24–2219–000.

Applicants: CED Westside Canal Battery Storage, LLC.

Description: Baseline eTariff Filing: Market Based Rate to be effective 8/9/2024.

Filed Date: 6/10/24.

Accession Number: 20240610–5164.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER24–2220–000.

Applicants: FL Solar 7, LLC.

Description: Baseline eTariff Filing: FL Solar 7 MBR Application Filing to be effective 6/11/2024.

Filed Date: 6/10/24.

Accession Number: 20240610–5167.

Comment Date: 5 p.m. ET 7/1/24.

Docket Numbers: ER24–2221–000.

Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii: ATSI submits SA No. 7175 filing and Cancellation of SA No. 6334 to be effective 8/12/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5060.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2222–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.13(a)(2)(iii: MAIT submits SA No. 7176 Filing and Cancellation of SA No. 6150 to be effective 8/12/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5061.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2223–000.

Applicants: Roundtop Energy LLC.

Description: Tariff Amendment: Cancellation partial FERC NO. 2 to be effective 6/30/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5079.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2224–000.

Applicants: Beaver Dam Energy LLC.

Description: Tariff Amendment: Cancellation partial tariff FERC NO. 2 to be effective 6/30/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5083.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2225–000.

Applicants: Alpaca Energy LLC.

Description: Tariff Amendment: Cancellation partial tariff FERC NO. 2 to be effective 6/30/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5084.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2226–000.

Applicants: Milan Energy LLC.

Description: Tariff Amendment: Cancellation partial tariff FERC NO. 2 to be effective 6/30/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5088.

Comment Date: 5 p.m. ET 7/2/24.

Docket Numbers: ER24–2227–000.

Applicants: Wolf Run Energy LLC.

Description: Tariff Amendment: Cancellation entire tariff to be effective 6/30/2024.

Filed Date: 6/11/24.

Accession Number: 20240611–5089.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2228–000.
Applicants: Oxbow Creek Energy LLC.
Description: Tariff Amendment: Cancellation entire tariff to be effective 6/30/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5091.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2229–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amendment to South Georgia Formula Rate Revision to be effective 6/12/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5094.
Comment Date: 5 p.m. ET 7/2/24.
Docket Numbers: ER24–2230–000.
Applicants: Nevada Power Company.
Description: Compliance filing: Compliance Filing to be effective 5/14/2024.
Filed Date: 6/11/24.
Accession Number: 20240611–5097.
Comment Date: 5 p.m. ET 7/2/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

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Dated: June 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13293 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR24–76–000.
Applicants: Black Hills Wyoming Gas, LLC.
Description: 284.123 Rate Filing: Black Hills Wyoming Gas LAUF Filing to be effective 6/1/2024.
Filed Date: 6/10/24.
Accession Number: 20240610–5041.
Comment Date: 5 p.m. ET 7/1/24.

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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.

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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 10, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–13183 Filed 6–14–24; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1113; FR ID 225473]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before July 17, 2024.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–1113.

Title: Election Whether to Participate in the Wireless Emergency Alerts.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 1,253 respondents; 5,176 responses.

Estimated Timer per Response: 0.50–12 hours.

Frequency of Response: On occasion and semi-annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection is contained in 47 U.S.C. 151, 152, 154, 301, 303, 307, 309, 403, and 606, of the Communications Act of 1934, as amended, and 1201, 1203, 1204, and 1206 of the Warning Alert and Response Network Acts.

Total Annual Burden: 106,943 hours.

Total Annual Cost: $7,050,800.

Needs and Uses: This modification to an existing collection will require all CMS providers to file their election regarding participation in the WEA system by submitting the information to an FCC-created and maintained WEA database that will be accessible to the FCC, FEMA, alerting authorities and the public. This will refresh CMS provider WEA-elections that were last required over a decade ago and provide a single source of information on WEA availability. The modifications proposed herein will also provide WEA messages to be made available by Participating CMS providers in English and the 13 most commonly spoken languages in the U.S., as well as American Sign Language. This will make these alerts available for the first time to the millions of Americans who are not native English speakers and to our hearing impaired population.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–13195 Filed 6–14–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 225251]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communications Commission (FCC, Commission, or Agency) proposes to modify an existing system of records, FCC/OMD–28, Time and Attendance Records, subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The Human Resources Management (HRM) division of the FCC's Office of Managing Director (OMD) uses this system primarily to prepare time and attendance records, to certify hours worked and leave earned and taken, and otherwise to administer the FCC's time and attendance/payroll program.

DATES: This modified system of records will become effective on June 17, 2024. Written comments on the routine uses are due by July 17, 2024. The routine uses in this action will become effective on July 17, 2024 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Brendan McTaggart, Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554, or to *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Brendan McTaggart, (202) 418–1738, or *privacy@fcc.gov* (and to obtain a copy of the Narrative Statement and the Supplementary Document, which includes details of the modifications to this system of records).

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC/OMD–28, as a result of various necessary changes and updates. The substantive changes and modifications to the previously published version of the FCC/OMD–28 system of records include:

1. Updating the language in the Security Classification to follow OMB guidance.

2. Updating the language in the Purposes section to be consistent with the language and phrasing currently used generally in the FCC's SORNs.

3. Modifying the language in the Categories of Individuals and Categories of Records to be consistent with the language and phrasing currently used in the FCC's SORNs.

4. Updating and/or revising language in the following routine uses (listed by the routine use number designated in this notice): (2) Litigation; (3) Adjudication; (4) Law Enforcement and Investigation; (5) Congressional Inquiries; (6) Government-wide Program Management and Oversight; and (12) Breach Notification, the addition of which is as required by OMB Memorandum No. M–17–12.

5. Adding the following new routine uses (listed by current routine use number): (13) Assistance to Federal Agencies and Entities Related to Breaches, the addition of which is required by OMB Memorandum No. M–17–12; and (15) Non-Federal Personnel to allow contractors, vendors, grantees, or volunteers performing or working on

a contract, grant, or cooperative agreement for the Federal Government to have access to needed information.

6. Updating the SORN to include the National Archives and Records Administration (NARA) General Records Schedule 2.4: Employee Compensation and Benefits Records (DAA–GRS–2016–0015).

The system of records is also updated to reflect various administrative changes related to the system managers and system addresses; policy and practices for storage and retrieval of the information; administrative, technical, and physical safeguards; and updated notification, records access, and contesting records procedures.

SYSTEM NAME AND NUMBER:

FCC/OMD–28, Time and Attendance Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

HRM, OMD, FCC, 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER:

HRM, OMD, FCC, 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5501 *et seq.,* 5520a, 5525 *et seq.,* 5701 *et seq.* and 6301 *et seq.;* 10 U.S.C. 1408; 28 U.S.C. 66a; 44 U.S.C. 2801, 2802; 5 U.S.C. 6328 through 6340; 42 U.S.C. 659; Federal Employees Leave Sharing Act of 1988 and Amendments of 1993 (Pub. L. Nos. 100–440, 101–509), Personal Responsibility and Work Opportunity Reconciliation Act 1966 (Pub. L. 104–193).

PURPOSES OF THE SYSTEM:

HRM uses the information in this system for the following purposes:

1. Authorizing payroll deductions, including allotments, charitable contributions, and union dues;

2. Collecting indebtedness, including overpayment of salary and unpaid Internal Revenue Service (IRS) taxes and/or state taxes, etc.;

3. Paying income tax obligations, including to the IRS and states' revenue departments;

4. Authorizing the United States Department of Agriculture, National Finance Center (NFC) to issue salary payments;

5. Reporting gross wages and compensation information, including unemployment compensation;

6. Paying any uncollected compensation, including lump-sum payments of leave upon an employee's separation, such as retirement and resignation, or due to the beneficiaries of a deceased employee;

7. Determining leave balances, including accrued and used leave, sick leave, eligibility for and/or authorize donations for the leave transfer program, and other types of leave categories;

8. Collecting aggregate telework data to report to the Office of Personnel Management.

9. Producing summary descriptive statistics and analytical studies in support of the FCC's operational functions;

10. Responding to general requests for statistical information without disclosing any personally identifiable information (PII) under the Freedom of Information Act (FOIA);

11. Locating specific individuals for HRM functions; and

12. Directing the FCC's implementation of garnishment and levy orders served upon the Commission for implementation, correspondence, and memorandum, issued by a court of competent jurisdiction or by another government entity authorized to issue such an order for a Commission employee subject thereto.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals whose records are maintained in this system include current and former FCC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system include the following categories of information: (1) Information pertaining to current and former FCC employees including names, work and home addresses, Social Security Numbers (SSNs), dates of birth, dates of hire, states of hire, bureau/office, quarterly earnings, timekeeper numbers, salaries, pay plans, number of hours worked, leave accrual rate, usage, balances, associated supporting documentation such as Requests for Leave, Credit Hours earned, Compensatory and Overtime hours requested and earned, time off awards credited, leave transfer requests, leave donor forms, medical documentation to support advance of sick leave and leave transfer, tax, payroll allotment, direct deposit forms, employer identifying information, etc.; and (2) Orders related to wage garnishment served on the FCC for implementation, related correspondence, and memoranda issued by a court of competent jurisdiction or by another government entity authorized to issue such an order for a FCC employee subject thereto.

RECORD SOURCE CATEGORIES:

Sources of records include FCC employees, bankruptcy courts, state domestic relations courts, state public health and welfare departments or agencies, the IRS, and intra-agency memoranda.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. Compliance with Welfare Reform Requirements—Records, including names, Social Security Numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and state of hire of employees, may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, and Department of Health and Human Services for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act.

2. Litigation—Records may be disclosed to the Department of Justice (DOJ) when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

3. Adjudication—Records may be disclosed in a proceeding before a court or adjudicative body, when: (a) the FCC or any component thereof; or (b) any employee of the FCC in his or her official capacity; or (c) any employee of the FCC in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and

necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

4. Law Enforcement and Investigation—When the FCC investigates any violation or potential violation of a civil or criminal law, regulation, policy, executed consent decree, order, or any other type of compulsory obligation, and determines that a record in this system, either alone or in conjunction with other information, indicates a violation or potential violation of law, regulation, policy, consent decree, order, or other compulsory obligation, the FCC may disclose pertinent information as it deems necessary to the target of an investigation, as well as with the appropriate Federal, State, local, Tribal, international, or multinational agencies, or a component of such an agency, responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order.

5. Congressional Inquiries—Information may be provided to a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual to whom that information pertains.

6. Government-wide Program Management and Oversight—Records may be disclosed to DOJ to obtain that Department's advice regarding disclosure obligations under the FOIA; or to OMB to obtain that office's employer identifying information, and advice regarding obligations under the Privacy Act.

7. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by the Agency—Disclosure may be made to a Federal, State, local, foreign, tribal, or other public agency maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, the letting of a contract, or the issuance or retention of a grant or other benefit.

8. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by Other than the Agency—Disclosure may be made to a Federal, State, local, foreign, tribal, or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

9. Labor Relations—A record from this system may be disclosed to officials of labor organizations recognized under 5 U.S.C. chapter 71 upon receipt of a formal request and in accord with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

10. Financial Obligations under the Debt Collection Act—A record from this system may be disclosed to other Federal agencies for the purpose of collecting and reporting on delinquent debts as authorized by the Debt Collection Act of 1982 or the Debt Collection Improvement Act of 1996. A record from this system may be disclosed to any Federal, state, or local agency to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to identify and locate individuals who are delinquent in their repayment of certain debts owed to the U.S. Government. A record from this system may be used to prepare information on items considered income for taxation purposes to be disclosed to Federal, State, and local governments.

11. Financial Obligations Required by the National Finance Center *et al.*—Records may be disclosed to the NFC (the FCC's designated payroll office), the Department of the Treasury Debt Management Services, and/or a current employer to effect a salary, IRS and/or state tax refund(s), or administrative offset to satisfy an indebtedness; and to Federal agencies to identify and locate former employees for the purposes of collecting such indebtedness, including through administrative, salary, or tax refund offsets. Identifying and locating former employees, and the subsequent referral to such agencies for offset purposes, may be accomplished through authorized computer matching programs under applicable statutory procedures.

12. Breach Notification—Records may be disclosed to appropriate agencies, entities, and persons when: (a) the Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

13. Assistance to Federal Agencies and Entities Related to Breaches—Records may be disclosed to another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

14. Pay and Leave Disclosures—A record from this system may be disclosed to any federal or nonfederal entity from which additional information is requested relevant to an FCC determination concerning an individual's pay or leave to the extent necessary to identify the individual, inform the source of the purpose(s) of the requests, and to identify the type of information requested.

15. Non-Federal Personnel—Records may be disclosed to non-Federal personnel, including contractors, other vendors (*e.g.,* identity verification services), grantees, and volunteers who have been engaged to assist the FCC in the performance of a contract, service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The electronic data, files, and records are housed in the FCC's computer network databases. The paper records are stored in file cabinets located in the HRM office suite. The file cabinets are locked when not in use and/or at the end of the business day. The file cabinets are accessible only via card-coded security doors. Access to the file cabinets is restricted to authorized HRM personnel and FCC contractors.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in the electronic database can be retrieved by searching electronically for the FCC employee's name. Information in the paper records can be retrieved by manual search for the FCC employee's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information in this electronic system is maintained and disposed of in accordance with the National Archives and Records Administration (NARA) General Records Schedule 2.4: Employee Compensation and Benefits Records (DAA–GRS–2016–0015).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, files, and data are stored within FCC or a vendor's accreditation boundaries and maintained in FCC or vendor's computer network databases. Access to the electronic files is restricted to authorized employees and contractors; and to IT staff, contractors, and vendors who maintain the IT networks and services. Other employees and contractors may be granted access on a need-to-know basis. The electronic files and records are protected by FCC and third-party privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal privacy standards, including those required by the Federal Information Security Modernization Act of 2014 (FISMA), the Office of Management and Budget (OMB), and the National Institute of Standards and Technology (NIST).

The paper records are stored in file cabinets located in the HRM office suite. The file cabinets are locked when not in use and/or at the end of the business day. The file cabinets are accessible only via card-coded security doors. Access to the file cabinets is restricted to authorized HRM personnel and FCC contractors.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedures below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing to *privacy@fcc.gov.* Individuals requesting record access or amendment must also comply with the FCC's Privacy Act regulations regarding verification of identity as required under 47 CFR part 0, subpart E.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

76 FR 51975 (August 19, 2011) and 76 FR 55388 (September 7, 2011) (correction).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–13269 Filed 6–14–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0103; –0163]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to renew the existing information collections described below (OMB Control No. 3064–0103, and –0163). The notice of the proposed renewal for these information collections were previously published in the **Federal Register** on March 20, 2024 and March 25, 2024, allowing for a 60-day comment period.

DATES: Comments must be submitted on or before July 17, 2024.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7:00 a.m. and 5:00 p.m.

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: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

1. *Title:* Recordkeeping Requirements Associated with Real Estate Appraisals and Evaluations.

OMB Number: 3064–0103.

Forms: None.

Affected Public: Insured State Nonmember Banks and State Savings Associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDENS

[OMB No. 3064–0103]

IC description	Type of burden (obligation to respond)	Frequency of response	Number of respondents	Number of responses per respondent	Time per response (hours)	Annual burden (hours)
Recordkeeping Requirements Associated with Real Estate Appraisals and Evaluations (12 CFR 323).	Recordkeeping (Mandatory)	On occasion ...	3,038	250	0.083	63,039
Total Annual Burden Hours.	.....	.....	.....	.....	.....	63,039

Source: FDIC.

General Description of Collection: FIRREA directs the FDIC to prescribe appropriate performance standards for real estate appraisals connected with federally related transactions under its jurisdiction. This information collection is a direct consequence of the statutory requirement. It is designed to provide protection for federal financial and public policy interests by requiring real estate appraisals used in connection with federally related transactions to be performed in writing, in accordance with uniform standards, by an appraiser whose competency has been demonstrated and whose professional conduct will be subject to effective supervision. There is no change in the methodology or substance of this information collection. The increase in estimated annual burden (from 227 hours in 2021 to 250 hours currently) is due to the increase in the estimated number of responses.

2. *Title:* Qualified Financial Contracts Part 371.

OMB Number: 3064–0163.

Forms: None.

Affected Public: State non-member banks and savings associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0163]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Full Scope Entities, Implementation (Mandatory).	Recordkeeping (Annual)	1	1	6,000:00	6,000
2. Full Scope Entities, Ongoing (Mandatory).	Recordkeeping (Annual)	11	1	250:00	2,750
3. Limited Scope Entities, Implementation (Mandatory).	Recordkeeping (Annual)	3	1	23:30	71
4. Limited Scope Entities, Ongoing (Mandatory).	Recordkeeping (Annual)	10	1	11:30	115
5. Reporting Requirements for part 371 (Mandatory).	Reporting (Annual)	4	1	6:00	24
Total Annual Burden (Hours)	.....	.....	.....	.....	8,960

Source: FDIC.

General Description of Collection: This collection consists of recordkeeping requirements for qualified financial contracts (QFCs) held by insured depository institutions in troubled condition. There is no change in the methodology or substance of this information collection. The decrease in the estimated annual burden (from 10,250 hours in 2021 to 8,960 hours currently) is due to the decline in the estimated number of limited scope entities covered by Part 371.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on June 12, 2024.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2024–13250 Filed 6–14–24; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank

holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than July 17, 2024.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Arlo Financial Holdings, Inc.;* to become a bank holding company by acquiring Systematic Savings Bank, both of Springfield, Missouri.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–13296 Filed 6–14–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0142; Docket No. 2024–0054; Sequence No. 9]

Submission for OMB Review; Past Performance Information

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding past performance information.

DATES: Submit comments on or before July 17, 2024.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0142, Past Performance Information.

B. Need and Uses

This clearance covers the information that offerors and contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements: *Preaward.* For responses during source selection.

- FAR 15.305(a)(2)(ii). This section requires solicitations to describe the approach for evaluating past performance, including evaluating offerors with no relevant performance history, and providing offerors an opportunity to identify past or current contracts (including Federal, State, and local government and private) for efforts similar to the Government requirement. Solicitations also must authorize offerors to provide information on problems encountered on their identified contracts and the offeror corrective actions. Per FAR 15.304(c)(3), past performance must be evaluated in all source selections for negotiated competitive acquisitions expected to exceed the simplified acquisition threshold (SAT) unless the contracting officer documents the reason past performance is not an appropriate evaluation factor for the acquisition.
- FAR 52.212–1, Instructions to Offerors—Commercial Products and Commercial Services. This provision requires offerors, per paragraph (b)(10), to submit past performance information, when included as an evaluation factor, to include recent and relevant contracts for the same or similar items and other references (including contract numbers, points of contact with telephone numbers and other relevant information).

Postaward. For responses in the Contractor Performance Assessment Reporting System (CPARS).

- FAR 42.1503(d). Requires contractors be afforded up to 14 calendar days from the notification date that a past performance evaluation has been entered into CPARS to submit comments, rebutting statements, or additional information. Past performance information is relevant information regarding a contractor's actions under previously awarded contracts or orders, for future source selection purposes. Source selection officials may obtain past performance information from a variety of sources.

Contracting officers use the information to support future source selection decisions.

C. Annual Burden

Respondents: 60,669.

Total Annual Responses: 74,641.

Total Burden Hours: 149,283.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 89 FR 24478, on April 8, 2024. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB

Control No. 9000–0142, Past Performance Information.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2024–13256 Filed 6–14–24; 8:45 am]

BILLING CODE 6820–EP–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB Review; Information Collection Renewal; Comment Request; Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for comments.

SUMMARY: After this first round notice and public comment period, the U.S. Office of Government Ethics (OGE) intends to submit a request for a renewed Generic Clearance for the collection of qualitative feedback on agency service delivery for review and approval of a three-year extension under the Paperwork Reduction Act.

DATES: Written comments on this proposed extension are invited and must be received by August 16, 2024.

ADDRESSES: Comments may be submitted to OGE, by any of the following methods:

Email: usoge@oge.gov. (Include reference to ''Fast Track Generic Clearance comment'' in the subject line of the message.)

Mail: Office of Government Ethics, 250 E Street SW, Suite 750, Washington, DC 20024–3249, Attention: Jennifer Matis, Associate Counsel.

Instructions: Comments may be posted on OGE's website, *www.oge.gov.* Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Jennifer Matis at the U.S. Office of Government Ethics; telephone: 202–482–9216; TTY: 800–877–8339; Email: *usoge@oge.gov.*

SUPPLEMENTARY INFORMATION:

Title: Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed Generic Clearance provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the agency's commitment to improving service delivery. Qualitative feedback means information that provides useful insights on perceptions and opinions but is not a statistical survey that yields quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

OGE expects to use various methods (*e.g.,* focus groups, customer satisfaction surveys, comment cards) to solicit feedback. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public and other agency stakeholders. If this information is not collected, vital feedback from customers and stakeholders on the agency's services will be unavailable.

The agency will only submit a collection for approval under this Generic Clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are noncontroversial;
- The collections are focused on the awareness, understanding, attitudes, preferences, or experiences of the public or other stakeholders in order to improve existing or future services, products, or communication materials;
- Personally identifiable information (PII) is collected only to the extent necessary;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release to the public;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information, and the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

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

As a general matter, information collections submitted under this Generic Clearance 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.

OMB Number: 3209–0010.

Type of Request: Extension.

Affected Public: Individuals; Business or Other For-Profit Institutions; Not-For-Profit Institutions; State, Local, or Tribal Government.

Estimated Annual Number of Respondents: 91,555.

Average Expected Annual Number of Activities: 6.

*Average Number of Respondents per Activity:*15,259.

Responses per Respondent: 1.

Annual Responses: 91,555.

Average Minutes per Response: 56 minutes.

Annual Burden Hours: 4,030 hours.

Frequency: On occasion.

Request for Comments: Agency and public comment is invited specifically on the need for and practical utility of this Generic Clearance, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this

notice will be summarized for, and included with, the OGE Generic Clearance request. The comments will also become a matter of public record.

Approved: June 11, 2024.

Shelley K. Finlayson,

Acting Director, U.S. Office of Government Ethics.

[FR Doc. 2024–13189 Filed 6–14–24; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–24–1310; Docket No. CDC–2024–0051]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Public Health Laboratory Testing for Emerging Antimicrobial Resistance and Fungal Threats. This data collection is designed to allow CDC to test and characterize, antimicrobial resistant bacteria and fungal isolates.

DATES: CDC must receive written comments on or before August 16, 2024.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2024–0051 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Public Health Laboratory Testing for Emerging Antimicrobial Resistance and Fungal Threats (OMB Control No. 0920–1310, Exp. 5/31/2026)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

State and Local laboratory testing capacity is implemented by the Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC) in response to the Executive Order 13676 of September 18, 2014, the National Strategy of September 2014 and to implement the National Action Plan of October 2020 for Combating Antibiotic Resistant Bacteria. Data collected throughout this network is also authorized by Section 301 of the Public Health Service Act (42 U.S.C. 241).

The Antimicrobial Resistance Laboratory Network (AR Lab Network) is made up of jurisdictional public health laboratories (*i.e.,* all 50 states, five large cities, and Puerto Rico). These public health laboratories will be equipped to detect and characterize isolates as described. Carbapenemase-producing organisms: equipped to detect and characterize carbapenem-resistant Enterobacterales (CRE), carbapenem-resistant *Pseudomonas aeruginosa* (CRPA), and carbapenem-resistant *Acinetobacter baumannii* (CRAB) isolates and detect carbapenemase-producing organisms (CPOs) from screening swabs. Characterization of these resistant bacteria, which are typically identified in clinical laboratories, is often limited despite the fact they are becoming more prevalent, particularly in healthcare settings. The proposed laboratory testing will allow for additional testing and characterization, including use of validated high-quality methods. Isolate characterization includes organism identification, antimicrobial susceptibility testing (AST) to confirm carbapenem resistance and determine susceptibility to new drugs of therapeutic and epidemiological importance, a phenotypic method to detect carbapenemase enzyme production, and molecular testing (*e.g.,* whole genome sequencing [WGS]) to identify the resistance mechanism(s). Screening swabs will undergo molecular testing to identify carbapenemase genes present. Results from this laboratory testing will be used to: (1) identify targets for infection control; (2) detect new types of resistance; (3) characterize geographical distribution of resistance; (4) determine whether resistance mechanisms are spreading among organisms, people, and facilities; and (5) provide data that informs state and local public health surveillance and prevention activities and priorities.

Additionally, participating jurisdictional public health laboratories will also participate in reference

identification of *Candida* spp. A subset of these laboratories will also conduct testing on Candida isolates and screening swabs, and *Aspergillus fumigatus.* The capacity to test for fungal pathogens at local clinical and public health laboratories is limited, and therefore the proposed laboratory testing will truly build infrastructure and ensure that validated high-quality methodologies are used. Fungal isolate characterization includes identification, antifungal testing to determine susceptibility to new drugs of therapeutic and epidemiological importance. Screening swabs will undergo the same series of validated tests, after *Candida* spp. are grown from the swab. Results from this laboratory testing will be used locally to: (1) support infection control, efforts; (2) monitor resistance; (3) characterize geographical distribution of resistance; and (5) provide data that informs state and local public health surveillance and prevention activities and priorities.

A subset of jurisdictions will perform routine antimicrobial susceptibility testing for *N. gonorrhoeae.* Also, a subset of local and state public health laboratories in the AR Lab Network will be using validated agar dilution and/or gradient strip diffusion assays to assess the levels of susceptibility in gonococcal isolates to 10 different antimicrobial agents. Several identified resistance isolates will undergo high-quality whole genome sequencing. AST and WGS data are critical for public health actions and for gonorrhea control efforts including gonococcal antimicrobial resistance surveillance, and to curtail the spread of antimicrobial-resistant *N. gonorrhoeae.*

In addition to the testing that is done throughout the AR Lab Network, performance measures are collected from each laboratory, to ensure that participating laboratories are making progress. The purpose of collecting performance measures is to facilitate informed decision-making for the AR Lab Network, to improve the technical assistance provided to the participating AR Lab Network partners, and to measure progress across the AR Lab Network.

CDC's AR Lab Network supports nationwide lab capacity to rapidly detect antimicrobial resistance and inform local public health responses to prevent spread and protect people. It closes the gap between local laboratory capabilities and the data needed to combat antimicrobial resistance by providing comprehensive lab capacity and infrastructure for detecting antimicrobial-resistant pathogens (germs), advanced technology, like DNA sequencing, and rapid sharing of actionable data to drive infection control responses and help treat infections. This infrastructure allows the public health community to rapidly detect emerging antimicrobial-resistant threats in healthcare, food, and the community, mount a comprehensive local response, and better understand these deadly threats to quickly contain them.

Funded State and Local Public Health Laboratories will provide the following information to the Division of Healthcare Quality Promotion (DHQP) Program Office at CDC about carbapenemase-producing organisms:

1. Annually, participating laboratories will submit a summary report describing testing methods and volume. These reports will be submitted through REDCap. And are to be used by DHQP to determine the ability of each laboratory to confirm and characterize targeted AR organisms and their overall capacity to support state healthcare-associated infection (HAI)/AR prevention programs.

2. Annually, participating laboratories will provide Performance Measures data through the Epidemiology and Laboratory Capacity performance measures portal. Data will be used to indicate progress made toward program objectives and challenges encountered.

3. Participating laboratories will report all testing results to CDC, at least monthly, by CSV or Health Level 7 (HL7) using an online web-portal transmission. This information will be used to: (1) provide data for state and local infection prevention programs; (2) identify new types of antimicrobial resistant organisms; (3) identify new resistance mechanisms in targeted organisms; (4) describe the spread of targeted resistance mechanisms; and (5) identify geographical distribution of antimicrobial resistance or other epidemiological trends. Participating laboratories will utilize secure public health messaging protocols to transfer results data to CDC and submitting facilities and clinical laboratories. For messaging to CDC, these protocols will be based in Association of Public Health Laboratories (APHL) Informatics Messaging Services (AIMS) platform. The AIMS platform is a secure environment that provides shared services to assist public health laboratories in the transport, validation and routing of electronic data. AIMS is transitioning to the use of HL7 messaging for data to be transmitted in real-time, allowing more frequent reporting or results while simultaneously lessening burden on public health laboratories.

4. Detection of targeted resistant organisms and resistance mechanisms that pose an immediate threat to patient safety and require rapid infection control, facility assessments, and/or additional diagnostics, an immediate communication to the local healthcare-associated infection program in the jurisdictional public health department and CDC is needed. The ''AR Lab Network Alerts'' encompass targeted AR threats that include new and rare plasmid-mediated (''jumping'') carbapenemase genes, isolates resistant to all drugs tested, and detection of human reservoirs for transmission. These alerts must be sent within one working day of detection. Participating laboratories will utilize REDCap to communicate these findings. The elements of these messages will include the unique public health laboratory specimen ID and a summary of its testing results to date.

Sites participating in *Candida* identification testing will also provide the following to the Division of Foodborne, Waterborne, and Environmental Diseases (DFWED) Mycotics Program Office at CDC:

1. Annually, participating laboratories will provide Performance Measures data through the Epidemiology and Laboratory Capacity performance measures portal. Data will be used to indicate progress made toward program objectives and challenges encountered.

2. Participating laboratories will report all testing results to CDC, requested at least monthly, by REDCap or Health Level 7 (HL7) using an online web-portal transmission. This information will be used to: (1) identify and track antifungal resistance and emerging fungal pathogens; and (2) aid public health departments and healthcare facilities in rapidly responding to fungal public health threats and outbreaks. Participating laboratories will utilize secure public health messaging protocols to transfer results data to CDC, submitting facilities and clinical laboratories. For messaging to CDC, these messaging protocols will be based in REDCap or the AIMS platform. The REDCap and AIMS platforms are secure environments that provide shared services to assist public health laboratories in the transport, validation and routing of electronic data. AIMS is transitioning to the use of HL7 messaging for data to be transmitted in real-time, allowing more frequent reporting of results while simultaneously lessening burden on public health laboratories.

Sites participating in detection and characterization of AR *Neisseria gonorrhoeae,* including antimicrobial

susceptibility testing of *Neisseria gonorrhoeae* will provide the following to the Division of STD Prevention (DSTDP), STD Laboratory Reference and Research Branch (SLRRB) at CDC:

1. Annually, participating laboratories will provide Performance Measures data through the Epidemiology and Laboratory Capacity performance measures portal. Data will be used to indicate progress made toward program objectives and challenges encountered.

2. Participating laboratories will notify CDC DTSDP of any isolate(s) identified to demonstrate an ''alert'' as defined by SLRRB within one working day. Laboratories will utilize REDCap to communicate these findings. The elements of these messages will include the unique public health laboratory specimen ID and a summary of specimen testing results to date.

3. Participating laboratories will report all testing results to CDC, requested at least monthly, by email, REDCap, or Health Level 7 (HL7) using an online web-portal transmission. This information will be used to: (1) identify and track antimicrobial resistant pathogens and emerging patterns of resistance; and (2) aid public health departments and healthcare facilities in timely responding to antimicrobial resistant public health threats and outbreaks. Participating laboratories will utilize secure public health messaging protocols to transfer results data to CDC, submitting facilities and clinical laboratories. For messaging to CDC, these messaging protocols will be based in REDCap or the AIMS platform. The REDCap and AIMS platforms are secure environments that provide shared services to assist public health laboratories in the transport, validation, and routing of electronic data. AIMS is transitioning to the use of HL7 messaging for data to be transmitted in real-time, allowing more frequent reporting of results while simultaneously lessening burden on public health laboratories.

CDC requests a Revision to the data collection that with an increase in burden due to the building and maintaining of HL7 and CSV data feeds. Additionally, there has been a significant increase of AR threats identified through the AR Lab Network, and the addition of laboratories testing and taking on screening testing are reflected in this submission. OMB approval is requested for an estimated 57,993 annual burden hours of data collection. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Average number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Public Health Laboratories.	I.1—ROUTINE TESTING BY GENERA IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.2—EXPANDED DRUG SUSCEPTIBILITY TESTING (ExAST) IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.3—CANDIDA SPECIES IDENTIFICATION IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.4—HAIAR WHOLE GENOME SEQUENCING (WGS) OF GRAM-NEGATIVE AR THREATS IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.5—C. AURIS COLONIZATION SCREENING IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.6—CARBAPENEMASE-PRODUCING ORGANISM (CPO) SCREENING IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.7—AZOLE RESISTANCE IN CLINICAL ASPERGILLUS FUMIGATUS ISOLATES—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.8—N. GONORRHOEAE WHOLE GENOME SEQUENCING (WGS)—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.9—GONOCOCCAL (GC) ANTIMICROBIAL SUSCEPTIBILITY TESTING (AST) IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.10—WHOLE GENOME SEQUENCING (WGS) OF S. PNEUMONAIE—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.11—CLOSTRIDIOIDES DIFFICILE (C. DIFFICILE) TESTING IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.12—ANTIFUNGAL RESISTANT TINEA DERMATOPHYTES—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Average number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Public Health Laboratories.	I.13—ANTIMICROBIAL SUSCEPTIBILITY TESTING (AST) OF INVASIVE HAEMOPHILUS INFLUENZAE (H. INFLUENZAE) IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.14—MYCOPLASMA GENTALIUM (MG)—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.15—MOLECULAR Mtb TESTING—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.16—C. AURIS WHOLE GENOME SEQUENCING (WGS) IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.17—MONITORIING CRE CRPA IN COMPANION ANIMALS TO FROM HUMANS—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.18—HEALTHCARE WASTEWATER-BASED SURVEILLANCE—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.19—COMMUNICATION AND COORDINATION OF ACTIONABLE EPI LAB DATA IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	I.20—CHARACTERIZATION OF THE CLINICAL LABORATORY NETWORK IN JURISDICTION—Annual Evaluation and Performance Measurement Report.	56	1	6/60	6
Public Health Laboratories.	Annual Report of Bacterial Specimen Testing Methods for Carbapenemase-producing Organisms.	56	1	2	112
Public Health Laboratories.	Monthly Data Report Form for Carbapenemase-producing Organisms.	56	1,302	20/60	24,304
Public Health Laboratories.	Carbapenemase-producing Organisms Alert Form.	56	214	3/60	599
Public Health Laboratories.	Alert and Monthly Data Report Form for *Candida*.	Up to 56	1,671	20/60	31,192
Public Health Laboratories.	AR Lab Network Form for Phylogenetic Tree-level Mycotics Reporting.	Up to 56	30	6/60	168
Public Health Laboratories.	AR Lab Network Form for Isolate/Specimen-level Mycotics Testing.	Up to 56	30	6/60	168
Public Health Laboratories.	AR Lab Network Alert and Monthly Data Report Form for *Neisseria gonorrhoeae*.	Up to 56	202	6/60	1,131
Public Health Laboratories.	HL7 Messages updates—IT Maintenance	32	4	20/60	43
Public Health Laboratories.	Implementation of new HL7 messages—IT Initial Set up.	11	4	3	132
Public Health Laboratories.	CSV files updates for Carbapenemase-producing organisms—IT Maintenance.	24	1	1	24
Total	.....	.....	.....	.....	57,993

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–13227 Filed 6–14–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–24–1352; Docket No. CDC–2024–0049]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Operational Readiness Review 2.0. The Operational Readiness Review (ORR) is a rigorous, evidence-based assessment used to evaluate Public Health Emergency Preparedness (PHEP) recipient's planning and operational functions.

DATES: CDC must receive written comments on or before August 16, 2024.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2024–0049 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Operational Readiness Review 2.0 (OMB Control No. 0920–1352, Exp. 10/31/2024)—Extension—Office of Readiness and Response (ORR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

To help evaluate the country's public health emergency preparedness and response capacity, the Centers for Disease Control and Prevention's Division of State and Local Readiness (DSLR) administers the Public Health Emergency Preparedness (PHEP) cooperative agreement. The PHEP program is a critical source of funding for 62 state, local, and territorial jurisdictions, including four major metropolitan areas: Chicago, Los Angeles County, New York City, and Washington, DC, to build and strengthen their ability to respond to and recover from public health emergencies. The Operational Readiness Review (ORR) is a rigorous, evidence-based assessment used to evaluate PHEP recipients' planning and operational functions. The purpose of the ORR 2.0 is to expand measurement and evaluation to all 15 Public Health Emergency Preparedness and Response Capabilities (1—Community Preparedness, 2—Community Recovery, 3—Emergency Operations Coordination, 4—Emergency Public Information and Warning, 5—Fatality Management, 6—Information Sharing, 7—Mass Care, 8—Medical Countermeasure Dispensing and Administration, 9—Medical Materiel Management and Distribution, 10—Medical Surge, 11—Nonpharmaceutical Intervention, 12—Public Health Laboratory Testing, 13—Public Health Surveillance and Epidemiological Investigation, 14—Responder Safety and Health, 15—Volunteer Management), which serve as national standards for public health preparedness planning.

These capabilities serve as national standards for public health preparedness planning.

The ORR 2.0 has three modules: Descriptive, Planning, and Operational, which will allow DSLR to analyze the data for the development of descriptive statistics and to monitor the progress of each recipient towards performance goals. The intended outcome of the ORR 2.0 is to assist CDC to identify strengths and challenges facing preparedness programs across the nation and to identify opportunities for improvement and further technical support.

Information will be collected from respondents using the new ORR 2.0 platform, and a backup paper option may be available for jurisdictions that require it. Information collected from respondents is a requirement of the PHEP Cooperative Agreement for participants to receive funding. CDC is requesting a three-year approval for this information collection. The total annualized burden hour estimate is 3,055 burden hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
PHEP Recipients	Critical contact sheet (CCS)	62	1	80/60	83
PHEP Recipients	Jurisdictional data sheet (JDS)	62	1	255/60	264
PHEP Recipients	Receive, stage, store (RSS) warehouse (x2, primary and alternate).	62	1	4	248
PHEP Recipients	Partner form/spreadsheet	62	1	8	496
PHEP Recipients	Workforce development and training	62	1	1.5	93
PHEP Recipients	Capability 1—Community Preparedness	62	1	1	62
PHEP Recipients	Capability 2—Community Recovery	62	1	1	62
PHEP Recipients	Capability 3—Emergency Operations Coordination.	62	1	2	124
PHEP Recipients	Capability 4—Emergency Public Information and Warning.	62	1	1.5	93
PHEP Recipients	Capability 5—Fatality Management	62	1	2.5	155
PHEP Recipients	Capability 6—Information Sharing	62	1	1	62
PHEP Recipients	Capability 7—Mass Care	62	1	2	124
PHEP Recipients	Capability 8—Medical Countermeasure Dispensing and Administration.	62	1	3	186
PHEP Recipients	Capability 9—Medical Materiel Management and Distribution.	62	1	195/60	202
PHEP Recipients	Capability 10—Medical Surge	62	1	2	124
PHEP Recipients	Capability 11—Nonpharmaceutical Intervention	62	1	1.5	93
PHEP Recipients	Capability 12—Public Health Laboratory Testing	62	1	1.5	93
PHEP Recipients	Capability 13—Public Health Surveillance and Epidemiological Investigation.	62	1	2.5	155
PHEP Recipients	Capability 14—Responder Safety and Health	62	1	1.5	93
PHEP Recipients	Capability 15—Volunteer Management	62	1	75/60	78
PHEP Recipients	Multiyear training and exercise plans (MYTEP)—training and exercise planning workshop.	62	1	1	62
PHEP Recipients	MYTEP—training and exercise planning (annual).	62	1	2	124
PHEP Recipients	Capability 13—Quality improvement process	62	1	20/60	21
PHEP Recipients	PHEP functional exercise (FE), full-scale exercise (FSE) or incident—annual PHEP exercise.	62	1	20/60	21
PHEP Recipients	PHEP FE, FSE, or incident—annual staff notification and assembly performance measure.	62	1	1.5	93
Directly Funded Localities.	Facility setup drill	4	1	45/60	3
Directly Funded Localities.	Site activation drill	4	1	1	4
PHEP Recipients	EOC activation	62	2	30/60	62
PHEP Recipients	PHEP FE, FSE, or incident—Five-year joint exercise.	62	1	20/60	21
PHEP Recipients	Five-year Distribution FSE OR Five-year Pan-flu FSE.	62	1	0.5	31
	Five-year Dispensing FSE	*4	1	0.5	2
PHEP Recipients	Five-year pan flu functional exercise	62	1	45/60	47
PHEP Recipients	Tabletop exercise (TTX)—Administrative or fiscal preparedness.	62	1	20/60	21
PHEP Recipients	TTX—Continuity of Operations	62	1	20/60	21
Directly Funded Localities and Freely Associated States.	Dispensing Throughput Drill	12	1	20/60	4
Total					3,055

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–13229 Filed 6–14–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0802]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Veterinary Feed Directive

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by July 17, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0363. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Rachel Showalter, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–994–7399, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Veterinary Feed Directive

OMB Control Number 0910–0363—Extension

This information collection helps support implementation of FDA statutory and regulatory requirements. Section 504 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 354) establishes a regulatory category for certain new animal drugs called veterinary feed directive (VFD) drugs. Our VFD regulation is set forth at § 558.6 (21 CFR 558.6). VFD drugs are new animal drugs, intended for use in or on animal feed, which are limited to use under the professional supervision of a licensed veterinarian in the course of the veterinarian's professional practice. An animal feed containing a VFD drug or a combination VFD drug may be fed to animals only by or upon a lawful VFD issued by a licensed veterinarian.

Distributors of medicated feed containing VFD drugs must notify FDA of their intent to distribute such feed via U.S. Postal mail, email, or fax and must maintain records of the receipt and distribution of all medicated feeds containing VFD drugs. Veterinarians issue three copies of the VFD: one for their own records, one for their client, and one to the client's VFD feed distributor. For third-party disclosures, FDA regulation requires that veterinarians include specific information on the VFD. A distributor may only distribute a VFD feed to another distributor for further distribution if the originating distributor (consignor) first obtains a written acknowledgment letter from the receiving distributor (consignee) before the feed is shipped.

We developed the guidance document ''Guidance for Industry (GFI) #233 Veterinary Feed Directive Common Format Questions and Answers'' (September 2016) (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-233-veterinary-feed-directive-common-format-questions-and-answers*) to provide guidance concerning the elements that must be included on the VFD and the elements that may be included on the VFD as described in § 558.6. The guidance also provides examples that illustrate how a common VFD format might appear. Agency guidance documents are issued in accordance with our good guidance practice regulations in 21 CFR 10.115, which provide for public comment at any time.

The VFD regulation ensures the protection of public health while enabling animal producers to obtain and use needed drugs as efficiently and cost effectively as possible. We will use the information collected to assess compliance with the VFD regulation. The required reporting, recordkeeping, and third-party disclosures provide assurance that the medicated feeds will be safe and effective for their labeled conditions of use and that edible products from treated animals will be free of unsafe drug residues.

In the **Federal Register** of March 21, 2024 (89 FR 20218), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

A. Reporting Requirements

Description of Respondents: VFD Feed Distributors.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1] [2]

21 CFR part/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
558.6(c)(5) requires a distributor to notify FDA prior to the first time it distributes a VFD feed.	112	1	112	0.12 (7 minutes)	13
558.6(c)(6) requires a distributor to notify FDA within 30 days of any change in ownership, business name, or business address.	239	1	239	0.12 (7 minutes)	29
Total	351	.....	.....	.....	42

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Totals may not sum due to rounding.

The number of respondents is based on the average number of notifications we have received over the past 3 years. Additional reporting burdens for current VFD drug sponsors are approved under OMB control numbers 0910–0032 (New Animal Drug Applications) and 0910–0669 (Abbreviated New Animal Drug Applications).

B. Recordkeeping Requirements

Description of Respondents: VFD Feed Distributors, Food Animal Veterinarians, and Clients (Food Animal Producers).

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1] [2]

21 CFR part/activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
558.6(a)(4) and (c)(3), (4), and (8); requires recordkeeping by veterinarians, producers, and distributors to maintain their copy of the VFD Order, their receipt and distribution records, and their manufacturing records and acknowledgement letters, if applicable, for 2 years.	30,800	219.03	6,746,096	0.02 (1 minute)	134,922

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Totals may not sum due to rounding.

FDA's guidance document, ''GFI # 213 New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food-Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209,'' (December 2013) (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-213-new-animal-drugs-and-new-animal-drug-combination-products-administered-or-medicated-feed*) describes a voluntary process wherein sponsors of new animal drugs used in and on animal feed and in water changed the marketing status of these drugs from over-the-counter to VFD. As a result of this voluntary process, which occurred in January 2017, the number of establishments distributing feeds containing VFD drugs increased, as well as the number of veterinarians issuing VFDs, and the number of food animal producers using VFD medicated feed. Thus, based on the current number of mixed practice veterinarians and the number of food animal veterinarians listed on the American Veterinary Medical Association's website, we have increased the number of recordkeepers for veterinarians and producers.

Additionally, based on our program experience, we have decreased the number of records per recordkeeper, as we believe the previous numbers were too high. The burden we attribute to recordkeeping activities is assumed to be distributed among the individual elements and averaged among respondents.

In addition to the recordkeeping requirement under § 558.6(c)(3), if a distributor manufactures the VFD feed, the distributor must also keep VFD manufacturing records for 1 year in accordance with 21 CFR part 225 and such records must be made available for inspection and copying by FDA upon request (§ 558.6(c)(4)). These record requirements are currently approved under OMB control number 0910–0152, ''Current Good Manufacturing Practice Regulations for Medicated Feed.''

C. Third-Party Disclosure Requirements

Description of Respondents: Food Animal Veterinarians, VFD Feed Distributors, and Clients.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1] [2]

21 CFR part/activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
558.6(b)(3)(v) and (b)(7)(ix); requires veterinarians to disclose information on a VFD.	5,278	40	211,120	0.12 (7 minutes)	25,334
558.6(c)(8); requires acknowledgment letter from one distributor to another	2,422	5	12,110	0.12 (7 minutes)	1,453
Total	7,700	.....	.....	.....	26,787

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Totals may not sum due to rounding.

Based on program experience, we believe the original number of third-party disclosures estimate was too high and have decreased the number of disclosures per respondent. The VFD regulation also contains several labeling provisions. These labeling statements are a ''public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)) and, therefore, do not constitute a ''collection of information'' under the PRA (44 U.S.C. 3501, *et seq.*).

After a review of the information collection since our last request for OMB approval, we have adjusted our estimates based on our experience with the VFD regulations and updated data. As a result, the total burden for the information collection has decreased 39,387 hours since the last OMB approval.

Dated: June 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–13299 Filed 6–14–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2000–D–0784]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products; Studies To Evaluate the Safety of Residues of Veterinary Drugs in Human Food: Reproduction Testing (Revision 1); Draft Guidance for Industry; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA or Agency) is correcting a notice that appeared in the **Federal Register** on May 23, 2024. The

document announced the availability of a draft revised guidance for industry (GFI) #115 (VICH GL22) entitled ''Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: Reproduction Testing (Revision 1).'' The document erroneously included incorrect contact information. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Li You, Center for Veterinary Medicine (HFV–153), Food and Drug Administration, 7500 Standish Place, Rockville, MD 20855, 240–402–0828, *Li.You@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of May 23, 2024 (89 FR 45663), in FR Doc. 2024–11313, on page 45664, in the first column, correct the **FOR FURTHER INFORMATION CONTACT** section to read ''Li You, Center for Veterinary Medicine (HFV–153), Food and Drug Administration, 7500 Standish Place, Rockville, MD 20855, 240–402–0828, *Li.You@fda.hhs.gov*.''

Dated: June 10, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–13224 Filed 6–14–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–D–4067]

Diabetic Foot Infections: Developing Drugs for Treatment; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Diabetic Foot Infections: Developing Drugs for Treatment.'' The purpose of this guidance is to assist sponsors in the clinical development of drugs for the treatment of diabetic foot infections (DFI) without concomitant bone and joint involvement. This guidance finalizes and replaces the draft guidance of the same title issued on October 17, 2023.

DATES: The announcement of the guidance is published in the **Federal Register** on June 17, 2024.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2023–D–4067 for ''Diabetic Foot Infections: Developing Drugs for Treatment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Mayurika Ghosh, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6219, Silver Spring, MD 20993; 301–796–4776.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Diabetic Foot Infections: Developing

Drugs for Treatment.'' The purpose of this guidance is to assist sponsors in the clinical development of drugs for the treatment of DFI without concomitant bone and joint involvement. Specifically, this guidance addresses FDA's current thinking regarding the overall development program and clinical trial designs for the development of drugs to support an indication for treatment of DFI.

This guidance finalizes the draft guidance entitled ''Diabetic Foot Infections: Developing Drugs for Treatment'' issued on October 17, 2023 (88 FR 71578). FDA reviewed public comments on the published draft guidance and determined, after careful consideration, that no revisions were needed to finalize the guidance.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Diabetic Foot Infections: Developing Drugs for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 pertaining to the submission of investigational new drug applications have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 pertaining to the submission of new drug applications have been approved under OMB control number 0910–0001. The collections of information in 21 CFR 201.56 and 201.57 relating to prescription product labeling requirements have been approved under OMB control number 0910–0572.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: June 11, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–13237 Filed 6–14–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0235]

Clinical Pharmacology Considerations for the Development of Oligonucleotide Therapeutics; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Clinical Pharmacology Considerations for the Development of Oligonucleotide Therapeutics,'' which provides recommendations for the development of oligonucleotide therapeutics. Specifically, this guidance addresses FDA's current thinking regarding clinical pharmacology considerations and recommendations for oligonucleotide therapeutic development programs, including characterizing the potential for QT interval prolongation, performing immunogenicity risk assessment, characterizing the impact of hepatic and renal impairment, and assessing the potential for drug-drug interactions. This guidance finalizes the draft guidance of the same name issued on June 27, 2022.

DATES: The announcement of the guidance is published in the **Federal Register** on June 17, 2024.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–D–0235 for ''Clinical Pharmacology Considerations for the Development of Oligonucleotide Therapeutics.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not

in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Anuradha Ramamoorthy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20903, 240–402–6426, *Anuradha.Ramamoorthy@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Clinical Pharmacology Considerations for the Development of Oligonucleotide Therapeutics.'' Oligonucleotide therapeutics are an emerging therapeutic modality with increasing numbers of drugs in development. While antisense and siRNA oligonucleotide therapeutics have been approved in recent years to treat rare diseases, many oligonucleotide therapeutics are in development to treat common chronic diseases. This guidance provides recommendations to assist industry in the development of oligonucleotide therapeutics. Specifically, this guidance represents FDA's recommendations for certain pharmacokinetic and pharmacodynamic investigations including characterizing QT interval prolongation potential, performing immunogenicity risk assessment, characterizing the impact of hepatic and renal impairment, and assessing the potential for drug-drug interactions during oligonucleotide therapeutic development. This guidance provides recommendations on when these assessments may be appropriate and what types of assessments can help address these issues.

This guidance finalizes the draft guidance of the same name issued on June 27, 2022 (87 FR 38161). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include: (1) updates to terms used in the guidance to provide clarity, (2) additional references to FDA guidance that have been published since publication of the draft guidance, and (3) editorial changes to improve clarity.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Clinical Pharmacology Considerations for the Development of Oligonucleotide Therapeutics.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 for investigational new drug applications have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 for new drug applications have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 for biologics license applications have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: June 12, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–13271 Filed 6–14–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Nephrology and Urology.

Date: July 10, 2024.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Stacey Nicole Williams, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *stacey.williams@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Sciences Activities.

Date: July 10–11, 2024.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015 (In-Person Meeting).

Contact Person: Imoh S. Okon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301–347–8881, *imoh.okon@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Diseases and Immunology B Review Panel.

Date: July 10–11, 2024.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: North Bethesda Marriott Hotel & Conference Center, Montgomery County

Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852 (In-Person Meeting).

Contact Person: Diana Maria Ortiz-Garcia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5614, *diana.ortiz-garcia@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Instrumentation, Environmental, and Occupational Safety.

Date: July 10–11, 2024.

Time: 8:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: North Bethesda Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852 (In-Person Meeting).

Contact Person: Joonil Seog, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–9791, *joonil.seog@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Musculoskeletal, Skin and Oral Sciences.

Date: July 10–11, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814 (In-Person Meeting).

Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, (301) 496–8551, *ingrahamrh@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Transformative Research to Address Health Disparities and Advance Health Equity.

Date: July 10–11, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443–7193, *hargravesl@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Skeletal Muscle and Exercise Physiology/Musculoskeletal Rehabilitation Sciences Study Sections.

Date: July 10, 2024.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 451–0996, *ybi@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Innovation Research/Small Business Technology Transfer: Clinical Care and Health Interventions.

Date: July 10–11, 2024.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Joann Wu Shortt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3333, *shorttjw@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Basic Cancer Immunobiology.

Date: July 10–11, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sarita Kandula Sastry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20782, 301–402–4788, *sarita.sastry@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Anti-Infective Therapeutics.

Date: July 10–11, 2024.

Time: 10:00 a.m. to 10:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marcus Ferrone, PHARMD Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–2371, *marcus.ferrone@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; HAMI Hypersensitivity and Mucosal Immunology.

Date: July 10–11, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Deanna C. Bublitz, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–4005, *deanna.bublitz@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 11, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13252 Filed 6–14–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet in person at the National Emergency Training Center in Emmitsburg, MD, and virtually on Monday, August 5, 2024. The meeting will be open to the public.

DATES: The meeting will take place on Monday, August 5, 2024, 8 a.m. to 4 p.m. eastern time. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to participate in the virtual conference should contact Deborah Gartrell-Kemp as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business on August 1, 2024, to obtain the call-in number and access code for the August 5th in-person and virtual meeting. For more information on services for individuals with disabilities or to request special assistance, contact Deborah Gartrell-Kemp as soon as possible. The Board is committed to ensuring all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact Deborah Gartrell-Kemp as listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Participants seeking to have their comments considered during the meeting should submit them in advance or during the public comment segment. Comments submitted up to 30 days after the meeting will be included in the public

record and may be considered at the next meeting. Comments submitted in advance must be identified by Docket ID FEMA–2008–0010 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Electronic Delivery:* Email Deborah Gartrell-Kemp at *Deborah.Gartrell-Kemp@fema.dhs.gov* no later than August 1, 2024, for consideration at the August 5, 2024, meeting.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the Docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may wish to view the Privacy and Security Notice via a link on the homepage of *https://www.regulations.gov.*

Docket: For access to the docket and to read background documents or comments received by the National Fire Academy Board of Visitors, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By Agency,'' and then click ''Search.''

FOR FURTHER INFORMATION CONTACT:

Designated Federal Officer: Eriks Gabliks, telephone (301) 447–1308, email *Eriks.Gabliks@fema.dhs.gov.*

Logistical Information: Deborah Gartrell-Kemp, telephone (301) 447–7230, email *Deborah.Gartrell-Kemp@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Board will meet in person and virtually on Monday, August 5, 2024. The meeting will be open to the public. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. chapter 10.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (Academy) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits a written annual report through the United States Fire Administrator to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the Academy.

Agenda

On Monday, August 5, 2024, there will be four sessions, with deliberations and voting at the end of each session as necessary:

1. The Board will discuss United States Fire Administration Data, EMS, Research, Prevention and Response.
2. The Board will discuss deferred maintenance and capital improvements on the National Emergency Training Center campus and Fiscal Year 2025 and beyond Budget Request/Budget Planning.
3. The Board will deliberate and vote on recommendations on Academy program activities to include developments, deliveries, staffing, admissions, and strategic plan.
4. There will also be an update on the Board of Visitors Subcommittee Groups for the Professional Development Initiative Update and the National Fire Incident Report System.

There will be a 10-minute public comment period after each agenda item and each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated following the last call for comments. Contact Deborah Gartrell-Kemp to register as a speaker. Meeting materials will be posted by August 1, 2024, at *https://www.usfa.fema.gov/nfa/about/board-of-visitors.html.*

Eriks J. Gabliks,

Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2024–13294 Filed 6–14–24; 8:45 am]

BILLING CODE 9111–74–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038098; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: State Historical Society of Wisconsin, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the State Historical Society of Wisconsin, otherwise referred to as the Wisconsin Historical Society (WHS), intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 17, 2024.

ADDRESSES: Jacqueline Pozza Reisner, Curator of American Indian Collections, Wisconsin Historical Society, 204. S Thornton Avenue, Madison, WI 53703, telephone (680) 263–3537, email *jacqueline.pozza@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the State Historical Society of Wisconsin, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation:

The first item is a sacred object that is also a potential unassociated funerary object, as similar items are traditionally interred with the deceased. The item is described in WHS' catalog as an ''otter skin medicine bag'' and given the catalog number MI1983.238.210. The item consists of an otter pelt with beaded limbs and tail, all with attached brass bells. It holds five small pouches, four cloth and one paper, each tied shut. WHS' documentation indicates that this item was donated by Dr. Hans Heinrich Reese and his wife Tessa around 1964. Additional information about its original provenience or how the Reeses obtained the medicine bag is unknown.

The second item is both a sacred item and an object of cultural patrimony. It is incorrectly described in WHS' catalog as an ''Ojibwe secular dance drum (bwaanidewe'igan)'' and given the catalog number MI1983.237.571. The drum has a beaded band around its head with four tabs. It also contains a bell. WHS' documentation indicates that the drum was acquired by Leo and Bella Capser in the late 1950s or early 1960s. Additional information about its original provenience or how the Capsers obtained the drum is unknown.

Through consultation and research, WHS and the Bad River Band of Lake Superior Chippewa believe these items were obtained by the Reeses and Capsers on or near Madeline Island and that the items are Ojibwe. WHS has no documentation indicating either of these items contain or were treated with potentially hazardous substances in the past.

Determinations

The State Historical Society of Wisconsin has determined that:

- The two sacred objects described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the State Historical Society of Wisconsin must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The State Historical Society of Wisconsin is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 10, 2024.

Mariah Soriano,

Acting Manager, National NAGPRA Program.

[FR Doc. 2024–13249 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038096; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Chicago Historical Society, Chicago, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Chicago Historical Society and its affiliate Chicago History Museum (''Chicago Historical Society'') intends to repatriate a certain cultural item that meets the definition of an unassociated funerary objects and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after July 17, 2024.

ADDRESSES: Jamie Lewis, Registrar, Chicago Historical Society, 1601 N Clark Street, Chicago, IL 60614, telephone (312) 799–2067, email *jlewis@chicagohistory.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Chicago Historical Society, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

One cultural item has been requested for repatriation. The unassociated funerary object is a stone club (CHM X.3563.2024). Writing on the item indicates that the club head was removed from a burial mound which historically stood at the current location of Forest Home Cemetery on the Des Plaines River in Forest Park, IL. The item was found in the collection with no associated museum records. Information from external sources identifies this mound as a Potawatomi burial mound that was razed in 1869 by the landowner, Ferdinand Haase, to create Forest Home Cemetery for white settlers in the area. The funerary items that were inside the mound were kept on semi-permanent display by Haase at the Cemetery until 1968, when several of the items were transferred to the Forest Park Public Library. It is unknown when and by what means the club was acquired by the Chicago Historical Society. In 2019, funerary items and human remains were returned by the Forest Park Public Library to the Forest County Potawatomi Community.

Determinations

The Chicago Historical Society has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and is connected, either at the time of death or later, as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural item described in this notice and the Forest County Potawatomi Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the Chicago Historical Society must

determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Chicago Historical Society is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 7, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–13247 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038092; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Georgia, Laboratory of Archaeology, Athens, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Georgia, Laboratory of Archaeology has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 17, 2024.

ADDRESSES: Dr. Amanda Roberts Thompson, The University of Georgia, Laboratory of Archaeology, 1125 E Whitehall Road, Athens, GA 30605, telephone (706) 542–8373, email *arobthom@uga.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Georgia, Laboratory of Archaeology and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Ancestor remains representing at minimum 31 individuals were removed from 9BR2 in Bartow County, Georgia. The site was excavated during field schools by the University of Georgia (UGA) in 1988, 1989, and 1990 under the direction of Dave Hally. The 185 associated funerary objects include indigenous ceramics, lithic fragments, faunal remains, charcoal, and shell. The collection was then housed at the University of Georgia, Laboratory of Archaeology after each field school and there is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum one individual were removed from 9BR9, Walt Jones Farm in Bartow County, Georgia. In 1972, Claire Wilkie and R.S. Dickens collected ancestors that were disturbed from a road cut at 9BR9. In 1991, Georgia State University transferred the collection to UGA. The collection was then housed at the University of Georgia, Laboratory of Archaeology. No associated funerary objects are present and there is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum one individual were removed from 9BR26, Raccoon Creek in Bartow County, Georgia. In 1984, Bill Kilmer excavated at the site and the collection was then housed at the collection then housed at the University of Georgia, Laboratory of Archaeology. The 133 associated funerary objects include indigenous ceramics, burnt clay, and lithics. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum four individuals were removed from 9BR57, Garfield in Bartow County, Georgia. James Chapman's name is associated with the material housed at the UGA Laboratory of Archaeology so this collection was likely excavated in the 1960s. This collection was transferred to the Laboratory in 1991 from Georgia State University by Lewis Larson and given the Catalogue Number 34310. No associated funerary objects are present. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum one individual were removed from 9BR195 in Bartow County, Georgia. In 1951 Mary Kellogg visited the site and surface collected material from it and then housed at the UGA Laboratory of Archaeology. No associated funerary objects are present. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum 18 individuals were removed from 9BR199, Cora Harris in Bartow County, Georgia. In 1951, Arthur Kelly and Mary Kellogg had a field school at this site and excavated at least two burials. The collection was then housed at the UGA Laboratory of Archaeology. The 180 associated funerary objects include botanicals, shell, faunal including bear teeth and indeterminate claws, indigenous ceramics, animal effigy, shell beads, copper beads, lithics, ppks, and melted red glass. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum three individuals were removed from 9BR201, Raines Cave in Bartow County, Georgia. In 1951, Arthur Kelly and Mary Kellogg had a field school at this site. The collection was then housed at the UGA Laboratory of Archaeology. No associated funerary objects are present. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum one individual were removed from 9BR677 in Bartow County, Georgia. In 1988, Todd Frizelle and T. Jeffrey Price surface collected at the site. The collection was then housed at the UGA Laboratory of Archaeology. No associated funerary objects are present. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum two individuals were removed from 9BR1224, Ammons Cave in Bartow County, Georgia. In 1951, Charles Thompson surface collected at the site. The collection was then housed at the UGA Laboratory of Archaeology. A total of 16 associated funerary objects are present, including unmodified lithics, faunal, and shell. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum 39 individuals were removed from 9GO4, Thompson in Gordon County, Georgia. Initial collection at the site was done by Scheppler in 1968. He surface-collected ancestors in addition to cultural material. Formal excavations were done by John Worth from 1999–2001. Worth identified four burials

during his work at the site. While subsequent excavators at the site exposed and collected ancestors no other burials were ever identified or labeled. Excavations continued at the site from 2002–2009 by Julie Gayle Markin and James Langford through the Coosawattee Foundation and the University of Georgia. There are ancestors present for almost all of these field seasons. The collection was then housed at the UGA Laboratory of Archaeology. The 776 associated funerary objects include indigenous ceramics, lithics, soil, burnt clay, faunal including drum fish teeth, ceramic ear pin, effigy, cone shaped ceramic, ceramic discs and flotation samples. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Ancestor remains representing at minimum two individuals were removed from 9GO8, Baxter in Gordon County, Georgia. In 1968, WW Scheppler surface collected at the site. The collection was then housed at the UGA Laboratory of Archaeology. The 63 associated funerary objects include indigenous ceramics, lithics, faunal, and shell. There is no record of any potentially hazardous substances used to treat the ancestors or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the ancestors and associated funerary objects described in this notice.

Determinations

The University of Georgia, Laboratory of Archaeology has determined that:

- The human remains described in this notice represent the physical remains of 103 individuals of Native American ancestry.
- The 1,353 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Kialegee Tribal Town; Miccosukee Tribe of Indians; Seminole Tribe of Florida; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the University of Georgia, Laboratory of Archaeology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Georgia, Laboratory of Archaeology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 7, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–13241 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038100; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology (PMAE) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 17, 2024.

ADDRESSES: Patricia Capone, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 15 cultural items have been requested for repatriation.

The one lot of unassociated funerary objects includes ceramic sherds, ceramic pipe fragments, ceramic effigy pipe fragments, bone tools, faunal remains, botanical remains, stone pipe fragments, lithics, flakes, charcoal, charred wood, ground stone tools, net sinkers, worked stones, unworked stones, shell, and worked faunal remains. In 1906, Mark Raymond Harrington and Irwin Hayden removed these items from the Durfee Farm site in Jefferson County, NY, as part of a Peabody Museum Expedition.

The one lot of unassociated funerary objects includes ceramic sherds, a ceramic pipe fragment, ground stone tools, a rubbing stone, and a possibly culturally modified rock. In 1906, P.W. Kilmer removed these items from the Durfee Farm site in Jefferson County, NY, and donated them to the PMAE the same year.

The one lot of unassociated funerary objects includes ceramic sherds. In October 1990, William Engelbrecht removed these items from the Durfee Farm site in Jefferson County, NY, and donated them to the PMAE in November 1992.

The one lot of unassociated funerary objects includes ceramic sherds, ceramic pipe fragments, ceramic discs, stone discs, faunal remains, worked faunal remains, bone tools, charred corn cobs, flakes, lithics, ground stone tools, shells, charcoal, stone fragments, perforated stone, ochre, mica, bark fragments, ash, and unworked stones. In 1906, Mark Raymond Harrington and Irwin Hayden removed these items from the Heath Farm site in Jefferson County,

NY, as part of a Peabody Museum Expedition.

The one lot of unassociated funerary objects includes ceramic sherds, ceramic pipe fragments, ground stone tools, and a slate projectile point. In 1906, H.J. Heath removed these items from the vicinity of the Heath Farm site in Jefferson County, NY, and donated them to the PMAE the same year.

The one unassociated funerary object is a celt removed by H.J. Heath from the vicinity of the Heath Farm site in Jefferson County, NY, in 1906. Dr. William H. Getman acquired the cultural item from Heath and donated it to the PMAE in 1906.

The one lot of unassociated funerary objects includes ceramic sherds. In October 1990, William Engelbrecht removed these items from the Heath Farm site in Jefferson County, NY, and donated them to the PMAE in November 1992.

The one lot of unassociated funerary objects includes ceramic sherds, a ceramic pipe fragment, flint chips, and shell. In 1906, Mark Raymond Harrington and Irwin Hayden removed these items from the Green Farm site in Jefferson County, NY, as part of a Peabody Museum Expedition.

The one lot of unassociated funerary objects includes ceramic sherds and pipe fragments, faunal remains, and shell. In 1906, Mark Raymond Harrington and Irwin Hayden removed these items from the Perch River Bay site in Jefferson County, NY, as part of a Peabody Museum Expedition.

The one lot of unassociated funerary objects includes ceramic sherds and a ceramic pipe fragment. In 1906, Dr. William H. Getman removed these items from the Perch River Bay site in Jefferson County, NY, and donated them to the PMAE the same year.

The one lot of unassociated funerary objects includes ceramic sherds, flint chips, stone tools, a bone perforator, a possibly worked stone, charred corn, and faunal remains. In 1906, Mark Raymond Harrington and Irwin Hayden removed these items from the Talcott Farm site in Jefferson County, NY, as part of a Peabody Museum Expedition.

The one lot of unassociated funerary objects includes ceramic sherds, stone and ceramic pipe fragments, stone tool fragments, a bone perforator, and worked and unworked faunal remains. In 1906, Mark Raymond Harrington and Irwin Hayden removed these items from the St. Lawrence site in Jefferson County, NY, as part of a Peabody Museum Expedition.

The one lot of unassociated funerary objects includes ceramic sherds. In 1906, Dr. William H. Getman removed these items from the St. Lawrence site in Jefferson County, NY, and donated them to the PMAE the same year.

The one lot of unassociated funerary objects includes ceramic sherds, a slate projectile point, and a stone disc. In 1906, Dr. William H. Getman removed these items from a site along the shore of Chaumont Bay in Jefferson County, NY, and donated them to the PMAE the same year.

The one lot of unassociated funerary objects includes ceramic sherds, stone tools and flakes, and faunal remains. In 1906, Mark Raymond Harrington and Irwin Hayden removed these items from the Nohlee Farm site in Jefferson County, NY, as part of a Peabody Museum Expedition.

Determinations

The PMAE has determined that:

- The 15 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Onondaga Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 7, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–13245 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038095; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the American Museum of Natural History has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after July 17, 2024.

ADDRESSES: Nell Murphy, American Museum of Natural History, 200 Central Park West, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the American Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, the six associated funerary objects are two stone chips, one lot of small potsherds, one lot of shells, one lot of

faunal material, and one broken bone awl. This list comprises additional objects from a Notice of Inventory Completion published in the **Federal Register** on December 19, 2023 (88 FR 87797–87798). These funerary objects were excavated in 1899 by Mark Harrington from NY, Nassau County, Port Washington, Goodwin Sandworks Property, as part of an expedition. The Museum accessioned these funerary objects in 1900.

While it no longer does so, in the past, the Museum applied potentially hazardous pesticides to items in the collections. Museum records do not list specific objects treated or which of several chemicals used were applied to a particular item. Therefore, those handling this material should follow the advice of industrial hygienists or medical personnel with specialized training in occupational health or with potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the associated funerary objects described in this notice.

Determinations

The American Museum of Natural History has determined that:

- The six objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Delaware Nation, Oklahoma; Delaware Tribe of Indians; Shinnecock Indian Nation; and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the American Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The American Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 7, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–13246 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038097; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Michigan History Center, Lansing, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Michigan History Center intends to repatriate a certain cultural item that meets the definition of an unassociated funerary objects and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after July 17, 2024.

ADDRESSES: Tobi Voigt, Director of Museums, Michigan History Center, 702 W Kalamazoo Street, Lansing, MI 48915, telephone (517) 243–4041, email *VoigtT@Michigan.gov*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Michigan History Center, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a pottery bowl ''found in an 'Indian mound' near Waverly, Tennessee, Collected by W.O. Emery. Acquired by J.T. Reeder (Calumet, Michigan). Acquired by Michigan Historical Commission from J.T. Reeder, date unknown.''

Determinations

The Michigan History Center has determined that:

- The one unassociated funerary object described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and The Chickasaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the Michigan History Center must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Michigan History Center is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25

U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 7, 2024

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–13248 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038094; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology (PMAE) intends to repatriate a certain cultural item that meets the definition of an unassociated funerary objects and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after July 17, 2024.

ADDRESSES: Patricia Capone, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is one ceramic vessel. This item was collected by Mr. Frederick S. Bacon at an unknown date, probably near Memphis, Shelby County, TN, and donated to the PMAE in 1955. PMAE documentation indicates that this vessel was ''[p]robably made by the ancestors of present day Chickasaw Indians.''

Determinations

The PMAE has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and is connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural item described in this notice and The Chickasaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 7, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–13243 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038093; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Transportation (Caltrans), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from Lake County, CA.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 17, 2024.

ADDRESSES: Marisol Espino, California Department of Transportation, 703 B Street, Marysville, CA 95901, telephone (530) 812–4546, email *Marisol.Espino@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Caltrans, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least one individual have been reasonably identified. The 528 catalog entries of associated funerary objects (221 from Acc. 75–12 and 307 from Acc. 362) are modified stone, unmodified stone, debitage, unmodified faunal elements, modified faunal elements, historic material, modified shell, organics, and charcoal samples. Eighteen objects represented by 12 catalog entries are missing from the collections, and Caltrans and CSU Chico continue to look for them. These objects were not identified during the catalog verification process.

The individual and associated funerary objects are from archaeological

site CA–LAK–435, which is located in Lake County, California. They were recovered as a part of excavations undertaken by Caltrans in 1975 for widening of State Route 20 and again in 2004 for roadway rehabilitation activities. These human remains and associated funerary objects are controlled by Caltrans and in the possession of California State University, Chico (CSUC).

A Notice of Inventory Completion (66 FR 54283) published in the **Federal Register** on October 26, 2001, for Native American human remains and associated funerary objects related to the 1975 excavation, which were previously in the possession of Sonoma State University (SSU). The one individual and 217 catalog entries of associated funerary objects described in that notice were not repatriated at the time as no request for repatriation was received. At the request of the consulting culturally affiliated Indian Tribe, the entirely of the collection at SSU (Acc. 75–12) has been transferred into the possession of CSUC to reunite the individual and associated funerary objects with the cultural items recovered during the 2004 excavation (Acc. 362). The one individual and 528 catalog entries of associated funerary objects represent the entirety of both collections (Acc. 75–12 and Acc. 362). There is no known history of treatment of the collection with any hazardous substances at any of the repositories at this time.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The California Department of Transportation has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 528 catalog entries described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Habematolel Pomo of Upper Lake, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the California Department of Transportation must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The California Department of Transportation is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 7, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–13242 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0038099; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the PMAE has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 17, 2024.

ADDRESSES: Patricia Capone, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The one lot of associated funerary objects is one lot of faunal remains. In 1906, Mark Raymond Harrington and Irwin Hayden removed these human remains and associated funerary objects from the St. Lawrence site in Jefferson County, NY, as part of a Peabody Museum Expedition.

Based on the information available, one lot of associated funerary objects has been identified. The one lot of associated funerary objects is one lot of faunal remains. These associated funerary objects were removed from the Perch River Bay site in Jefferson County, NY, by Mark Raymond Harrington and Irwin Hayden in 1906 as part of a Peabody Museum Expedition. The human remains associated with these associated funerary objects were listed in a Notice of Inventory Completion published in the **Federal Register** on October 5, 2001 (66 FR 51062–51064) and a correction Notice of Inventory Completion published in the **Federal Register** on March 14, 2003 (68 FR 12376–12377).

Based on the information available, one lot of associated funerary objects has been identified. The one lot of associated funerary objects is one lot of ceramic vessels and sherds, ceramic pipe fragments, ceramic effigy pipe fragments, ceramic discs, bone tools, faunal remains, botanical remains, shell beads, stone beads, lithics, flakes, charcoal, charred wood, ground stone tools, net sinkers, worked stones, unworked stones, shell, worked faunal

remains, brass buttons, an iron spring, iron nails, glass, and soil. These associated funerary objects were removed from the Durfee Farm site in Jefferson County, NY, by Mark Raymond Harrington and Irwin Hayden in 1906 as part of a Peabody Museum Expedition. The human remains associated with these associated funerary objects were listed in a Notice of Inventory Completion published in the **Federal Register** on October 5, 2001 (66 FR 51062–51064) and a correction Notice of Inventory Completion published in the **Federal Register** on March 14, 2003 (68 FR 12376–12377).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The three lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Oneida Indian Nation; Oneida Nation; and the Onondaga Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after July 17, 2024. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 7, 2024.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2024–13244 Filed 6–14–24; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint *Certain Disposable Vaporizer Devices and Components Thereof, DN 3754;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of RAI Strategic Holdings, Inc.; R.J. Reynolds Vapor Company; R.J. Reynolds Tobacco Company; and RAI Services Company on June 11, 2024. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain disposable vaporizer devices and components thereof. The complaint names respondents: Breeze Smoke, LLC of Southfield, MI; Capital Sales Company of Royal Oak, MI; KMT Services, LLC of Hazel Park MI; Dongguan (Shenzhen) Shikai Technology Co., Ltd. of China; Vapeonly Technology Co. Ltd. of Hong Kong; iMiracle (Shenzhen) Technology Co., Ltd. of China; Guangdong Qisitech Co., Ltd. of China; Fewo Intelligent Manufacturing Ltd. of China; Nevera (HK) Ltd. of Hong Kong; Guangdong Cellular Workshop Electronics Technology Co., Ltd. of China; Wonder Ladies Ltd. of British Virgin Islands; Sailing South Ltd. of British Virgin Islands; Marea Morada Ltd. of British Virgin Islands; Social Brands, LLC of Dallas, TX; Zhuhai Qisitech Co., Ltd. of China; Shenzhen Han Technology Co., Ltd. of China; Palma Terra Ltd. of British Virgin Islands; Shenzhen IVPS Technology Co., Ltd. of China; Heaven Gifts International Ltd. of Hong Kong; Maduro Distributors d/b/a The Loon of Blaine, MN; Bidi Vapor, LLC of Orlando, FL; Kaival Brands Innovations Group Inc. of Lewes, DE; Kimsun Technology (HuiZhou) Co., Ltd. of China; Shenzhen Yanyang Technology Co., Ltd. of China; Pastel Cartel, LLC of Austin, TX; American Vape Company, LLC of Pflugerville, TX; Affiliated Imports, LLC of Austin, TX; Shenzhen Innokin Technology Co., Ltd. of China; Shenzhen Funyin Electronic Technology Co., Ltd. of China; Shenzhen LC Technology Co., Ltd. of China; LCF Labs, Inc. of Canada; Shenzhen Kangvape Technology Co., Ltd. of China; Flumgio Technology Ltd. of Hong Kong; Shenzhen Pingray Technology of China; SV3, LLC d/b/a Mi-One Brands of Phoenix, AZ; Price Point Distributors Inc. d/b/a Price Point NY of Farmingdale, NY; Flawless Vape Shop Inc. of Anaheim, CA; Flawless Vape Wholesale & Distribution Inc. of Anaheim, CA; Thesy, LLC d/b/a Element Vape of El Monte, CA; VICA Trading Inc. d/b/a Vapesourcing of Tustin, CA; Ecto World, LLC d/b/a Demand Vape of Buffalo, NY; and Midwest Goods Inc. d/b/a Midwest Distribution of Bensenville, IL. The

complainant requests that the Commission issue a general exclusion order, cease and desist orders, and impose a bond upon respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3754'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]).

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.* Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 12, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–13267 Filed 6–14–24; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1350]

Certain Integrated Circuits, Components Thereof, and Products Containing the Same; Notice of Commission Determination To Review in Part a Final Initial Determination; Request for Written Submissions on the Issues Under Review, Remedy, Bond, and the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to review in part the final initial determination (''FID'') issued by the presiding administrative law judge (''ALJ'') in the above-captioned investigation. The Commission is soliciting briefing from the parties on the issues under review, as well as briefing from the parties, interested government agencies, and interested persons on remedy, bonding, and the public interest.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On January 24, 2023, the Commission instituted the present section 337 investigation based on a complaint filed by Realtek Semiconductor Corporation of Hsinchu, Taiwan (''Realtek''). *See* 88 FR 4205–06 (Jan. 24, 2023). The

complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C 1337), due to the importation into the United States, sale for importation, or sale within the United States after importation of certain integrated circuits, components thereof, and products containing the same that infringe one or more asserted claims of U.S. Patent Nos. 7,936,245 (''the '245 patent''); 8,006,218 (''the '218 patent''); or 9,590,582 (''the '582 patent'') (collectively, the ''Asserted Patents''). *Id.* The complaint alleges that a domestic industry exists. *Id.* The notice of investigation names Advanced Micro Devices, Inc. of Santa Clara, CA (''AMD'') as the respondent. *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

The presiding ALJ held a claim construction (*Markman*) hearing on June 5, 2023. The ALJ issued the claim construction order on July 25, 2023. Order No. 21 (July 25, 2023).

On June 20, 2023, AMD moved to preclude Mr. Steve Baik, Realtek's outside counsel, from testifying as a fact witness in the evidentiary hearing. On July 7, 2023, the ALJ issued Order No. 19, ordering AMD to show cause why Winston & Strawn (''Winston'') should not be disqualified in this investigation due to an alleged conflict of interest. Order No. 19 at 2 (July 7, 2023).

On August 4, 2023, the ALJ held a teleconference with the parties regarding Mr. Baik and Winston. On August 17, 2023, the ALJ issued Order No. 23, which granted AMD's motion to preclude Mr. Baik from testifying on behalf of Realtek but did not disqualify Winston. Order No. 23 at 1 (Aug. 17, 2023). On August 24, 2023, the ALJ denied Realtek's motions for reconsideration and for interlocutory review of Order No. 23. Order No. 24 (Aug. 24, 2023). On September 6, 2023, Realtek filed a petition in the U.S. Court of Appeals for the Federal Circuit (''Federal Circuit'') seeking a writ of mandamus to order the ALJ to vacate the ruling striking Mr. Baik. The Federal Circuit denied the petition on September 25, 2023. *In re Realtek Semiconductor Corp.,* Appeal No. 2023–147, On Petition and Motion (Sept. 25, 2023).

On October 16, 2023, the ALJ issued an order regarding AMD's motion to sanction Realtek for failing to accurately answer certain interrogatories and produce relevant documents regarding Realtek's earlier litigations against Avago Techns. General IP (Singapore) Pte., Ltd and Broadcom Corp. in the U.S. District Court for the District of Delaware. Order No. 39 at 1–6 (Oct. 16, 2023). Order No. 39 determined Realtek had engaged in sanctionable acts during discovery, but otherwise deferred ruling on the motion until after the evidentiary hearing. *Id.*

The ALJ proceeded to hold an evidentiary hearing from October 16–20, 2023.

On November 14, 2023, the Commission terminated the investigation as to claim 9 of the '582 patent and claim 14 of the '218 patent, based on Realtek's withdrawal of those claims. Order No. 40 (Oct. 20, 2023), *unreviewed by* Comm'n Notice (Nov. 14, 2023).

On January 19, 2024, the presiding ALJ issued the combined FID and Recommended Determination on Remedy and Bond (''RD''). The FID finds no violation of section 337 for any of the three patents at issue because: (i) asserted claims 1, 2, and 8 of the '245 patent are infringed but invalid as anticipated; (ii) asserted claims 12, 13, and 15–18 of the '218 patent are infringed but invalid as obvious; (iii) regarding the '582 patent, asserted claims 1–4 are not infringed and claims 1–3 (but not claim 4) are invalid as anticipated; and (iv) Realtek failed to satisfy the economic prong of the domestic industry requirement for any of the three asserted patents. FID at 252. The FID also finds that Realtek has satisfied the technical prong of the domestic industry requirement for each asserted patent. *Id.*

The RD recommends, if the Commission finds a violation, issuing a limited exclusion order barring entry of AMD products that infringe any of the asserted claims of the '218, '582, or '245 patents. *Id.* at 254–256. The RD also recommends issuing a cease and desist order directed to AMD. *Id.* at 256. The RD further recommends issuing no (0%) bond against any covered products imported during the period of Presidential review. *Id.* at 256–257.

On January 30, 2024, the Commission issued a notice requesting submissions on the public interest, if a violation is found. 89 FR 5933 (Jan. 30, 2024). The Commission did not receive any public interest submission from the public or any other agency in response to this notice. *Id.* On February 20, 2024, AMD filed its public interest statement, pursuant to Commission Rule 210.50(a)(4). 19 CFR 210.50(a)(4). On February 26, 2024, Realtek filed a motion for leave to file its public interest statement out of time. The Commission denied Realtek's motion on the same date.

On February 2, 2024, Realtek filed a petition for review of the FID's findings regarding: (i) invalidity of the '218 patent claims; (ii) regarding the '582 patent, non-infringement of the asserted claims and invalidity of asserted claims 1–3; (iii) failure to satisfy the economic prong of the domestic industry requirement, including the ALJ's decision to preclude Mr. Baik from testifying but not disqualify Winston; and (iv) the sanction levied against Realtek for discovery misconduct. Realtek is not seeking review of the '245 patent.

Also on February 2, 2024, AMD filed a contingent petition for review of the FID's findings regarding: (i) for the '218 patent, claim construction, infringement, the technical prong of the domestic industry requirement, the asserted claims are not invalid for lack of written description or enablement, and that a certain cited reference (Jiang3) is not prior art; and (ii) for the '582 patent, that claims 1–4 are not invalid as anticipated by the Qualcomm RFR6122 chip, that claim 4 is not anticipated by the Qualcomm RBR1000 chip, and that asserted claims 1–4 of the '582 patent are not obvious over certain cited prior art references (including Muh); and (iii) certain findings relating to the economic prong of the domestic industry requirement.

On February 12, 2024, Realtek and AMD filed their respective responses to the opposing petitions for review.

Having reviewed the record in this investigation, including the final ID, the parties' petitions, and responses thereto, the Commission has determined to review the FID in part with respect to the following issues:

(A) The Commission has determined not to review, and thereby adopts, the FID's findings that the asserted claims the '245 patent are invalid and thus there is no violation of section 337 with respect to that patent.

(B) With respect to the '218 patent, the Commission has determined to review claim construction, infringement, the technical prong of domestic industry, and invalidity with respect to the so-named Jiang, Jiang2, and Li prior art references. The Commission has also determined to review whether Jiang3 is prior art to the '218 patent. The Commission has determined not to review the FID's finding that the asserted claims are not invalid for lack of written description or lack of enablement.

(C) With respect to the '582 patent, the Commission has determined to review the FID's construction of ''capacitor component[ ] arranged corresponding to a first region,'' and its findings that asserted claims 1–4 are not infringed. The Commission has also

determined to review the FID's findings that claims 1–3 are anticipated by the prior art Qualcomm RBR1000 semiconductor device, but that claim 4 is not anticipated by the same device. The Commission has also determined to review the FID's findings that claims 1–4 are not anticipated by the Qualcomm RFR6122 device. The Commission has also determined to review the FID's findings that the Muh reference is not prior art. The Commission has determined not to review the FID's findings that claims 1–4 are not invalid for lack of adequate written description.

(D) The Commission has determined not to review the presiding ALJ's decisions: (i) to preclude Mr. Baik, outside trial counsel for Realtek, from testifying as a fact witness at the evidentiary hearing; and (ii) not to disqualify Winston & Strawn.

(E) The Commission has determined to review the FID's findings that Realtek has failed to satisfy the economic prong of the domestic industry requirement.

(F) The Commission has determined to review the sanction award against Realtek.

The parties are asked to provide additional briefing on the following issues under review:

A. The '218 Patent

(1) With respect to claim 12, limitations 12[e] and [f] of the '218 patent, explain whether these limitations allow both horizontal power supply wires and vertical power supply wires of the claimed ''global power mesh'' to be on the same metal layer and identify the intrinsic evidence in support. With respect to each of the accused AMD products, the asserted domestic industry products, and the asserted prior art references, explain whether the ''global power mesh'' includes: (i) at least one metal layer in which all of the power supply wires on that metal layer are horizontal; and (ii) at least a second, different metal layer in which all of the power supply wires on that layer are vertical.

(2) With respect to limitations 12[a]–[c], explain how the intrinsic evidence distinguishes a ''first [partial] local power mesh'' from a ''second [partial] local power mesh,'' and how it distinguishes a ''global power mesh'' from two local power meshes, *e.g.,* whether those different local power meshes must be insulated from each other, comprise different wire networks, or have different power levels. With respect to each accused AMD product, asserted domestic industry product, and asserted prior art reference, explain whether that product or reference discloses two or more local power meshes and how it distinguishes a ''global power mesh'' from two local power meshes. In particular, explain on what basis the images relied upon in the final initial determination identify two partial meshes vs. a single global power mesh. *See* FID at 109–10; *see also id.* at 117–18.

(3) With respect to limitations 12[a]–[c], explain how the intrinsic evidence distinguishes a ''first power domain'' from a ''second power domain,'' *e.g.,* whether those different power domains must be insulated from each other or have different power requirements, either temporarily or at all times. With respect to each accused AMD product, asserted domestic industry product, and asserted prior art reference, explain whether that product or reference discloses two or more power domains that are distinguished by that feature.

(4) Explain whether the intrinsic evidence supports or precludes reading the limitation ''provide the power needed'' recited in limitation 12[c] to include zero power, or zero voltage. Assuming *arguendo* that ''power'' could include zero power or zero voltage, explain whether this construction impacts the FID's findings on infringement, the technical prong of domestic industry, or invalidity.

(5) Explain whether or how claims 15–18 of the '582 patent can be invalid over Li with Jiang (as defined in the FID) but not over Jiang with Li.

(6) Explain whether there is any evidence to rebut Dr. Hall-Ellis' testimony that the so-called Jiang3 reference was publicly available prior to November 15, 2007, or that Jiang3 is not prior art to the '218 patent. Explain how Jiang3 relates to Jiang and Jiang2 and whether it contributes to the issue of obviousness.

(7) Explain whether Complainant has challenged the prior art status of Jiang3 in the currently pending proceeding concerning the '218 patent before the Patent Trial and Appeal Board (''PTAB''), IPR2023–00920.

B. The '582 Patent

(8) With respect to the arrangement of the ''capacitor component'' relative to the ''inductor component'' in claim 1 of the '582 patent, explain whether ''a capacitor component'' requires that substantially all of the capacitor components lie between the ''extension-conductor segments'' that define the ''first region,'' or whether there may be additional capacitor components outside those ''extension-conductor segments'' (but not under the ''coil-conductor segment''), provided there is at least one ''capacitor component'' in the ''first region.'' Explain whether the intrinsic or extrinsic evidence indicates that the presence of capacitors outside the ''extension-conductor segments'' (but not under the ''coil-conductor segment'') will tend to increase unwanted phase noise, parasitic circuits, or otherwise degrade the invention or impair the effectiveness of the claimed LC resonant circuit. Explain whether each of the accused products and the asserted prior art Qualcomm RFR1000 and RBR6122 contains at least one ''capacitor component'' substantially within the ''first region,'' as defined by claim 1, regardless of whether there are additional capacitors outside the extension-conductor segments.

(9) With respect to the '582 patent, explain whether there is any difference in claim construction or scope between ''wherein a first region is *defined by* the two extension-conductor segments,'' as recited in claim 1, limitation 1[c] and ''wherein the first region is *defined between* the two extension-conductor segments,'' as recited in dependent claim 4. Explain whether, or how, the prior art Qualcomm RBR1000 reads on claim 1 but not claim 4, based on this difference, if any.

(10) With respect to the asserted prior art Qualcomm RFR6122 chip, explain whether claim 1, limitations 1[e], [f] covers an arrangement in which the ''electrode segments'' can comprise the metal plates of one set of capacitors while the claimed ''connecting segments'' belong to a different set of capacitors. Explain whether the RFR6122 discloses a single set of capacitors (or ''capacitor component'') that satisfies both the ''electrode segments'' and the ''connecting segments'' of limitations 1[e], [f].

(11) Address the arguments and evidence presented before PTAB concerning the prior art status of Muh in IPR2023–00788. How is the evidence presented before the PTAB different from the evidence of record in this investigation? Should the Commission consider any additional arguments and evidence presented before PTAB at this stage? Based on the record in this proceeding, and the different evidentiary standards involved, can the Commission reach a different conclusion than PTAB on the prior art status of Muh? *See Nobel Biocare Servs. AG* v. *Instradent USA, Inc.,* 903 F.3d 1365, 1375 (Fed. Cir. 2018).

(12) If the Commission determines that Muh qualifies as prior art, is a remand appropriate to allow the ALJ to consider the obviousness argument based on Muh in the first instance?

C. Economic Prong

(13) With respect to Broadcom Corporation's asserted labor and capital investments under 19 U.S.C. 1337(a)(3)(B) and (C) (*see* FID at 240–42), what evidence of record supports a finding that these investments were properly allocated to the asserted domestic industry products (*i.e.,* the Broadcom BCM4387 and BCM 4389 chips) (''DI products'') and limited to investments in the United States that were directed to the asserted DI products?

(14) Identify the evidence of record in support of Realtek's contention that the requisite nexus exists between its asserted investments under 19 U.S.C. 1337(a)(3)(C) and the asserted patents.

(15) Identify the evidence of record with respect to whether Realtek has shown that the investments upon which it relies are significant or substantial. *See* 19 U.S.C. 1337(a)(3)(B), (C).

(16) Please address the meaning of articles ''protected by the patent'' in subsections 337(a)(2) and (a)(3) and whether that language requires that Broadcom hold a license to the asserted patents, or that the Broadcom BCM4387 and BCM 4389 chips are otherwise protected by the asserted patents, for Realtek to be able to rely on Broadcom's domestic investments to establish a domestic industry.

D. Sanction

(17) Assuming the Commission determines to affirm the imposition of the monetary sanction but decides to impose it on Realtek's ''outside counsel'' consistent with the argument made in Realtek's petition for review (Realtek Pet. at 100), identify which ''outside counsel'' would be subject to the sanction.

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

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) a cease and desist order that could result in the respondent 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).

Assuming AMD is requesting that the remedial orders contain an exemption related to service or repair, please address: (i) with reference to any factual evidence in support, including any not currently on record, the rationale for providing such an exemption, including under the public interest factors as stated in section 337(d) (19 U.S.C. 137(d)); (ii) the warranty terms, if any, for the merchandise in question; (iii) whether the exemption should apply only to merchandise under warranty, or to all needed service and repair; and (iv) what should be the temporal cutoff for the exemption, *e.g.,* should the operative date be the issuance of the Commission's final determination or the end of the Presidential review period, and should it apply to merchandise sold or imported prior to such date.

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 and cease and desist orders 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: The parties to the investigation are requested to file written submissions on the issues identified in this notice. 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 its initial submission, Complainant is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the dates that the asserted patents expire, to provide 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 28, 2024. Reply submissions must be filed no later than the close of business on July 8, 2024. No further submissions on these issues will be permitted unless otherwise ordered by the Commission. Opening submissions are limited to 100 pages. Reply submissions are limited to 50 pages. No further submissions on any of 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–1350) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A

redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of 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 11, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 11, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–13218 Filed 6–14–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Amended Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received an amended complaint entitled *Certain Eye Cosmetics and Packaging Therefor, DN 3747;* the Commission is soliciting comments on any public interest issues raised by the amended complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received an amended complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Amarte USA Holdings, Inc. on June 10, 2024. The original complaint was filed on May 20, 2024 and a notice of receipt of complaint; solicitation of comments relating to the public interest published in the **Federal Register** on May 24, 2024. The amended complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain eye cosmetics and packaging therefor. The amended complaint names as respondents: Unilever PLC of United Kingdom; Unilever United States, Inc. of Englewood Cliffs, NJ; Carver Korea Co., Ltd. of South Korea; Bourne & Morgan Ltd. of United Kingdom; MZ Skin Ltd. of United Kingdom; Kaibeauty of Taiwan; I'll Global Co., Ltd. of South Korea; Hikari Laboratories Ltd. of Israel; Iman Cosmetics of United Kingdom; Iman Cosmetics of New York, NY; Strip Lashed of United Kingdom; and Kelz Beauty of Hungary. The complainant requests that the Commission issue a general exclusion order, a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the amended complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3747'') in a prominent place on the

cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 11, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–13238 Filed 6–14–24; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1387]

Importer of Controlled Substances Application: AndersonBrecon Inc. DBA PCI Pharma Services

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: AndersonBrecon, Inc. DBA PCI Pharma Services has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before July 17, 2024. Such persons may also file a written request for a hearing on the application on or before July 17, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 9, 2024, AndersonBrecon, Inc. DBA PCI Pharma Services, 4545 Assembly Drive, Rockford, Illinois 61109–3081, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Tetrahydrocannabinols	7370	I
3,4-Methylenedioxymethamphetamine.	7405	I
Dimethyltryptamine	7435	I

The company plans to import the listed controlled substances for clinical trials. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Marsha L. Ikner,

Acting Deputy Assistant Administrator.

[FR Doc. 2024–13220 Filed 6–14–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 1386]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Lily's Eden Garden Farms Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before August 16, 2024.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short

comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.''

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), the Drug Enforcement Administration (DEA) is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may submit electronic comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on May 6, 2024, Lily's Eden Garden Farms Corporation, 1821 Waterman Road, Delhi, New York 13753, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I

Marsha L. Ikner,

Acting Deputy Assistant Administrator.

[FR Doc. 2024–13216 Filed 6–14–24; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On June 10, 2024, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Missouri in the lawsuit entitled *United States* v. *Santolubes, LLC, et al.,* Civil Action No. 24–cv–807.

The proposed Consent Decree would resolve claims the United States has brought pursuant to sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606 and 9607(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), regarding the Findett/Hayford Bridge Road Groundwater Superfund Site Operable Unit 1 (''OU1'') in St. Charles County, Missouri.

Under the Consent Decree, Santolubes, LLC, Santolubes Manufacturing, LLC, and Santolubes Spartanburg Holdings will pay $300,000 for response costs at the Sites. Of these funds $280,000 will be deposited into a court registry account to be transferred either to the Environmental Protection Agency or any parties performing work at the Site under an agreement with the United States. The remaining $20,000 will be transferred to EPA to perform response actions at the Site. In exchange, the United States and the State will provide covenants not to sue or to take administrative action against Defendants pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) regarding the Site. This settlement is based on an analysis of the Defendant's limited ability to pay.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Santolubes, LLC, et al.,* 24–cv–807, D.J. Ref. No. 90–11–2–417/5. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Kathryn C. Macdonald,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024–13204 Filed 6–14–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Office of Federal Contract Compliance Programs Construction Recordkeeping and Reporting Requirements

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Federal Contract Compliance Programs (OFCCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before July 17, 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: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP) is seeking Office of Management and Budget approval for a revision to the information collection implementing OFCCP's construction program. This information collection request (ICR) outlines the legal authority, procedures, burden, and costs associated with the recordkeeping and reporting requirements for Federal construction contractors and subcontractors as well as federally assisted construction contractors and subcontractors. This ICR includes the information collection instrument that notifies construction contractors that they have been selected to undergo a construction compliance evaluation: the construction compliance review scheduling letter and itemized listing. This ICR also includes the Construction Contract Award Notification Requirement Form (CC–314). The CC–314 is a form that construction contractors submit to OFCCP notifying the agency of new contract awards that exceed $10,000. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 26, 2024 (89 FR 14109).

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

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OFCCP.

Title of Collection: Office of Federal Contract Compliance Programs Construction Recordkeeping and Reporting Requirements.

OMB Control Number: 1250–0001.

Affected Public: Businesses or other for-profits.

Total Estimated Number of Respondents: 9,982.

Total Estimated Number of Responses: 29,162.

Total Estimated Annual Time Burden: 136,211 hours.

Total Estimated Annual Other Costs Burden: $3,926.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024–13273 Filed 6–14–24; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Health Insurance Claim Form

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before July 17, 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: Michelle Neary by telephone at 202–693–6312, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Form OWCP–1500 is used by OWCP and contractor bill payment staff to process bills for medical services provided by medical professionals other than medical services provided by hospitals, pharmacies and certain other medical providers. This information is required to pay health care providers for services rendered to injured employees covered under the Office of Workers' Compensation Programs—administered programs. Appropriate payment cannot be made without documentation of the medical services that were provided by the health care provider that is billing OWCP. The information obtained to complete claims under these programs is used to identify the patient and determine their eligibility. It is also used to decide if the services and supplies received are covered by these programs and to assure that proper payment is made. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 21, 2024 (89 FR 13106).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Health Insurance Claim Form.

OMB Control Number: 1240–0044.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 43,706.

Total Estimated Number of Responses: 3,544,050.

Total Estimated Annual Time Burden: 413,473 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michelle Neary,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024–13272 Filed 6–14–24; 8:45 am]

BILLING CODE 4510–CR–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

TIME AND DATE: The Finance and the Governance and Performance Review Committees of the Legal Services Corporation Board of Directors will meet virtually on June 24, 2024 and June 27, 2024 respectively. The Finance Committee meeting will begin at 2:00 p.m. EDT, and will continue until the conclusion of the Committee's agenda. The Governance and Performance Review Committee meeting will begin at 2:30 p.m. EDT, and will continue until the conclusion of the Committee's agenda.

PLACE:

Public Notice of Virtual Meeting: LSC will conduct the June 24, 2024 and June 27, 2024 meetings via Zoom.

Public Observation: Unless otherwise noted herein, the Finance and the Governance and Performance Review Committees meeting will be open to public observation via Zoom. Members of the public who wish to participate remotely in the public proceedings may do so by following the directions provided below.

Directions for Open Sessions

Monday, June 24, 2024

To join the Zoom meeting by computer, please use this link.

- *https://lsc-gov.zoom.us/j/81631211021?pwd=ZvUaqpAvtldvp7W39HhiLTqY7S4Oxm.1&from=addon*

Meeting ID: 816 3121 1021

- *Passcode:* 62424

- To join the Zoom meeting with one tap from your mobile phone, please click dial:
  - +13017158592,,88527065662# US (Washington DC)
  - +16468769923,,88527065662# US (New York)

- To join the Zoom meeting by telephone, please dial one of the following numbers:
  - +1 301 715 8592 US (Washington, DC)
  - +1 646 876 9923 US (New York)
  - +1 312 626 6799 US (Chicago)
  - +1 346 248 7799 US (Houston)
  - +1 408 638 0968 US (San Jose)
  - +1 669 900 6833 US (San Jose)
  - +1 253 215 8782 US (Tacoma)
  - *ID:* 816 3121 1021
  - *Passcode:* 62424

Thursday, June 27, 2024

To join the Zoom meeting by computer, please use this link.

- *https://lsc-gov.zoom.us/j/89793757434?pwd=T5LxXApetLPuRNNjqXUqFRd2nvcRu8.1&from=addon*

Meeting ID: 897 9375 7434

- *Passcode:* 62724

- To join the Zoom meeting with one tap from your mobile phone, please click dial:
  - +13017158592,,88527065662# US (Washington DC)
  - +16468769923,,88527065662# US (New York)

- To join the Zoom meeting by telephone, please dial one of the following numbers:
  - +1 301 715 8592 US (Washington, DC)
  - +1 646 876 9923 US (New York)
  - +1 312 626 6799 US (Chicago)
  - +1 346 248 7799 US (Houston)
  - +1 408 638 0968 US (San Jose)
  - +1 669 900 6833 US (San Jose)
  - +1 253 215 8782 US (Tacoma)
  - *ID:* 897 9375 7434
  - *Passcode:* 62724

Once connected to Zoom, please immediately mute your computer or telephone. Members of the public are asked to keep their computers or telephones muted to eliminate background noise. To avoid disrupting the meetings, please refrain from placing the call on hold if doing so will trigger recorded music or other sound.

From time to time, the Finance or the Governance and Performance Review Chairs may solicit comments from the public. To participate in the meeting during public comment, use the 'raise your hand' or 'chat' functions in Zoom and wait to be recognized by the Chair before stating your questions and/or comments.

MATTERS TO BE CONSIDERED:

Meeting Schedule

Monday, June 24, 2024

Start Time: 2:00 p.m. EDT

Finance Committee

Open to the Public

1. Approval of Meeting Agenda
2. Discussion with LSC Leadership Regarding Recommendations for the Organization's Fiscal Year 2026 Budget Request
3. Discussion with Leadership from the Office of Inspector General (OIG) for the Legal Services Corporation Regarding OIG's Fiscal Year 2026 Budget Request
4. Public Comment
5. Consider and Act on Other Business
6. Consider and Act on Adjournment of Meeting

Thursday, June 27, 2024

Start Time: 2:30 p.m. EDT

Governance & Performance Review Committee

Open to the Public

1. Approval of Agenda
2. Approval of Minutes of the Committee's Open and Closed Session Meeting on March 26, 2024
3. Report on U.S. Department of Justice's Access to Justice Office and White House Legal Aid Interagency Roundtable (LAIR)
4. Public Comment
5. Consider and Act on Other Business
6. Consider and Act on Motion to Adjourn the Committee Meeting

CONTACT PERSON FOR MORE INFORMATION: Cheryl DuHart, Administrative Coordinator, at (202) 295–1621. Questions may also be sent by electronic mail to *duhartc@lsc.gov.*

Non-Confidential Meeting Materials: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC website, at *https://www.lsc.gov/about-lsc/board-meeting-materials.*

(Authority: 5 U.S.C. 552b)

Dated: June 12, 2024.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2024–13335 Filed 6–13–24; 11:15 am]

BILLING CODE 7050–01–P

OFFICE OF MANAGEMENT AND BUDGET

Notice of Training Sessions: Effective Participation in Executive Order 12866 Meetings With the Office of Information and Regulatory Affairs

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of training sessions.

SUMMARY: Pursuant to Executive Order 12866, interested members of the public may request a meeting with the Office of Information and Regulatory Affairs (OIRA) to present their views about a regulatory action that is under OIRA review. These meetings, known as E.O. 12866 meetings, serve as listening sessions for OIRA officials and representatives from the agency or agencies taking the regulatory action. Section 2(e) of Executive Order 14094 (Modernizing Regulatory Review) directed the OIRA Administrator to implement reforms designed to protect public trust in the regulatory process, including ensuring access for meeting requesters who have not historically requested such meetings. On December 20, 2023, OIRA issued Guidance Implementing Section 2(e) of Executive Order 14094 (Guidance), describing OIRA's E.O. 12666 meeting policy, and its strategy for inclusive and transparent meetings. To assist members of the public seeking to request an E.O. 12866 meeting, OIRA has modified its website and posted an instructional video and a step-by-step guide to requesting a meeting, in English and Spanish, on its website. As outlined in the Guidance, to encourage participation by those who have not historically requested E.O. 12866 meetings, including those from underserved communities, OIRA will offer periodic and accessible trainings on effective participation in E.O. 12866 meetings. For calendar year 2024, OIRA will be holding two virtual sessions to provide training on how to request and how to effectively participate in E.O. 12866 meetings.

DATES: The training sessions will be held on July, 9 2024, at 3 to 3:45 p.m., Eastern Time, and July 16, 2024, at 1 to 1:45 p.m., Eastern Time.

ADDRESSES: Information to access the virtual training sessions will be provided upon registration. Members of the public may register by sending an email to *publicparticipation@omb.eop.gov,* noting the session they would like to attend.

FOR FURTHER INFORMATION CONTACT: Please email the Office of Management and Budget at *publicparticipation@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Executive Order 12866 establishes and governs the process under which OIRA reviews agencies' significant regulatory actions. E.O. 12866 provides that members of the public may meet with OIRA during OIRA's review of draft proposed and final rules. These meetings, known as E.O. 12866 meetings, offer an opportunity for members of the public to present their views on regulatory actions under review. OIRA invites representatives from the agency or agencies taking the regulatory action to these meetings, though participation may be limited by scheduling or other considerations. E.O. 12866 meetings serve as listening sessions for OIRA and agency representatives, and both the identity of meeting attendees and any written materials provided by the meeting requestors are disclosed on OIRA's website.

OIRA benefits from receiving a diverse array of perspectives from the public during regulatory review. Members of the public can share their views with OIRA on a regulatory action under review, as well as any scientific, technical, social, or economic information, or information drawn from individual experiences that may be helpful to OIRA officials while reviewing a regulatory action. During such meetings, OIRA officials may ask clarifying questions, but will not share deliberative or pre-decisional information about the regulatory action under review. E.O. 12866 meetings with OIRA and the agency are not a substitute for submitting comments to the agency under the agency's applicable regulatory procedures, but instead provide an opportunity to emphasize or highlight information relevant to OIRA review.

OIRA has an ''open door'' policy with respect to meeting requests. Any individual may request a meeting regarding a regulatory action under review. OIRA makes all reasonable efforts to accommodate meeting requests. However, OIRA staff do not affirmatively reach out to outside parties to schedule E.O. 12866 meetings or to solicit specific views. OIRA does not schedule or prioritize E.O. 12866 meetings based on identity or viewpoint. OIRA encourages requestors to submit E.O. 12866 meeting requests as soon as possible after the start of OIRA review.

In an effort to facilitate meeting requests, OIRA has modified its website to simplify the request form and to provide several avenues through which outside parties can request meetings.[1] In addition, OIRA has provided detailed written step-by-step instructions in English and Spanish,[2] as well as a video (also translated into Spanish),[3] on its website, *RegInfo.gov,* on how to schedule a meeting. To facilitate broader participation in E.O. 12866 meetings, including by requestors who have not historically requested such meetings or face challenges in traveling to Washington, DC, OIRA holds E.O. 12866 meetings virtually, primarily as teleconferences.

To encourage participation by members of the public who have not historically requested E.O. 12866 meetings, including members of underserved communities, OIRA will offer periodic and accessible trainings on effective participation in E.O. 12866 meetings. OIRA will hold two training sessions in 2024, one on July 9, 2024, at 3 to 3:45 p.m., Eastern Time, and another on July 16, 2024, at 1 to 1:45 p.m., Eastern Time. At these training sessions, OIRA will describe (1) what an E.O. 12866 meeting is; (2) how members of the public may request and schedule a meeting; (3) the format of E.O. 12866 meetings; (4) what type of information or input is most helpful to receive during an E.O. 12866 meeting; and (5) what makes for an effective presentation during an E.O. 12866 meeting.

Richard L. Revesz,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 2024–13018 Filed 6–14–24; 8:45 am]

BILLING CODE 3110–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 1:30 p.m., Monday, June 24, 2024

PLACE: 1255 Union Street NE, Suite 500, Washington, DC 20002

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Annual Board of Directors meeting.

The General Counsel of the Corporation has certified that in her

[1] *https://www.reginfo.gov/public/do/eo/neweomeeting.*

[2] *https://www.reginfo.gov/public/jsp/Utilities/E.O.-12866-Video-Transcript-english.pdf* (in English); and *https://www.reginfo.gov/public/jsp/Utilities/E.O.-12866-Video-Transcript-spanish.pdf* (in Spanish).

[3] *https://www.youtube.com/watch?v=1zxsAFsgJ3I* (in English) and *https://www.youtube.com/watch?v=9dRt4XxZ78c* (in Spanish).

opinion, one or more of the exemptions set forth in the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) and (4) permit closure of the following portion(s) of this meeting:

- **Executive (Closed) Session**

Agenda

I. Call to Order
II. Sunshine Act Approval of Executive (Closed) Session
III. Executive Session: Report from CEO
IV. Executive Session: Report from CFO
V. Executive Session: Report from General Counsel
VI. Executive Session: Report from CIO
VII. Executive Session: Officer Compensation Review
VIII. Action Item: Approval of Meeting Minutes—March 22 Special Board of Directors Meeting, March 26 Audit Committee Meeting, April 4 Regular Board of Directors Meeting, and April 24 Special Board of Directors Meeting
IX. Action Item: Appointment of Audit Committee Members
X. Action Item: Election of Officers
XI. Action Item: Grants to Capital Corporations
XII. Action Item: Office Lease Expiration Activities (Boston, Denver, and Kansas City)
XIII. Action Item: Approval of JPMorgan Chase Grant
XIV. Action Item: Approval of HUD Housing Counseling Award
XV. Action Item: IT Support Contract—Additional Services Needed
XVI. Discussion Item: Annual Ethics Review
XVII. Discussion Item: Governance Operations Guide Annual Review
XVIII. Discussion Item: Revised Whistleblower Policy (Tentative)
XIX. Discussion Item: Revised Code of Ethical Conduct (Tentative)
XX. Discussion Item: Strategic Plan Update—Overview of External Market Scan
XXI. Appendix: Management Program Background and Updates Other Reports
a. 2024 Board Calendar
b. 2024 Board Agenda Planner
c. CFO Report
i. Financials (through 3/31/24)
ii. Single Invoice Approvals $100K and over
iii. Vendor Payments $350K and over
iv. Exceptions
d. Programs Dashboard
e. Housing Stability Counseling Program (HSCP)
f. Strategic Plan Scorecard—FY2024 Q1

PORTIONS OPEN TO THE PUBLIC:
Everything except the Executive (Closed) Session.

PORTIONS CLOSED TO THE PUBLIC:
Executive (Closed) Session.

CONTACT PERSON FOR MORE INFORMATION:
Jenna Sylvester, Paralegal, (202) 568–2560; *jsylvester@nw.org.*

Jenna Sylvester,

Paralegal.

[FR Doc. 2024–13354 Filed 6–13–24; 4:15 pm]

BILLING CODE 7570–01–P

NUCLEAR REGULATORY COMMISSION

REVISED 717th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on July 10–12, 2024. The Committee will be conducting meetings that will include some Members being physically present at the NRC while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via MS Teams or via phone at 301–576–2978, passcode 237388529#. A more detailed agenda including the MSTeams link may be found at the ACRS public website at *https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html.* If you would like the MSTeams link forwarded to you, please contact the Designated Federal Officer (DFO) as follows: *Quynh.Nguyen@nrc.gov,* or *Lawrence.Burkhart@nrc.gov.*

Wednesday, July 10, 2024

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chair (Open)—The ACRS Chair will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Kairos Hermes 2 Construction Permit Application (Open/Closed)—The Committee will have presentations and discussion with the licensee representatives and NRC staff regarding the subject topic. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

10:30 a.m.–1:00 p.m.: Committee Deliberation on the Kairos Hermes 2 Construction Permit Application (Open/Closed)—The Committee will deliberate with the NRC staff regarding the subject topic. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

1:00 p.m.–3:30 p.m.: Research Review Topic: Risk Assessment and Human Factors for Non-Light Water Reactors/ Preparation of Reports (Open)—The Committee will have presentations and discussion with the applicant representatives and NRC staff regarding the subject topic.

3:30 p.m.–6:00 p.m.: Preparation of Reports (Open/Closed)—The Committee will proceed to preparation of reports. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Thursday, July 11, 2024

8:30 a.m.–6:00 p.m.: Planning and Procedures Session/Future ACRS Activities/Reconciliation of ACRS Comments and Recommendations/ Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports and preparation of Commission Meeting as determined by the Chair. [*Note:* Pursuant to 5 U.S.C. 552b(c)(2), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS.]

[*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Friday, July 12, 2024

8:30 a.m.–6:00 p.m.: Preparation of Reports/Committee Deliberation (Closed)—The Committee will proceed to preparation of reports and Committee deliberation. [*Note:* Pursuant to 5 U.S.C. 552b(c)(1) disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the DFO (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chair as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the

cognizant ACRS staff at least one day before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chair. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at *https://www.nrc.gov/reading-rm/adams.html* or *https://www.nrc.gov/reading-rm/doc-collections/#ACRS/*

Dated: June 11, 2024.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2024–13221 Filed 6–14–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–213 and 72–39; NRC–2024–0093]

Connecticut Yankee Atomic Power Company; Haddam Neck Plant; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to the April 24, 2023, request from Connecticut Yankee Atomic Power Company (CYAPCO), for the Haddam Neck Plant (HNP or Haddam Neck) located in East Hampton, Connecticut. The exemption permits CYAPCO to make withdrawals from a separate account within CYAPCO's overall nuclear decommissioning trust (NDT), on an annual basis, for spent nuclear fuel (SNF) and Greater than Class C (GTCC) waste management and non-radiological site restoration without prior notification to the NRC.

DATES: The exemption was issued on May 30, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0093 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0093. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the ''For Further Information Contact'' section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tilda Liu, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 404–997–4730; email: *Tilda.Liu@nrc.gov.*

SUPPLEMENTARY INFORMATION: By letter dated April 24, 2023 (ADAMS Accession No. ML23130A118), CYAPCO submitted a request to the NRC for an exemption from paragraphs 50.82(a)(8)(i)(A) and 50.75(h)(2) of title 10 of the *Code of Federal Regulations* (10 CFR) for the HNP Independent Spent Fuel Storage Installation [1] (ISFSI).

CYAPCO has established a separate (segregated) account within its overarching NDT, entitled ''ISFSI Radiological Decom,'' that identifies the funds for radiological decommissioning of the ISFSI apart from the larger balance of funds in the NDT allocated for ongoing management of SNF and GTCC waste and for non-radiological site restoration activities. Although 10 CFR 50.82 applies to the segregated account, it does not apply to the overall NDT.

The exemption from 10 CFR 50.82(a)(8)(i)(A) and 50.75(h)(2) allows CYAPCO to make withdrawals from the segregated account, on an annual basis, for SNF and GTCC waste management and non-radiological site restoration without prior notification to the NRC. More specifically, with this exemption, CYAPCO can annually transfer funds exceeding 110 percent of the inflation-adjusted Decommissioning Cost Estimate, described in 10 CFR 50.75, from the segregated account to its overarching NDT and use those funds for SNF and GTCC waste management and non-radiological site restoration.

Based on the review, the NRC determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, the NRC determined that special circumstances, consistent with 10 CFR 50.12(a)(ii) and (iii), are present. Therefore, the NRC granted CYAPCO an exemption from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) to permit CYAPCO to make withdrawals from the segregated account, on an annual basis, for SNF and GTCC waste management and non-radiological site restoration without prior notification to the NRC. All other relevant requirements shall be met. On May 30, 2024, the NRC issued an exemption for CYAPCO (ADAMS Package Accession No. ML24099A196). The NRC staff also prepared an environmental assessment and finding of no significant impact regarding the proposed exemption request, published in the **Federal Register** on May 28, 2024 (89 FR 46170), and concluded that the proposed exemption would not have a significant impact on the quality of the human environment.

Dated: June 11, 2024.

For the Nuclear Regulatory Commission.

Yoira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–13205 Filed 6–14–24; 8:45 am]

BILLING CODE 7590–01–P

[1] As discussed in this document, the Haddam Neck ISFSI sits on the former site of HNP, which CYAPCO finished decommissioning in 2007. Although only the Haddam Neck ISFSI remains on the site, CYAPCO's 10 CFR part 50 license, Facility Operating License No. DPR–61 remains in effect. Because CYAPCO requested an exemption from the requirements of 10 CFR part 50, this would be an exemption for CYAPCO's 10 CFR part 50 license rather than for CYAPCO's 10 CFR part 72 general license. Therefore, although CYAPCO's submission requested an exemption for the Haddam Neck ISFSI, the NRC staff considers it a request for an exemption for HNP.

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–360 and CP2024–368; MC2024–361 and CP2024–369]

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 20, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2024–360 and CP2024–368; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 108 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 11, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* June 20, 2024.

2. *Docket No(s).:* MC2024–361 and CP2024–369; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 109 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 11, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* June 20, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–13297 Filed 6–14–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–358 and CP2024–366; MC2024–359 and CP2024–367]

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 18, 2024.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s)

[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).

[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).

in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2024–358 and CP2024–366; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 107 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 10, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Alain Brou; *Comments Due:* June 18, 2024.

2. *Docket No(s).:* MC2024–359 and CP2024–367; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage contract 276 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 10, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Alain Brou; *Comments Due:* June 18, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–13255 Filed 6–14–24; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100315; File No. SR–CboeBZX–2024–006]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend Rule 11.9(c)(6) and Rule 11.13(a)(4)(D) To Permit the Use of BZX Post Only Orders at Prices Below $1.00

June 11, 2024.

On January 8, 2024, Cboe BZX Exchange, Inc. (''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Number SR–CboeBZX–2024–006) to permit the use of the Post Only order instruction at prices below $1.00. The proposed rule change was published for comment in the **Federal Register** on January 29, 2024.[3] On March 8, 2024, pursuant to section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On April 26, 2024, the Commission instituted proceedings pursuant to section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission did not receive any comments on the proposal. On June 5, 2024, BZX withdrew the proposed rule change (SR–CboeBZX–2024–006).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13212 Filed 6–14–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100313; File No. SR–CboeEDGX–2024–007]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend Rule 11.6(n)(4) and Rule 11.10(a)(4)(D) To Permit the Use of the Post Only Order Instruction at Prices Below $1.00

June 11, 2024.

On January 19, 2024, Cboe EDGX Exchange, Inc. (''EDGX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Number SR–CboeEDGX–2024–007) to permit the use of the Post Only order instruction at prices below $1.00. The proposed rule change was published for comment in the **Federal Register** on February 7, 2024.[3] On March 19, 2024, pursuant to section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On May 2, 2024, the Commission instituted proceedings pursuant to section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission did not receive any comments on the proposal. On June 5, 2024, EDGX withdrew the proposed rule change (SR–CboeEDGX–2024–007).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13210 Filed 6–14–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100314; File No. SR–CboeEDGA–2024–003]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend Rule 11.6(n)(4) and Rule 11.10(a)(4)(D) To Permit the Use of the Post Only Order Instruction at Prices Below $1.00

June 11, 2024

On January 19, 2024, Cboe EDGA Exchange, Inc. (''EDGA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99414 (January 23, 2024), 89 FR 5596.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 99698, 89 FR 18694 (March 14, 2024) (designating April 26, 2024, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 100038, 89 FR 35866 (May 2, 2024).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99459 (February 1, 2024), 89 FR 8473.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 99766, 89 FR 20735 (March 25, 2024) (designating May 7, 2024, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 100052, 89 FR 38935 (May 8, 2024).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

thereunder,[2] a proposed rule change (File Number SR–CboeEDGA–2024–003) to permit the use of the Post Only order instruction at prices below $1.00. The proposed rule change was published for comment in the **Federal Register** on February 7, 2024.[3] On March 19, 2024, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On May 2, 2024, the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission did not receive any comments on the proposal. On June 5, 2024, EDGA withdrew the proposed rule change (SR–CboeEDGA–2024–003).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13211 Filed 6–14–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100317; File No. SR–CboeBYX–2024–017]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Interpretation and Policy .03 to Rule 11.13 To Provide an Additional, Optional Risk Setting to Members and Clearing Members

June 11, 2024.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 29, 2024, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') proposes to amend Interpretation and Policy .03 to Rule 11.13 to provide an additional, optional risk setting to Members and Clearing Members. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide Members[5] and Clearing Members[6] the option to utilize additional risk settings under proposed Interpretation and Policy .03 of Rule 11.13. Based on feedback from its Members, the Exchange proposes to offer additional, optional risk settings at the Market Participant Identifier (''MPID'') level and/or to a subset of orders identified within the MPID level (the ''risk group identifier'' level) that would authorize the Exchange to take automated action if a designated limit for a Member is breached. Such risk settings would provide Members and Clearing Members with enhanced abilities to manage their risk with respect to orders on the Exchange.[7] Proposed paragraphs (a)(3) and (4) of Interpretation and Policy .03 of Rule 11.13 set forth the specific risk settings the Exchange proposes to offer. The current risk settings noted in paragraphs (a)(1)–(2) of Interpretation and Policy .03 of Rule 11.13 will continue to be available to Members and Clearing Members. Specifically, the Exchange proposes to offer two aggregate credit risk settings (the ''Aggregate Credit Risk Checks'') as follows:

- The ''Aggregate Gross Credit Exposure Limit'', which refers to a pre-established maximum daily dollar amount for purchases and sales across all symbols, where both purchases and sales are counted as positive values. For purposes of calculating the Aggregate Gross Credit Exposure Limit, both executed and open orders are included; and
- The ''Aggregate Net Credit Exposure Limit'', which refers to a pre-established maximum daily dollar amount for purchases and sales across all symbols, where purchases are counted as positive values and sales are counted as negative values. For purposes of calculating the Aggregate Net Credit Exposure Limit,

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99458 (February 1, 2024), 89 FR 8460.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 99765, 89 FR 20721 (March 25, 2024) (designating May 7, 2024, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 100051, 89 FR 38933 (May 8, 2024).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Rule 1.5(n). A ''Member'' shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.

[6] *See* Rule 11.15(a). The term ''Clearing Member'' refers to a Member that is a member of a Qualified Clearing Agency and clears transactions on behalf of another Member.

[7] Similarly, a Sponsoring Member may utilize the check to manage the risk of its Sponsored Participants. A Sponsoring Member shall mean a broker-dealer that has been issued a membership by the Exchange who has been designated by a Sponsored Participant to execute, clear and settle transactions resulting from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a clearing arrangement with any such clearing firm. *See* Rule 1.5(y). A Sponsored Participant shall mean a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3. Such sponsored relationships generally include where a broker-dealer allows its customer to use the broker-dealer's MPID or other mechanism or mnemonic to enter orders into the Exchange's System that bypass the Sponsoring Member's order handling system and are electronically routed directly to the Exchange by the Sponsored Participant, including through a service bureau or other third-party technology provider. *See* Rule 1.5(x). *See also* Securities Exchange Act Release No. 97176 (March 21, 2023), 88 FR 18193 (March 27, 2023), SR–CboeBYX–2023–005 (''BYX Sponsored Participant Definition Filing'') at 18194, footnote 12.

both executed and open orders are included.

The proposed Aggregate Credit Risk Checks are nearly identical to credit risk settings monitoring both gross and net exposure provided for in paragraph (h) of Interpretation and Policy .01 of Rule 11.13, but with one notable difference. Importantly, the proposed Aggregate Credit Risk Checks would be applied at the MPID level and/or risk group identifier level, while the risk settings noted in paragraph (h) of Interpretation and Policy .01 are applied at the logical port level.[8] The proposed Aggregate Credit Risk Checks are also nearly identical to the Gross Credit Risk Limit and Net Credit Risk Limit risk settings provided for in Interpretation and Policy .03(a)(1)–(2) of Rule 11.13, but with one notable difference. The proposed Aggregate Credit Risk Checks are both calculated using both executed and open orders, while the risk settings noted in paragraphs (a)(1)–(2) of Interpretation and Policy .03 are calculated using only executed orders. Therefore, the proposed risk management functionality would allow a Member or Clearing Member to manage its risk more comprehensively, instead of (i) relying on the more limited port level functionality offered today under Interpretation and Policy .01(h) and (ii) being subject to limits only calculated at notional execution value under paragraphs (a)(1)–(2) of Interpretation and Policy .03. Stated differently, the calculation of the proposed Aggregate Credit Risk Checks will not differ from the current aggregate credit risk settings offered under paragraph (h) of Interpretation and Policy .01 of Rule 11.13; however, the ability to implement aggregate credit risk limits at the MPID and/or risk group identifier levels will permit Members and Clearing Members to set credit risk limits at a more granular level. The Exchange also notes that the New York Stock Exchange LLC (''NYSE'') and MIAX Pearl equities exchange (''MIAX Pearl'') both offer risk settings substantially similar to the Aggregate Credit Risk Checks proposed by the Exchange.[9]

In addition to the proposed Aggregate Credit Risk Checks, the Exchange proposes to amend paragraph (e) of Interpretation and Policy .03 to provide for an additional manner in which the Exchange may respond in the event that a risk setting is breached. Currently, the Exchange is authorized to automatically block new orders submitted and cancel all open orders in the event that a risk setting is breached. As proposed, paragraph (e) of Interpretation and Policy .03 would permit Members and Clearing Members to authorize the Exchange to either: (i) block new orders submitted and cancel open orders (as is currently permitted) or (ii) block new orders submitted without cancelling open orders in the event that a risk setting is breached. The proposed change is intended to give Members and Clearing Members additional flexibility in how the Exchange responds to a breach of a risk setting pursuant to Interpretation and Policy .03(a).

By way of background, Exchange Rule 11.15(a) requires that all transactions passing through the facilities of the Exchange shall be cleared and settled through a Qualified Clearing Agency using a continuous net settlement system.[10] This requirement may be satisfied by direct participation, use of direct clearing services, or by entry into a corresponding clearing arrangement with another Member that clears through a Qualified Clearing Agency (*i.e.,* a Clearing Member). If a Member clears transactions through another Member that is a Clearing Member, such Clearing Member shall affirm to the Exchange in writing, through letter of authorization, letter of guarantee or other agreement acceptable to the Exchange, its agreement to assume responsibility for clearing and settling any and all trades executed by the Member designating it as its clearing firm.[11] Thus, while not all Members are Clearing Members, all Members are required to either clear their own transactions or to have in place a relationship with a Clearing Member that has agreed to clear transactions on their behalf in order to conduct business on the Exchange. Therefore, the Clearing Member that guarantees the Member's transactions on the Exchange has a financial interest in the risk settings utilized within the System[12] by the Member. A Member that does not self-clear may allocate or revoke the responsibility of establishing and adjusting the risk settings identified in paragraph (a) to its Clearing Member via the risk management tool available on the web portal at any time.[13]

The Exchange proposes to make the risk setting available to its Members upon request and will not require Members to utilize the Aggregate Credit Risk Checks. The Exchange will not provide preferential treatment to Members utilizing the Aggregate Credit Risk Checks. However, the Exchange believes the Aggregate Credit Risk Checks will offer Members another option in efficient risk management of their access to the Exchange. For instance, the Aggregate Credit Risk Checks may assist some Members in mitigating the risk of executing and/or submitting orders to the Exchange that would violate the Members' stated risk tolerance. Additionally, the proposed functionality is designed to assist Members and Clearing Members in the management of, and risk control over, their credit risk.

Importantly, as is the case with the Exchange's existing risk settings, the Member, and not the Exchange, will have the full responsibility for ensuring that their orders comply with applicable securities rules, laws, and regulations. Furthermore, the Exchange does not believe that use of the Aggregate Credit Risk Checks can replace Member-managed risk management solutions, and use of the Aggregate Credit Risk Checks does not automatically constitute compliance with Exchange rules. Pursuant to Rule 15c3–5 under the Act,[14] a broker-dealer with market access must perform appropriate due diligence to assure that controls are reasonably designed to be effective, and otherwise consistent with the rule.[15]

In conjunction with the proposed addition of the Aggregate Credit Risk Checks to Interpretation and Policy .03(a), the Exchange proposes to remove

[8] A logical port represents a port established by the Exchange within the Exchange's System for trading and billing purposes. Each logical port established is specific to a Member or non-Member and grants that Member or non-Member the ability to accomplish a specific function, such as order entry, order cancellation, or data receipt.

[9] *See* NYSE Rule 7.19(b)(1)(A); MIAX Pearl Equities Rule 2618(a)(2)(E)–(F). The Exchange notes that MIAX Pearl adopted Rule 2618(a)(2)(E)–(F) on February 13, 2023, but the functionality may not yet be operational. *See* Securities Exchange Act Release No. 96905 (February 13, 2023), 88 FR 10391 (February 17, 2023), SR–PEARL–2023–03 (''MIAX Risk Control Filing'').

[10] *See* Rule 1.5(u). The term ''Qualified Clearing Agency'' means a clearing agency registered with the Commission pursuant to section 17A of the Act that is deemed qualified by the Exchange. The rules of any such clearing agency shall govern with the respect to the clearance and settlement of any transactions executed by the Member on the Exchange.

[11] A Member can designate one Clearing Member per MPID associated with the Member.

[12] *See* Rule 1.5(aa). ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Members are consolidated for ranking, execution and, when applicable, routing away.''

[13] *See* Rule 11.13, Interpretation and Policy .03(c). If a Member revokes the responsibility of establishing and adjusting the risk settings identified in paragraph (a), the settings applied by the Member would be applicable.

[14] 17 CFR 240.15c3–5.

[15] *See* Division of Trading and Markets, Responses to Frequently Asked Questions Concerning Risk Management Control for Brokers or Dealers with Market Access, *available at https://www.sec.gov/divisions/marketreg/faq-15c-5-risk-management-controls-bd.htm.*

paragraph (h) from Interpretation and Policy .01 as the Exchange is not required to offer or maintain risk settings and the existing risk settings offered under paragraph (h) of Interpretation and Policy .01 will be redundant with the proposed addition of the Aggregate Credit Risk Checks. The Exchange notes that the current risk settings noted in paragraph (h) of Interpretation and Policy .01 will continue to be available for a limited period of time following the addition of the proposed Aggregate Credit Risk Checks under Interpretation and Policy .03 in order to provide Members and Clearing Members adequate opportunity to transition their risk settings. The Exchange will announce via Exchange Notice the date on which the risk setting offered under Interpretation and Policy .01(h) will no longer be available within 30 days of the implementation of the Aggregate Credit Risk Checks.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of section 6(b) of the Act.[16] Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [17] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [18] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed Aggregate Credit Risk Checks and amendment to paragraph (e) of Interpretation and Policy .03 will remove impediments to and perfect the mechanism of a free and open market and a national market system because it provides Members and Clearing Members with additional functionality to manage their credit risk with respect to orders on the Exchange. In addition, the proposed Aggregate Credit Risk Checks are not novel as they are based on the Exchange's existing risk setting in Interpretation and Policy .01(h) of Rule 11.13. Additionally, the proposed Aggregate Credit Risk Checks are substantially similar to risk controls offered by both NYSE, which offers a Gross Credit Risk Limit,[19] and MIAX Pearl, which has adopted both Gross and Net Notional Open and Trade Value risk settings.[20] Therefore, Members and Clearing Members are already familiar with the types of protections the proposed Aggregate Credit Risk Checks will offer. As such, the Exchange believes that the proposed risk settings would provide a means to address potentially market-impacting events, helping to ensure the proper functioning of the market.

In addition, the Exchange believes that the proposed Aggregate Credit Risk Checks and amendment to paragraph (e) of Interpretation and Policy .03 is designed to protect investors and the public interest because the proposed functionality is a form of risk mitigation that will aid Members and Clearing Members in minimizing their risk exposure and reduce the potential for disruptive, market-wide events. The Exchange understands that its Members and Clearing Members employ a number of different risk-based controls, including those required by Rule 15c3–5. The proposed Aggregate Credit Risk Checks will serve as an additional tool for Members and Clearing Members to assist them in identifying any risk exposure. The Exchange believes the proposed Aggregate Credit Risk Checks will assist Members and Clearing Members in managing their financial exposure, which, in turn, could enhance the integrity of trading on the securities markets and help to assure the stability of the financial system.

Finally, the Exchange believes the proposed rule change does not unfairly discriminate among the Exchange's Members because use of the proposed Aggregate Credit Risk Checks are optional and are not a prerequisite for participation on the Exchange. The proposed Aggregate Credit Risk Checks are completely voluntary and, as they relate solely to optional risk management functionality, no Member is required or under any regulatory obligation to utilize them. Additionally, the removal of the risk settings offered under Interpretation and Policy .01(h) does not unfairly discriminate as the change applies equally to all Members and Clearing Members (*i.e.,* the risk setting will not be available for any Member or Clearing Member) and merely results in Members not being able to utilize the risk setting, which, as noted above, the Exchange is not required to offer or maintain. Further, the risk settings offered under Interpretation and Policy .01(h) are unnecessary and redundant given the proposed Aggregate Credit Risk Checks, which permit Members and Clearing Members to set credit risk limits at a more granular level.

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. To the contrary, the Exchange believes that the proposed rule change may have a positive effect on intermarket competition because it would allow the Exchange to offer risk management functionality that is comparable to functionality offered by other national securities exchanges.[21] Further, by providing Members and Clearing Members additional means to monitor and control risk, the proposed rule may increase confidence in the proper functioning of the markets and contribute to additional competition among trading venues and broker-dealers. Rather than impede competition, the proposal is designed to facilitate more robust risk management by Members and Clearing Members, which, in turn, could enhance the integrity of trading on the securities markets and help to assure the stability of the financial system. The proposal to remove the risk setting offered under Interpretation and Policy .01(h) similarly will not impose any burden on competition because the changes apply to all Members and Clearing Members uniformly, as in the risk setting will no longer be available to any Member or Clearing Member.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Id.*

[19] *Supra* note 9.

[20] *Id.*

[21] *Supra* note 9.

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[22] and Rule 19b–4(f)(6)[23] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will 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–CboeBYX–2024–017 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–CboeBYX–2024–017. 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–CboeBYX–2024–017 and should be submitted on or before July 8, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13214 Filed 6–14–24; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100316; File No. SR–CboeBYX–2024–003]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend Rule 11.9(c)(6) and Rule 11.13(a)(4)(D) To Permit the Use of BYX Post Only Orders at Prices Below $1.00

June 11, 2024.

On January 8, 2024, Cboe BYX Exchange, Inc. (''BYX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Number SR–CboeBYX–2024–003) to permit the use of the Post Only order instruction at prices below $1.00. The proposed rule change was published for comment in the **Federal Register** on January 29, 2024.[3] On March 8, 2024, pursuant to section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On April 26, 2024, the Commission instituted proceedings pursuant to section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission did not receive any comments on the proposal. On June 5, 2024, BYX withdrew the proposed rule change (SR–CboeBYX–2024–003).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13213 Filed 6–14–24; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99413 (January 23, 2024), 89 FR 5582.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 99697, 89 FR 18699 (March 14, 2024) (designating April 26, 2024, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 100040, 89 FR 35908 (May 2, 2024).

[8] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 12426]

Determination Under Section 620(Q) of the Foreign Assistance Act of 1961 Relating to Assistance for Ukraine

Pursuant to the authority vested in me by section 620(q) of the Foreign Assistance Act of 1961 (FAA), Executive Order 12163, and Department of State Delegation of Authority 513, I hereby determine that assistance for Ukraine is in the national interest of the United States and thereby waive the application of section 620(q) of the FAA with respect to such assistance.

This determination shall be published in the **Federal Register** and, with the accompanying Memorandum of Justification, shall be transmitted to Congress.

Dated: January 23, 2024.

Richard R. Verma,

Deputy Secretary of State for Management and Resources, Department of State.

Editorial Note: This document was received for publication by the Office of the Federal Register on June 12, 2024.

[FR Doc. 2024–13279 Filed 6–14–24; 8:45 am]

BILLING CODE 4710–23–P

DEPARTMENT OF STATE

[Public Notice: 12432]

Notice of Public Meeting in Preparation for International Maritime Organization Council 132 Meeting

The Department of State will conduct a public meeting at 1:00 p.m. on Tuesday, July 2, 2024, both in-person at Coast Guard Headquarters in Washington, DC, and via teleconference. The primary purpose of the meeting is to prepare for the 132nd session of the International Maritime Organization's (IMO) Council (C 132) to be held in London, United Kingdom from Monday, July 8, 2024, to Friday July 12, 2024.

Members of the public may participate up to the capacity of the teleconference phone line, which can handle 500 participants or up to the seating capacity of the room if attending in person. The meeting location will be the United States Coast Guard Headquarters, 5PS Conference Room, and the teleconference line will be provided to those who RSVP. To RSVP, participants should contact the meeting coordinator, LT Emily Rowan, by email at *Emily.K.Rowan@uscg.mil.* LT Rowan will provide access information for in-person and virtual attendance.

The agenda items to be considered by the advisory committee at this meeting mirror those to be considered at Council 132, and include:

—Adoption of the agenda
—Report of the Secretary-General on credentials
—Rules of Procedure
—Strategy, planning and reform
—Resource Management
—Results-based budget for 2024–2025
—Consolidated text of the IMO Convention
—IMO Member State Audit Scheme
—Enhancement of GISIS
—Report of the Facilitation Committee
—Report of the Legal Committee
—Report of the Marine Safety Committee
—Report of the Marine Environmental Protection Committee
—Report of the Technical Cooperation Committee
—Protection of vital shipping lanes
—External relations
—Hybrid meeting capabilities
—Voluntary Multi-donor Trust Fund to facilitate the participation of developing countries, especially small island developing States (SIDS) and least developed countries (LDCs) in IMO meetings
—Report on the status of the conventions
—Place, date and duration of the next session of the Council (C 133)
—Supplementary agenda items, if any

Please note: the IMO may, on short notice, adjust the C 132 agenda to accommodate the constraints associated with the meeting format. Any changes to the agenda will be reported to those who RSVP.

Those who plan to participate should contact the meeting coordinator, LT Emily Rowan, by email at *Emily.K.Rowan@uscg.mil,* or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509, by June 25, 2024. Members of the public needing reasonable accommodation should advise the meeting coordinator not later than June 25, 2024. Requests made after that date will be considered but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: *https://www.dco.uscg.mil/IMO.*

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 552.)

Leslie W. Hunt,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2024–13187 Filed 6–14–24; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 12420]

Determination and Certification of Countries Not Cooperating Fully With Antiterrorism Efforts

Pursuant to section 40A of the Arms Export Control Act (22 U.S.C. 2781), and Executive Order 13637, as amended, I hereby determine and certify to the Congress that the following countries are not cooperating fully with United States antiterrorism efforts: Democratic People's Republic of Korea (DPRK, or North Korea), Iran, Syria, and Venezuela.

This determination and certification shall be transmitted to the Congress and published in the **Federal Register**.

Dated: May 14, 2024.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2024–13277 Filed 6–14–24; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 12419]

Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962

Pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962 (the Act) (22 U.S.C. 2601(b)(2)), Presidential Determination Number 99–6 of November 30, 1998, and Department of State Delegation 513, I hereby designate stateless persons in Cambodia, Chile, Ghana, the Kyrgyz Republic, North Macedonia, Poland, the People's Republic of China (including the Hong Kong Special Administrative Region and the Macau Special Administrative Region), South Sudan, Tanzania, and Vietnam as qualifying for assistance under section 2(b)(2) of the Act, and determine that such assistance will contribute to the foreign policy interests of the United States.

This determination shall be transmitted to the President and published in the **Federal Register**.

Dated: May 3, 2024.

Richard Verma,

Deputy Secretary of State for Management and Resources, Department of State.

[FR Doc. 2024–13280 Filed 6–14–24; 8:45 am]

BILLING CODE 4710–33–P

DEPARTMENT OF STATE

[Delegation of Authority No. 558]

Delegation of Authorities—Secure Embassy Construction and Counterterrorism Act

1. By virtue of the authority vested in the Secretary of State by the laws of the United States, including by Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a(a)(4)), to the extent authorized by law and subject to the conditions in paragraph 3 below, I hereby delegate to the Under Secretary of State for Management the authority to issue waivers for chanceries and consulates under sections 606(a)(2)(B) and 606(a)(3)(B) of the Secure Embassy Construction and Counterterrorism Act (SECCA Act) of 1999, Public Law 106–113, as amended by section 9301 of the SECCA Act of 2022, Public Law 117–263.

2. I further delegate to the Under Secretary of State for Management the authority to notify the appropriate congressional committees of any such waiver and to submit to appropriate congressional committees reports under the same sections of the SECCA Act of 1999. There will be a notification to Congress at least two days prior to any waiver's implementation.

3. This delegation of authority shall not apply to posts designated as High Threat/High Risk posts consistent with section 104 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4803).

4. The functions delegated herein may be exercised by the Secretary, the Deputy Secretary, and the Deputy Secretary for Management and Resources.

5. This delegation supersedes Delegation of Authority No. 539, dated February 27, 2023.

6. This delegation of authority will be published in the **Federal Register**.

Dated: May 20, 2024.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2024–13276 Filed 6–14–24; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2024–25]

Petition for Exemption; Summary of Petition Received; Dassault Aviation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 8, 2024.

ADDRESSES: Send comments identified by docket number FAA–2024–1594 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–646, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206–231–3187, email *deana.stedman@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Kansas City, Missouri, on June 12, 2024.

Patrick R. Mullen,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

Petition for Exemption

Docket No.: FAA–2024–1594.

Petitioner: Dassault Aviation.

Section(s) of 14 CFR Affected: § 25.1322(a)(2) and (e)(2).

Description of Relief Sought: Dassault Aviation is seeking relief from certain requirements of 14 CFR 25.1322, until September 30, 2027, while it incorporates design changes and retrofit of the Model Falcon 6X airplane that would bring the airplane into compliance with FAA requirements.

[FR Doc. 2024–13274 Filed 6–14–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2012–0028]

Application To Reinstate Information Collection Request OMB No. 2105–0566

AGENCY: Office of the Secretary (OST), Department of Transportation (Department or DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the request for reinstatement of an Office of Management and Budget (OMB) Control Number for the Information Collection Request (ICR) abstracted below is being forwarded to the OMB for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on February 12, 2024.

DATES: Comments on this notice must be received by July 17, 2024.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular ICR by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Daeleen Chesley, Office of the General Counsel, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–9342 (Voice), or *Daeleen.Chesley@dot.gov* (Email). Arrangements to receive this document in an alternative format may be made by contacting the above-named individuals.

SUPPLEMENTARY INFORMATION:

Title: Submission of U.S. Carrier and Airport Tarmac Delay Emergency Contingency Plans Pursuant to FAA Modernization and Reform Act.

OMB Control Number: 2105–0566.

Type of Request: Request to reinstate OMB control number 2105–0566.

Abstract: The FAA Modernization and Reform Act (Act), which was signed into law on February 14, 2012, requires U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats, and operators of large hub, medium hub, small hub, or non-hub U.S. airports, to submit emergency contingency plans for lengthy tarmac delays to the Secretary of Transportation for review and approval. In addition to requiring the initial submission of emergency contingency plans, the Act requires U.S. air carriers to submit an updated plan every 3 years and U.S. airport operators to submit an updated plan every 5 years. The Act further requires each covered carrier and airport to ensure public access to its plan after DOT approval by posting the plan on its website. DOT has an online system by which covered U.S. air

carriers and U.S. airports can submit the required plans.[1]

On June 2, 2015, DOT published a 60-day FR Notice to renew/reinstate the OMB control number (80 FR 31455) and on June 17, 2016, a 30-day FR notice was published (81 FR 39750). On February 23, 2017, OMB reinstated the OMB control number, which expired on February 29, 2020. DOT is seeking reinstatement of that number.[2]

The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On February 12, 2024, OST published a 60-day notice in the **Federal Register** soliciting comment on ICRs for which the agency was seeking OMB approval. *See* 89 FR 29 at 9906. OST received no comments after issuing this notice. Accordingly, the Department announces that these information collection activities have been re-evaluated and certified under 5 CFR. 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). The 30-day notice informs the regulated community to file relevant comments to OMB and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995).

For each of these information collections, the title, a description of the respondents, and an estimate of the annual recordkeeping and periodic reporting burden are set forth below:

1. *Requirement to submit tarmac delay contingency plan to DOT for review and approval.*

Title: Filing of Tarmac Delay Contingency Plan to DOT.

Respondents: Each large, medium, small and non-hub airport in the U.S.; U.S. carriers that operate scheduled passenger service or public charter service using any aircraft with a design capacity of 30 or more seats.

Estimated Number of Respondents: 391 U.S. airports[3] and 76 U.S. airlines.[4]

Frequency: Every 5 years for covered U.S. airports; every 3 years for covered U.S. airlines.

Estimated Total Burden on Respondents:

For U.S. airports—195.5 hours (391 existing airports × .5 hours = 195.5 hours). This estimate is based on the following facts/assumptions: Tarmac delay plans for submission are general in nature and do not consist of extensive airport-specific customization. Airport associations prepared templates for use by U.S. airports which require very little additional information to be customized for individual airports and have been the templates for most of the airport plans submitted. For U.S. airports that have already prepared and submitted a plan and will continue to be subject to this requirement, they will need to review and update the plan through the DOT's electronic submission system. We estimate .5 hour for these 391 airports to review, update, and submit the plan through the DOT's electronic submission system.[5]

For U.S. airlines—54.5 hours [(65 existing carriers × .5 hours = 32.5 hours) + (11 new carrier × 2 hours = 22 hours) = 54.5 hours]. Although airlines often choose to prepare more detailed plans for internal use, airline plans for submission generally are not very detailed and provide only the level of information required to meet the statutory requirement. In addition, currently operating U.S. carriers are already required to have such plans in place as this is a continuing requirement and the statute has been in place since 2012. Therefore, we estimate that the 65 covered U.S. carriers will spend .5 hour to review, update, and submit the plan through the DOT's electronic submission system. For the 11 carriers that had not prepared and submitted a plan to meet the requirement in 2017, we estimate 2 hours to review and prepare the templates, and to submit the plan through the DOT's electronic submission system.[6]

2. *Requirement to ensure public access to tarmac delay plan after DOT approval (as required by the Act).*

Title: Posting of Tarmac Delay Contingency Plan on websites.

Respondents: Each large, medium, small and non-hub airport in the U.S.; U.S. carriers that operate scheduled passenger service or public charter service operating to or from the United States, using any aircraft with a design capacity of 30 or more seats.

Estimated Number of Respondents: 391 U.S. airports and 76 U.S. airlines.

Estimated Total Frequency: Every 5 years for covered U.S. airports; every 3 years for covered U.S. airlines (if not already posted or if there are updates).

Burden on Respondents: 116.75 hours [(391 airports × .25 hours = 97.75 hours) + (76 airlines × .25 hours = 19 hours) = 116.75 hours]. We estimate that the time to upload a plan to a website is 15 minutes as covered U.S. carriers and airports are already required to have such plans in place and plans are generally short and do not take long to upload.

Public Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department'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 collection of information on respondents without reducing the quality of the collection of information, including the use of automated collection techniques or other forms of information technology. All comments will also become a matter of public record.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.26, 1.27, 1.48 and 1.49; DOT Order 1351.29.

[1] OACP is modernizing its consumer complaints database to provide a more efficient means for air carriers and airports to submit their plans. Should the submission process change prior to the date plans are due, OACP will give covered entities advance notice of the revised procedure for plan submission.

[2] We note that the information collection requirements are specifically required by statute and are not imposed as an exercise of the DOT's discretion.

[3] Based on FAA CY22 information, there are 31 large, 33 medium, 73 small, and 254 non-hub covered airports. See, *https://www.faa.gov/sites/faa.gov/files/2023-09/cy22-commercial-service-enplanements.pdf.*

[4] The number of covered airlines was calculated using current data provided to OACP by the Bureau of Transportation Statistics (BTS).

[5] The total number of airports required to submit plans has decreased from 401 to 391 (−10 airports). The burden is calculated with the assumption that no new airports need to submit a plan. However, if there are any new airports that are required to submit a plan, the burden estimate for such an airport would be two hours.

[6] Based on CY 2022 information provided by the Bureau of Transportation Statistics (BTS), the number of covered carriers that must submit plans increased from 65 to 76 (+11 carriers). As such, the estimated burden for U.S. carriers has slightly increased.

Issued in Washington, DC.

Livaughn Chapman Jr.,

Deputy Assistant General Counsel for the Office of Aviation Consumer Protection.

[FR Doc. 2024–13265 Filed 6–14–24; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is revising the entries of five persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons (SDN) List and Sectoral Sanctions Identifications (SSI) List. All property and interests in property subject to U.S. jurisdiction of these persons remain blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley T. Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List, SSI List, and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://ofac.treasury.gov*).

Notice of OFAC Action(s)

On June 12, 2024, published the following revised information for the entries on the SDN List and the SSI List for the following persons blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–AL–P

Entities

1. PROMSVYAZBANK PUBLIC JOINT STOCK COMPANY (Cyrillic: ПУБЛИЧНОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО ПРОМСВЯЗЬБАНК) (f.k.a. OJSC PROMSVYAZBANK; a.k.a. PROMSVYAZBANK PAO (Cyrillic: ПАО ПРОМСВЯЗЬБАНК); a.k.a. PROMSVYAZBANK PJSC; a.k.a. PUBLICHNOE AKTSIONERNOE OBSHCHESTVO PROMSVYAZBANK), Smirnovskaya Street 10/22, Moscow 109052, Russia; Room 1308, SCITECH Tower22, Jianguomenwai Dajie, Beijing 100004, China; 390, Frunze St., Bishkek 720033, Kyrgyzstan; 7, MunirkaMarg, Vasant Vhiar, New Delhi 110057, India; SWIFT/BIC PRMSRUMM; Website www.psbank.ru; BIK (RU) 044525555; Secondary sanctions risk: See section 11 of Executive Order 14024; Organization Established Date 2001; Target Type Financial Institution; Tax ID No. 7744000912 (Russia); Government Gazette Number 40148343 (Russia); Registration Number 1027739019142 (Russia) [RUSSIA-EO14024].

2. PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA (Cyrillic: ПУБЛИЧНОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО СБЕРБАНК РОССИИ) (f.k.a. JOINT STOCK COMMERCIAL SAVINGS BANK OF THE RUSSIAN FEDERATION; f.k.a. JOINT STOCK COMMERCIAL SAVINGS BANK OF THE RUSSIAN SOVIET FEDERATIVE SOCIALIST REPUBLIC; f.k.a. OJSC SBERBANK OF RUSSIA; f.k.a. OPEN JOINT STOCK COMPANY SBERBANK OF RUSSIA; f.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO SBERBANK ROSSII; a.k.a. PJSC SBERBANK (Cyrillic: ПАО СБЕРБАНК); f.k.a. SBERBANK OF RSFSR; a.k.a. SBERBANK OF RUSSIA; a.k.a. SBERBANK ROSSII; f.k.a. SBERBANK ROSSII OAO; a.k.a. "SBERBANK INDIA"; a.k.a. "SBERBANK MUMBAI"), 19 ul. Vavilova, Moscow 117312, Russia (Cyrillic: ул. Вавилова, д. 19, Москва 117312, Russia); C305/306A Lufthansa Centre 50 Liangmaqiao Rd., Chaoyang District, Beijing 100027, China; upper ground floor and fourth floor, Birla Tower, 25-Barakhamba Road, New Delhi 110001, India; 81-B, 8th Floor, 5th North Avenue, Maker Maxity, Bandra Kurla Complex, Bandra East, Mumbai, Maharashtra 40051, India; SWIFT/BIC SABRRUMM; Website www.sberbank.ru; alt. Website www.sberbank.com; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; alt. Secondary sanctions risk: See section 11 of Executive Order 14024.; Target Type Financial Institution; Executive Order 14024 Directive Information - For more information on directives, please visit the following link: https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/russian-harmful-foreign-activities-sanctions#directives; Executive Order 14024 Directive Information Subject to Directive 3 - All transactions in, provision of financing for, and other dealings in new debt of longer than 14 days maturity or new equity where such new debt or new equity is issued on or after the 'Effective Date (EO 14024 Directive)' associated with this name are prohibited.; Listing Date (EO 14024 Directive 2): 24 Feb 2022;

Effective Date (EO 14024 Directive 2): 26 Mar 2022; Listing Date (EO 14024 Directive 3): 24 Feb 2022; Effective Date (EO 14024 Directive 3): 26 Mar 2022; Tax ID No. 7707083893 (Russia); Registration Number 1027700132195 (Russia); For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives. [UKRAINE-EO13662] [RUSSIA-EO14024].

3. STATE CORPORATION BANK FOR DEVELOPMENT AND FOREIGN ECONOMIC AFFAIRS VNESHECONOMBANK (f.k.a. BANK FOR FOREIGN TRADE OF THE U.S.S.R.; a.k.a. GK VEB.RF; a.k.a. GOSUDARSTVENNAYA KORPORATSIYA RAZVITIYA VEB.RF; a.k.a. STATE DEVELOPMENT CORPORATION VEB.RF (Cyrillic: ГОСУДАРСТВЕННАЯ КОРПОРАЦИЯ РАЗВИТИЯ ВЭБ.РФ); a.k.a. VEB.RF (Cyrillic: ВЭБ.РФ); f.k.a. VNESHECONOMBANK; f.k.a. VNESHEKONOMBANK GK; f.k.a. VNESHEKONOMBANK SSSR; a.k.a. "BANK FOR DEVELOPMENT"; a.k.a. "VEB"), Akademik Sakharov Ave 9, Moscow 107996, Russia; Pr-kt, Akademika Sakharova, D. 9, Moscow 107078, Russia (Cyrillic: Пр-Кт Академика Сахарова, Д. 9, Город Москва 107078, Russia); 20A, CITIC Building, 19, Joanguomenwai Dajie, Beijing 100004, China; Shop No. 11, Arcade Ground Floor, World Trade Centre, Cuffe Prade, Colaba, Mumbai 400005, India; SWIFT/BIC BFEARUMM; Website www.veb.ru; BIK (RU) 044525060; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; alt. Secondary sanctions risk: See section 11 of Executive Order 14024.; Organization Established Date 18 Aug 1922; Target Type State-Owned Enterprise; alt. Target Type Financial Institution; Tax ID No. 7750004150 (Russia); Government Gazette Number 00005061 (Russia); Registration Number 1077711000102 (Russia); For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives. [UKRAINE-EO13662] [RUSSIA-EO14024].

4. VTB BANK PUBLIC JOINT STOCK COMPANY (Cyrillic: БАНК ВТБ ПУБЛИЧНОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО) (f.k.a. BANK FOR FOREIGN TRADE OF RSFSR; f.k.a. BANK OF FOREIGN TRADE OF THE RUSSIAN FEDERATION; f.k.a. BANK VNESHEI TORGOVLI OAO; f.k.a. BANK VNESHNEI TORGOVLI ROSSISKOI FEDERATSII AS A PRIVATE JOINT STOCK COMPANY; f.k.a. BANK VNESHNEI TORGOVLI RSFSR; f.k.a. BANK VNESHNEY TORGOVLI JOINT STOCK COMPANY; f.k.a. BANK VNESHNEY TORGOVLI OPEN JOINT STOCK COMPANY; f.k.a. BANK VNESHNEY TORGOVLI ROSSIYSKOY FEDERATSII CLOSED JOINT STOCK COMPANY; f.k.a. BANK VTB OAO; f.k.a. BANK VTB OPEN JOINT STOCK COMPANY; a.k.a. BANK VTB PAO; a.k.a. BANK VTB PUBLICHNOE AKTSIONERNOE OBSHCHESTVO; f.k.a. CJSC BANK FOR FOREIGN TRADE OF THE RUSSIAN FEDERATION; f.k.a. JSC VTB BANK; f.k.a. OAO BANK VTB; f.k.a. OAO VNESHTORGBANK; f.k.a. OJSC CJSC BANK FOR FOREIGN TRADE; f.k.a. RUSSIAN VNESHTORGBANK; f.k.a. VNESHTORGBANK; f.k.a. VNESHTORGBANK OF RSFSR; f.k.a. VNESHTORGBANK ROSSII CLOSED JOINT STOCK COMPANY; a.k.a. VTB BANK; f.k.a. VTB BANK OAO; f.k.a. VTB BANK OPEN JOINT STOCK COMPANY; a.k.a. VTB BANK PAO; a.k.a. VTB BANK PJSC (Cyrillic: БАНК ВТБ ПАО); a.k.a. VTB BANK PJSC

SHANGHAI BRANCH; a.k.a. "JSC VTB BANK NEW DELHI BRANCH"), 29, Bolshaya Morskaya str., St. Petersburg 190000, Russia; 37 Plyushchikha ul., Moscow 119121, Russia; 43, Vorontsovskaya str., Moscow 109044, Russia; 11 litera, per. Degtyarny, St. Petersburg 191144, Russia; 11, lit A, Degtyarnyy pereulok, St. Petersburg 191144, Russia; 43, bld.1, Vorontsovskaya str., Moscow 109147, Russia; Bashnya Zapad, Kompleks Federatsiya, 12, nab. Presnenskaya, Moscow 123317, Russia; str. 1, 43, ul. Vorontsovskaya, Moscow 109147, Russia; Vorontsovskaya Str 43, Moscow 109147, Russia; The Taj Mahal Hotel, Lobby Mezzanine Floor 1, Mansingh Road, New Delhi 110001, India; 1266 Nanjing Xilu Street, Jingan District, Shanghai 200040, China; 18 BC, CITIC Building, 19 Jianguomenwai Dajie, Beijing 100004, China; SWIFT/BIC VTBRRUMM; Website www.vtb.com; alt. Website www.vtb.ru; BIK (RU) 044030707; alt. BIK (RU) 044525187; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; alt. Secondary sanctions risk: See section 11 of Executive Order 14024; Organization Established Date 17 Oct 1990; Target Type Financial Institution; Registration ID 1027739609391 (Russia); Tax ID No. 7702070139 (Russia); Government Gazette Number 00032520 (Russia); License 1000 (Russia); Legal Entity Number 253400V1H6ART1UQ0N98 (Russia); For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives. [UKRAINE-EO13662] [RUSSIA-EO14024].

5. VTB CAPITAL HOLDINGS CLOSED JOINT STOCK COMPANY (a.k.a. HOLDING VTB CAPITAL CJSC; a.k.a. KHOLDING VTB KAPITAL ZAKRYTOE AKTSIONERNOE OBSHCHESTVO; a.k.a. VTB CAPITAL HOLDING CJSC; a.k.a. VTB CAPITAL HOLDING ZAO; a.k.a. VTB CAPITAL HONG KONG LIMITED; a.k.a. VTB CAPITAL JSC), 12 Presnenskaya nab., Moscow 123100, Russia; 4th Lesnoy Pereulok 4, Capital Plaza, Moscow 125047, Russia; Room 410, Stolyarniy Pereulok 3, bld 34, Moscow 123022, Russia; Unit 2301, 23/F, Cheung Kong Center, 2 Queen's Road Central, Hong Kong; Website http://vtbcapital.com; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; alt. Secondary sanctions risk: See section 11 of Executive Order 14024; Target Type Financial Institution; Registration ID 1097746344596 (Russia); For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: VTB BANK PUBLIC JOINT STOCK COMPANY).

Dated: June 12, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–13261 Filed 6–14–24; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons

are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley T. Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On June 11, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. THOMAS, Mae Toussaint (a.k.a. THOMAS, Mae Toussaint Jr.; a.k.a. ''THOMAS, Mae''), 5 Camp Street, Werk-en-Rust, Georgetown, Guyana; DOB 12 Feb 1986; POB Georgetown, Guyana; nationality Guyana; Gender Female; Passport R0459307 (Guyana) expires 15 Apr 2019; National ID No. 111801231 (Guyana) (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(B)(1) of Executive Order (E.O.) 13818 of December 20, 2017, ''Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,'' 82 FR 60839 (Dec. 26, 2017) (E.O. 13818 or the ''Order'') for being a foreign person who is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery.

2. MOHAMED, Azruddin Intiaz (a.k.a. MOHAMED, Azruddin; a.k.a. ''MOHAMED, Azadeen''; a.k.a. ''MOHAMED, Azurdeen''), Lot 3 Felicity Drive, East Coast Demerara, Guyana; DOB 01 Mar 1987; POB Georgetown, Guyana; nationality Guyana; Gender Male; Passport R0429399 (Guyana); alt. Passport A033726 (individual) [GLOMAG].

Designated pursuant to section 1(a)(iii)(A)(1) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery, that is conducted by a foreign person.

3. MOHAMED, Nazar (a.k.a. ''MOHAMMED, Nazar''), Lot 275 Barrow Street, Demerara, Guyana; DOB 27 Mar 1953; POB Essequibo Coast, Guyana; nationality Guyana; Gender Male; Passport A005493 (Guyana); alt. Passport R1163199 (Guyana) (individual) [GLOMAG] (Linked To: MOHAMED'S ENTERPRISE).

Designated pursuant to section 1(a)(ii)(C)(2) of E.O. 13818 for being a foreign person who is or has been a leader or official of an entity whose property and interests in property are blocked pursuant to E.O. 13818 as a result of activities related to the leader's or official's tenure.

Entities

1. TEAM MOHAMED'S RACING TEAM (a.k.a. ''TEAM MOHAMED'S''), Guyana; Organization Established Date 2013; Organization Type: Activities of sports clubs [GLOMAG] (Linked To: MOHAMED, Azruddin Intiaz).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MOHAMED, Azruddin Intiaz, a person whose property and interests in property are blocked pursuant to the Order.

2. HADI'S WORLD INCORPORATED (a.k.a. ''HADI'S WORLD''; a.k.a. ''HADI'S WORLD INC''), 29 Lombard Street, Werk-en-Rust, Georgetown, Guyana; Organization Established Date 29 Sep 2009; Organization Type: Mining and Quarrying [GLOMAG] (Linked To: MOHAMED'S ENTERPRISE).

Designated pursuant to section 1(a)(iii)(B) of E.O. 13818 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MOHAMED'S ENTERPRISE, a person whose property and interests in property are blocked pursuant to the Order.

3. MOHAMED'S ENTERPRISE (a.k.a. MOHAMED ENTERPRISES; a.k.a. MOHAMEDS ENTERPRISE; a.k.a. ''CONFIDENTIAL CAMBIO''), Lot 29 Lombard Street, Georgetown, Guyana; Organization Established Date 1993; Organization Type: Mining and Quarrying [GLOMAG].

Designated pursuant to section 1(a)(iii)(A)(1) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery, that is conducted by a foreign person.

Dated: June 11, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–13197 Filed 6–14–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0697]

Agency Information Collection Activity: Application for Approval of a Licensing or Certification Test and Organization or Entity

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before August 16, 2024.

ADDRESSES: Comments must be submitted through *https://www.regulations.gov/.*

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy Kessinger, 202–632–8924, *nancy.kessinger@va.gov.*

VA PRA information: Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Approval of a Licensing or Certification Test and Organization or Entity. No Form.

OMB Control Number: 2900–0697. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: SAAs and VA will use the information to decide whether the licensing and certification tests, and the organizations offering them, should be approved for use under the education programs VA administers. VA did not develop an official form for this information collection since section 3689 of title 38, United States Code permitted VA to delegate the approval functions to the State Approving Agencies; and from the inception of this information collection, VA has given the State Approving Agencies the authority to approve licensing and certification tests and organizations. Consequently, the State Approving Agencies have developed their own forms to gather information they will need per their respective state laws to decide whether the licensing and certification tests and the organizations offering them should be approved. In the case of an organization seeking approval directly from VA, any information VA receives concerning the request for approval is forwarded directly to the appropriate State Approving Agency. Since SAAs have approval authority, education institutions and licensing and certification organizations supply information to the SAAs for approval in a manner specified by the SAA.

Affected Public: Individuals and Households.

Estimated Annual Burden: 3,453 hours.

Estimated Average Burden Time per Respondent: 3 hours or 180 minutes.

Frequency of Response: Once Occasionally.

Estimated Number of Respondents: 1,151.

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. 2024–13240 Filed 6–14–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0797]

Agency Information Collection Activity: GI Bill® School Feedback Tool

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before August 16, 2024.

ADDRESSES: Comments must be submitted through *https://www.regulations.gov/*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy Kessinger, 202–632–8924, *nancy.kessinger@va.gov.*

VA PRA information: Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: GI Bill® School Feedback Tool, No Form.

OMB Control Number: 2900–0797. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: Executive Order 13607, Establishing Principles of Excellence, which is now identified as the GI Bill School Feedback Tool is used for Educational Institutions serving service members, Veterans, spouses, and other family members, requires the establishment of a centralized complaint system for students receiving federal military and Veteran educational benefits. The purpose of the complaint system is to provide a standardized method to submit a complaint against an educational institution alleging fraudulent and unduly aggressive recruiting techniques, misrepresentation, payment of incentive compensation, failure to meet state authorization requirements, or failure to adhere to the Principles of Excellence as outlined in the Executive Order. The VA's Principles of Excellence GI Bill® School Feedback Tool leverages the Salesforce platform to collect and manage complaints. The complainants access the complaint system through the GI Bill website and eBenefits portal. Veterans, family members, or other members of the public are able to open links at the VA website location and enter the requested information. Complainants are offered the opportunity to review the information in their complaint prior to clicking on the submit button. Once a complaint is submitted, the complainant receives an email verifying that the complaint was received.

At this point, the complaint is stored in the complaint system and is available to select VA employees for review. VA reviews the complaint, and on behalf of the complainant, shares the complaint with the institution which is subject of the complaint. VA requests the institution to formally respond to the complaint within 90 days. If an institution fails to respond within 90 days, VA will contact the institution and request a status update.

Once VA receives a response from the institution, VA will forward the response to the complainant. At this point, VA will close the case. Valid complaints received are transmitted to the central repository at FTC Consumer Sentinel. The information in the central repository is the same information provided by the complainant. Authorized law enforcement officials who have been granted access to the FTC Consumer Sentinel database have access to view all complaints. The

respondent submits a complaint about an educational institution online through either the GI Bill website or the eBenefit portal. The information gathered can only be obtained from the individual respondents. Valid complaints will be accepted from third parties. The Feedback Tool process for VA's complaint system data elements include:

Institution/Employer: There are over 36,000 educational institutions that are approved for VA education benefits.

Anonymous Complaints: The Feedback Tool Complaint System allows for a user to file anonymous complaints. Based on working group discussions with CFPB and FTC, VA believes that allowing anonymous complaints will garner more ground truth on what is happening with Veterans using their education benefits at different schools.

Required fields: As a result of allowing anonymous complaints, many of the fields will not be required by VA.

Affected Public: Individuals and Households.

Estimated Annual Burden: 305 hours.

Estimated Average Burden Time per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,222.

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. 2024–13219 Filed 6–14–24; 8:45 am]

BILLING CODE 8320–01–P

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