AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 89 Thursday,
No. 119 June 20, 2024

Pages 51785–51948

OFFICE OF THE FEDERAL REGISTER

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

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

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–09512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

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

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

Printed on recycled paper.

Contents

Federal Register

Vol. 89, No. 119

Thursday, June 20, 2024

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Federal Register
Vol. 89, No. 119
Thursday, June 20, 2024

Presidential Documents

Title 3—

The President

Proclamation 10776 of June 14, 2024

World Elder Abuse Awareness Day, 2024

By the President of the United States of America

A Proclamation

Older Americans are the heart and soul of our families, our communities, and our Nation. But every year, up to five million older Americans face some form of abuse. Around the world, too many are denied the opportunity to age with dignity and security. During World Elder Abuse Awareness Day, we recommit to standing with elder abuse survivors, shedding light on this important issue, and creating a world in which no older person has to live in fear of violence, abuse, or neglect.

Elder abuse comes in many forms. It can include physical or emotional abuse and neglect, sexual violence, or financial exploitation. These and other abuses can leave older Americans with scars, both visible and invisible, that impact them for the rest of their lives. They can happen anywhere—at home, at a care facility, at work, or online.

Elder abuse goes against everything we stand for as a Nation—and my Administration is working relentlessly to stop it. To date, my Administration has dedicated over $430 million to Adult Protective Services, making it easier to investigate reports of elder abuse and give survivors the resources they need to heal—from emergency resources like food, shelter, and law enforcement protection to medical and mental health treatment, legal services, and financial assistance. My new Budget proposes a $30 million investment to sustain and strengthen these resources. Furthermore, I reauthorized the Violence Against Women Act and increased its funding to the highest levels to date—which includes funding for service providers, law enforcement, and prosecutors to respond to domestic and sexual violence experienced by older adults.

Concurrently, we are working to protect the savings that older Americans have worked their entire lives to build up. Last year alone, Americans over 60 years old lost over $3 billion to scams. In response, the Federal Trade Commission, the Federal Communications Commission, the Consumer Financial Protection Bureau, and other regulatory agencies are taking aggressive action to identify and crack down on loan scams, mortgage scams, junk fees, and price gouging, which too often prey on older Americans.

Meanwhile, my Administration is working to ensure that older Americans have access to the quality care they deserve—whether they are at home or in another residential setting. By signing an Executive Order on Increasing Access to High-Quality Care and Supporting Caregivers, I took the most comprehensive set of executive actions in history to support family caregivers and care workers. Additionally, we are helping home care workers get a larger share of Medicaid payments. We are ensuring nursing homes have enough staff to guarantee every resident a safe, quality environment. My new Budget would also significantly expand Medicaid home care services to reduce the long waitlist, ensure nursing homes can be regularly audited for safety and quality, and empower more older Americans to live full lives in settings of their choice.

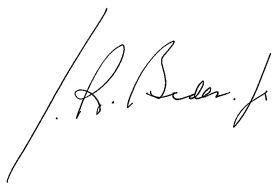
Globally, my Administration is ensuring that our partnerships with nations abroad reflect the same care for older people that we prioritize here at home. Through the Department of State, local law enforcement agencies

are training their foreign counterparts in best practices to investigate elder abuse and support survivors. We are also working to implement our Strategy on Global Women's Economic Security, which includes a focus on expanding opportunities and protections for caregivers around the world, including older women. With our Strategy to Prevent and Respond to Gender-Based Violence Globally, we are tackling violence that affects older adults, particularly older women and widows.

This World Elder Abuse Awareness Day, let us remember the integral and irreplaceable role that older Americans have in our families, our communities, and our society. Let us recommit to ensuring that they can live with the comfort, dignity, and respect they earned and deserve. Let us celebrate the blessings of their wisdom, their contributions, and their love, which nurture who we are as people and shape all that we are as a Nation.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 15, 2024, as World Elder Abuse Awareness Day. I encourage all Americans to be diligent; work together to strengthen existing partnerships; and develop new opportunities to improve our Nation's prevention of and response to elder abuse, neglect, and exploitation.

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



[FR Doc. 2024–13667
Filed 6–18–24; 8:45 am]
Billing code 3395–F4–P

Presidential Documents

Proclamation 10777 of June 14, 2024

Father's Day, 2024

By the President of the United States of America

A Proclamation

Every Father's Day, we pay tribute to the fathers and father figures in our lives who shower us with unconditional love and support. These men shape our character, help us reach our full potential, and believe in us so that we can believe in ourselves. Today, we honor their tremendous sacrifices, their unwavering devotion, and their tireless work to build better futures for our families.

When I was growing up, my father, Joseph Robinette Biden Sr., taught me lifelong values that I have tried to pass down to my own children and grandchildren. Among these many values, he taught me that every person deserves to be treated with dignity and respect. He taught me that our character is not measured by how many times or how hard we get knocked down; rather, it is measured by how quickly we get back up. He taught me that a job is not just about a paycheck—it is about dignity, pride, and self-worth. All these principles have not only shaped my perspective in life—they are also at the heart of my commitment to building an economy where every father can thrive.

That commitment begins by building an economy from the middle out and bottom up. Toward that aim, my Administration is creating new jobs in manufacturing, construction, clean energy, and more. We are rebuilding American infrastructure with American products built by American workers. We are creating good-paying jobs in people's hometowns so they can support a family without having to move.

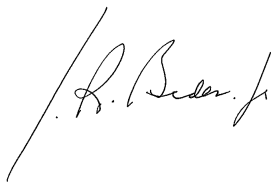
At the same time, we also lowered the cost of health insurance premiums for millions of families, giving them some breathing room. We are cutting the cost of prescription drugs, giving Medicare the power to negotiate lower prices just like the Department of Veterans Affairs does for our veterans. We are trying hard to make child care more affordable and paid leave more accessible. We are working to ensure that our elderly fathers and grandfathers can live their lives with the dignity they deserve by protecting Social Security, Medicare, and Medicaid while strengthening access to home care services.

This Father's Day, my heart is also with all the children who have tragically lost a father figure and the fathers who have tragically lost a child. Though the grieving process never truly ends, I know from my own experience that the day will come when the memory of your loved one brings a smile to your lips before it brings a tear to your eye. As we honor all that they meant to us, we recommit to safeguarding their legacies and building a future of possibilities for generations to come. Today and every day, let us remember to cherish the precious moments we have with our dads, stepdads, grandfathers, and father figures and to thank them for all they do to enrich our lives, our families, and our Nation.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 16, 2024, as Father's Day. I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on

this day. Let us honor our fathers, living and deceased, and show them the love and gratitude they deserve.

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



[FR Doc. 2024–13670
Filed 6–18–24; 8:45 am]
Billing code 3395–F4–P

Rules and Regulations

Federal Register
Vol. 89, No. 119
Thursday, June 20, 2024

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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 15, 37, 73, 110, 140, 170 and 171

[NRC–2022–0046]

RIN 3150–AK74

Fee Schedules; Fee Recovery for Fiscal Year 2024

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending the licensing, inspection, special project, and annual fees charged to its applicants and licensees. These amendments are necessary to comply with the Nuclear Energy Innovation and Modernization Act, which requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from this fee-recovery requirement.

DATES: This final rule is effective on August 19, 2024.

ADDRESSES: Please refer to Docket ID NRC–2022–0046 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0046. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.
- *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 or 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in the ''Availability of Documents'' section of 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, Monday through Friday, except Federal holidays.

For additional direction on obtaining information, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Anthony Rossi, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7341; email: *Anthony.Rossi@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents:

I. Background; Statutory Authority

The NRC's fee regulations are primarily governed by two laws: (1) the Independent Offices Appropriation Act, 1952 (IOAA) (31 U.S.C. 9701); and (2) the Nuclear Energy Innovation and Modernization Act (NEIMA) (42 U.S.C. 2215). The IOAA authorizes and encourages Federal agencies to recover, to the fullest extent possible, costs attributable to services provided to identifiable recipients. Under NEIMA, the NRC must recover, to the maximum extent practicable, approximately 100 percent of its annual budget, less the budget authority for excluded activities. Under section 102(b)(1)(B) of NEIMA, ''excluded activities'' include any fee-relief activity as identified by the Commission, generic homeland security activities, waste incidental to reprocessing activities, Nuclear Waste Fund activities, advanced reactor regulatory infrastructure activities, Inspector General (IG) services for the Defense Nuclear Facilities Safety Board, research and development at universities in areas relevant to the NRC's mission, and a nuclear science and engineering grant program. In fiscal year (FY) 2024, in addition to the fee-relief activities identified by the Commission in prior fee rules, the resources for the Minority Serving Institutions Grant Program are also identified as a fee-relief activity to be excluded from the fee recovery requirement (see Table 1, ''Excluded Activities,'' of this document for the list of all excluded activities).

Under NEIMA, the NRC must use its IOAA authority first to collect service fees for NRC work that provides specific benefits to identifiable recipients (such as licensing work, inspections, and special projects). The NRC's regulations in part 170 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended,'' explain how the agency collects service fees from specific beneficiaries. Because the NRC's fee recovery under the IOAA (10 CFR part 170) will not equal 100 percent of the agency's total budget authority for the FY (less the budget authority for excluded activities), the NRC also assesses ''annual fees'' under 10 CFR part 171, ''Annual Fees for Reactor Licenses and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC,'' to recover the remaining amount necessary to comply with NEIMA.

II. Discussion

FY 2024 Fee Collection—Overview

The NRC is issuing this FY 2024 final fee rule based on the Consolidated

Appropriations Act, 2024 (the enacted budget). The final fee rule reflects a total budget authority in the amount of $944.1 million, an increase of $16.9 million from FY 2023.

As explained previously, certain portions of the NRC's total budget authority are excluded from NEIMA's fee recovery requirement under section 102(b)(1)(B) of NEIMA. Based on the enacted budget, these exclusions total $137.1 million, which is a decrease of $18.9 million from the FY 2024 budget request, and an increase of $0.1 million from FY 2023. These excluded activities consist of $96.8 million for fee-relief activities, $23.8 million for advanced reactor regulatory infrastructure activities, $14.0 million for generic homeland security activities, $1.0 million for waste incidental to reprocessing activities, and $1.5 million for IG services for the Defense Nuclear Facilities Safety Board. Table I summarizes the excluded activities for the FY 2024 final fee rule. The FY 2023 amounts are provided for comparison purposes.

TABLE I—EXCLUDED ACTIVITIES

[Dollars in millions]

	FY 2023 final rule	FY 2024 final rule
Fee-Relief Activities:		
International activities	28.8	31.1
Agreement State oversight	11.9	12.5
Medical isotope production infrastructure	3.5	1.5
Fee exemption for nonprofit educational institutions	13.5	17.7
Costs not recovered from small entities under 10 CFR 171.16(c)	8.9	10.5
Regulatory support to Agreement States	14.2	12.0
Generic decommissioning/reclamation activities (not related to the operating power reactors and spent fuel storage fee classes)	12.5	2.7
Uranium recovery program and unregistered general licensees	2.7	5.3
Potential Department of Defense remediation program Memorandum of Understanding activities	0.9	0.8
Non-military radium sites	0.2	0.2
Minority Serving Institutions Grant Program	N/A	2.5
Subtotal Fee-Relief Activities	97.1	96.8
Activities under section 102(b)(1)(B)(ii) of NEIMA (Generic Homeland Security activities, Waste Incidental to Reprocessing activities, and the Defense Nuclear Facilities Safety Board)	16.1	16.5
Advanced reactor regulatory infrastructure activities	23.8	23.8
Total Excluded Activities	137.0	137.1

After accounting for the exclusions from the fee recovery requirement and net billing adjustments (*i.e.,* for FY 2024 invoices that the NRC estimates will not be paid during the FY, less payments received in FY 2024 for prior-year invoices), the NRC must recover approximately $808.3 million in fees in FY 2024. Of this amount, the NRC estimates that $202.2 million will be recovered through 10 CFR part 170 service fees and approximately $606.1 million will be recovered through 10 CFR part 171 annual fees. Table II summarizes the fee recovery amounts for the FY 2024 final fee rule using the FY 2024 enacted budget and takes into account the budget authority for excluded activities and net billing adjustments. For all information presented in this final rule, individual values may not sum to totals due to rounding. Please see the work papers, available as indicated in the ''Availability of Documents'' section of this document, for more precise amounts.

In FY 2024, the explanatory statement associated with the Consolidated Appropriations Act, 2024 included direction for the NRC to use $62.0 million of prior-year unobligated balances (carryover). The explanatory statement allocates $16.0 million for the University Nuclear Leadership Program (UNLP), and consistent with language in the Senate Report, the UNLP is funded in FY 2024 using carryover. The direction to use the $62.0 million in carryover also reflects the $27.1 million proposed in the FY 2024 budget request to offset the Nuclear Reactor Safety budget and an additional $18.9 million in carryover, which offsets the $18.9 million reduction in the estimated net budget authority specified in the Consolidated Appropriations Act, 2024, for the NRC's ''Salaries and Expenses'' account. Consistent with the requirements of NEIMA, the NRC does not assess fees in the current fiscal year for any carryover because fees are calculated based on the budget authority enacted for the current fiscal year. Fees were already assessed in the fiscal year in which the carryover was appropriated. The FY 2023 amounts are provided for comparison purposes.

TABLE II—BUDGET AND FEE RECOVERY AMOUNTS

[Dollars in millions]

	FY 2023 final rule	FY 2024 final rule
Total Budget Authority	$927.2	$944.1
Less Budget Authority for Excluded Activities:	−137.0	−137.1
Balance	790.2	807.0
Fee Recovery Percent	100.0	100.0
Total Amount to be Recovered:	790.2	807.0
Less Estimated Amount to be Recovered through 10 CFR part 170 Fees	−195.0	−202.2

TABLE II—BUDGET AND FEE RECOVERY AMOUNTS—Continued

[Dollars in millions]

	FY 2023 final rule	FY 2024 final rule
Estimated Amount to be Recovered through 10 CFR part 171 Fees	595.2	604.8
10 CFR part 171 Billing Adjustments:		
Unpaid Current Year Invoices (estimated)	3.7	4.3
Less Payments Received in Current Year for Previous Year Invoices (estimated)	−3.3	−3.0
Adjusted 10 CFR part 171 Annual Fee Collections Required	595.6	606.1
Adjusted Amount to be Recovered through 10 CFR parts 170 and 171 Fees	790.6	808.3

FY 2024 Fee Collection—Professional Hourly Rate

The NRC uses a professional hourly rate to assess fees under 10 CFR part 170 for specific services it provides. The professional hourly rate also helps determine flat fees (which are used for the review of certain types of license applications). This rate is applicable to all activities for which fees are assessed under §§ 170.21, ''Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections and import and export licenses,'' and 170.31, ''Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.'' The NRC's professional hourly rate is derived by adding budgeted resources for: (1) mission-direct program salaries and benefits; (2) mission-indirect program support; and (3) agency support (corporate support and the IG). The NRC then subtracts certain offsetting receipts and divides this total by the mission-direct full-time equivalent (FTE) converted to hours (the mission-direct FTE converted to hours is the product of the mission-direct FTE multiplied by the estimated annual mission-direct FTE productive hours). The only budgeted resources excluded from the professional hourly rate are those for mission-direct contract resources, which are billed to licensees separately. The following shows the professional hourly rate calculation:

$$\text{Professional Hourly Rate} = \frac{\text{Budgeted Resources}}{\text{Mission-Direct FTE Converted to Hours}} = \frac{\$816.9 \text{ million}}{1{,}720.3 \times 1{,}500} = \$317$$

For FY 2024, the NRC is increasing the professional hourly rate from $300 to $317. The approximately 5.7 percent increase in the professional hourly rate is primarily due to an increase in the total budgeted resources of approximately $39.4 million. The increase in budgeted resources is primarily due to the following: (1) an increase in mission-direct FTE; and (2) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits to support Federal pay raises for NRC employees.

In addition, the NRC anticipates an increase in mission-direct FTE to support the increase in licensing and decommissioning activities. This anticipated increase in the number of mission-direct FTE compared to FY 2023 partially offsets the increase in the professional hourly rate caused by the overall increase in budgeted resources. The professional hourly rate is inversely related to the mission-direct FTE amount; therefore, as the number of mission-direct FTE increase, the professional hourly rate may decrease. Based on the FY 2024 enacted budget, the number of mission-direct FTE is expected to increase by approximately 48, primarily to support the following: (1) the review of new reactor licensing activities, including the review of standard design approvals, pre-application activities, and construction permits; (2) licensing and oversight activities for the reactor decommissioning program, which includes both power and non-power reactors in various stages of decommissioning; (3) the review of licensing actions related to enrichment and manufacturing of high assay low-enrichment uranium (HALEU) fuel and accident tolerant fuel (ATF); and (4) the review of one new fuel facility license application.

The FY 2024 estimate for annual mission-direct FTE productive hours is 1,500 hours, which is a decrease from 1,551 hours in FY 2023. This estimate reflects the average number of hours that a mission-direct employee spends on mission-direct work annually. This estimate, therefore, excludes hours charged to annual leave, sick leave, holidays, training, and general administrative tasks. Table III shows the professional hourly rate calculation methodology. The FY 2023 amounts are provided for comparison purposes.

TABLE III—PROFESSIONAL HOURLY RATE CALCULATION

[Dollars in millions, except as noted]

	FY 2023 final rule	FY 2024 final rule
Mission-Direct Program Salaries & Benefits	$359.2	$384.4
Mission-Indirect Program Support	118.8	118.9
Agency Support (Corporate Support and the IG)	299.5	313.6
Subtotal	777.5	816.9
Less Offsetting Receipts [1]	0.0	0.0

TABLE III—PROFESSIONAL HOURLY RATE CALCULATION—Continued

[Dollars in millions, except as noted]

	FY 2023 final rule	FY 2024 final rule
Total Budgeted Resources Included in Professional Hourly Rate	777.5	816.9
Mission-Direct FTE	1,672.2	1,720.3
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,551	1,500
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours)	2,593,582	2,580,450
Professional Hourly Rate (Total Budgeted Resources Included in Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole Numbers)	300	317

FY 2024 Fee Collection—Flat Application Fee Changes

The NRC is amending the flat application fees it charges in its schedule of fees in § 170.31 to reflect the revised professional hourly rate of $317. The NRC charges these fees to applicants for materials licenses and other regulatory services, as well as to holders of materials licenses. The NRC calculates these flat fees by multiplying the average professional staff hours needed to process the licensing actions by the professional hourly rate for FY 2024. As part of its calculations, the NRC analyzes the actual hours spent performing licensing actions and estimates the five-year average of professional staff hours that are needed to process licensing actions as part of its biennial review of fees. These actions are required by section 205(a) of the Chief Financial Officers Act of 1990 (31 U.S.C. 902(a)(8)). The NRC performed this review for the FY 2023 proposed fee rule and will perform this review again for the FY 2025 proposed fee rule. The higher professional hourly rate of $317 is the primary reason for the increase in flat application fees (see the work papers).

To simplify billing, the NRC rounds these flat fees to a minimal degree. Specifically, the NRC rounds these flat fees (up or down) in such a way that ensures both convenience for its stakeholders and minimal effects due to rounding. Accordingly, fees under $1,000 are rounded to the nearest $10, fees between $1,000 and $100,000 are rounded to the nearest $100, and fees greater than $100,000 are rounded to the nearest $1,000.

The flat fees are applicable for certain materials licensing actions (see fee categories 1.C. through 1.D., 2.B. through 2.F., 3.A. through 3.S., 4.B. through 5.A., 6.A. through 9.D., 10.B., 15.A. through 15.L., 15.R., and 16 of § 170.31). Applications filed on or after the effective date of the FY 2024 final fee rule will be subject to the revised fees in the final rule. Since international activities are excluded from the fee recovery requirement, fees are not assessed for import and export licensing actions under 10 CFR parts 170 and 171.

FY 2024 Fee Collection—Low-Level Waste Surcharge

The NRC is assessing a generic low-level waste (LLW) surcharge of $3.769 million. Disposal of LLW occurs at commercially-operated LLW disposal facilities that are licensed by either the NRC or an Agreement State. Four existing LLW disposal facilities in the United States accept various types of LLW. All are located in Agreement States and, therefore, are regulated by an Agreement State, rather than the NRC. The NRC allocates this surcharge to its licensees based on data available in the U.S. Department of Energy's (DOE) Manifest Information Management System (MIMS). This database contains information on total LLW volumes disposed of by four generator classes: academic, industrial, medical, and utility. The ratio of waste volumes disposed of by these generator classes to total LLW volumes disposed over a period of time is used to estimate the portion of this surcharge that will be allocated to the power reactors, fuel facilities, and the materials users fee classes. The materials users fee class portion is adjusted to account for the large percentage of materials licensees that are licensed by the Agreement States rather than the NRC.

The LLW surcharge amounts have changed since publication of the proposed fee rule. The DOE updated MIMS with 2024 data; because of the update, the LLW surcharge for the operating power reactors fee class decreased from 3.496 million to 3.204 million; the LLW surcharged increased from 0.418 million to 0.449 million for the fuel facilities fee class; and the LLW surcharge increased from $0.109 million to $0.117 million for the materials users fee class compared to the FY 2023 final fee rule.

Table IV shows the allocation of the LLW surcharge and its allocation across the various fee classes.

TABLE IV—ALLOCATION OF LLW SURCHARGE, FY 2024

[Dollars in millions]

Fee classes	LLW surcharge	
	Percent	$
Operating Power Reactors	85.0	3.204
Spent Fuel Storage/Reactor Decommissioning	0.0	0.000
Non-Power Production or Utilization Facilities	0.0	0.000
Fuel Facilities	11.9	0.449
Materials Users	3.1	0.117

[1] The fees collected by the NRC for Freedom of Information Act (FOIA) services and indemnity fees (financial protection required of all licensees for public liability claims at 10 CFR part 140) are subtracted from the budgeted resources amount when calculating the 10 CFR part 170 professional hourly rate, per the guidance in OMB Circular A–25, ''User Charges.'' The budgeted resources for FOIA activities are allocated under the product for Information Services within the Corporate Support business line. The budgeted resources for indemnity activities are allocated under the Licensing Actions and Research and Test Reactors products within the Operating Reactors business line.

TABLE IV—ALLOCATION OF LLW SURCHARGE, FY 2024—Continued

[Dollars in millions]

Fee classes	LLW surcharge	
	Percent	$
Transportation	0.0	0.000
Rare Earth Facilities	0.0	0.000
Uranium Recovery	0.0	0.000
Total	100.0	3.769

FY 2024 Fee Collection—Revised Annual Fees

In accordance with SECY–05–0164, ''Annual Fee Calculation Method,'' the NRC rebaselines its annual fees every year. ''Rebaselining'' entails analyzing the budget in detail and then allocating the FY 2024 budgeted resources to various classes or subclasses of licensees. It also includes updating the number of NRC licensees in its fee calculation methodology.

The NRC is revising its annual fees in §§ 171.15 and 171.16 to recover approximately 100 percent of the FY 2024 enacted budget less the budget authority for excluded activities, the estimated amount to be recovered through 10 CFR part 170 fees. The FY 2024 final fee rule reflects the utilization of $27.1 million in carryover to offset the Nuclear Reactor Safety budget.

Table V shows the rebaselined fees for FY 2024 for a sample of licensee categories. The FY 2023 amounts are provided for comparison purposes.

TABLE V—REBASELINED ANNUAL FEES

[Actual dollars]

Class/category of licenses	FY 2023 final annual fee	FY 2024 final annual fee
Operating Power Reactors	$5,492,000	$5,336,000
+ Spent Fuel Storage/Reactor Decommissioning	261,000	326,000
Total, Combined Fee	5,753,000	5,662,000
Spent Fuel Storage/Reactor Decommissioning	261,000	326,000
Non-Power Production or Utilization Facilities	96,300	97,200
High Enriched Uranium Fuel Facility (Category 1.A.(1)(a))	5,156,000	6,412,000
Low Enriched Uranium Fuel Facility (Category 1.A.(1)(b))	1,747,000	2,173,000
Uranium Enrichment (Category 1.E)	2,247,000	2,794,000
UF_6 Conversion and Deconversion Facility (Category 2.A.(1))	1,095,000	1,361,000
Basic *In Situ* Recovery Facilities (Category 2.A.(2)(b))	52,200	53,200
Typical Users:		
Radiographers (Category 3O)	37,900	43,700
All Other Specific Byproduct Material Licensees (Category 3P)	12,300	14,600
Medical Other (Category 7C)	18,000	21,400
Device/Product Safety Evaluation—Broad (Category 9A)	24,100	29,800

The work papers that support this final rule show in detail how the NRC allocates the budgeted resources for each class of licensees and calculates the fees.

Paragraphs a. through h. of this section describe the budgeted resources allocated to each class of licensees and the calculations of the rebaselined fees. For more information about detailed fee calculations for each class, please consult the accompanying work papers for this final rule.

a. Operating Power Reactors

The NRC will collect $501.6 million in annual fees from the operating power reactors fee class in FY 2024, as shown in Table VI. The FY 2023 operating power reactors fees are shown for comparison purposes.

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS

[Dollars in millions]

Summary fee calculations	FY 2023 final rule	FY 2024 final rule
Total budgeted resources	$665.3	$665.0
Less estimated 10 CFR part 170 receipts	−158.9	−168.3
Net 10 CFR part 171 resources	506.4	496.7
Allocated generic transportation	0.5	0.7
Allocated LLW surcharge	3.5	3.2
Billing adjustment	0.3	1.1
Total required annual fee recovery	510.7	501.6

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS—Continued

[Dollars in millions]

Summary fee calculations	FY 2023 final rule	FY 2024 final rule
Total operating reactors	93	94
Annual fee per operating reactor	$5.492	$5.336

In comparison to FY 2023, the FY 2024 annual fee for the operating power reactors fee class is decreasing primarily due to the following: (1) an anticipated increase in 10 CFR part 170 estimated billings; (2) an increase in the total number of operating power reactors from 93 to 94; and (3) a reduction in the budgeted resources primarily due to the utilization of $27.1 million in carryover to offset the Nuclear Reactor Safety budget. As discussed further below, the utilization of carryover mitigates the increase in the budgeted resources for the operating power reactors fee class. The decrease in the annual fee for the operating power reactors fee class is partially offset due to the following: (1) an increase in the 10 CFR part 171 billing adjustment; and (2) an increase in the generic transportation surcharge.

The 10 CFR part 170 estimated billings increased primarily due to the following: (1) an anticipated increase in hours associated with the review of an increasing number of license renewal applications; and (2) an anticipated increase in new reactor licensing activities, including the review of standard design approvals, pre-application activities, and construction permits. This increase is partially offset by an expected decline in the submission of topical reports. As explained above, because the NRC's fee recovery under 10 CFR part 170 will not equal approximately 100 percent of the agency's budget authority for the fiscal year, the NRC also assesses 10 CFR part 171 annual fees. Estimated 10 CFR part 170 billings, therefore, are inversely related to the projected annual fee for a fee class. The more the NRC estimates to collect in 10 CFR part 170 billings, the less it assesses to collect in annual fees.

The decrease in the budgeted resources for the operating power reactors fee class is primarily due to the following: (1) the utilization of $27.1 million in carryover to offset the Nuclear Reactor Safety budget; (2) an expected decline in topical report submissions, guidance development, and process improvement activities; (3) a reduction in construction inspection activities due to the transition of the Vogtle Electric Generating Plant (Vogtle Unit 3) and the transition of Vogtle Unit 4 from construction into operation; and (4) a reduction in rulemaking activities. The decrease in the budgeted resources is offset by an increase primarily due to the following: (1) an increase to support new reactor licensing activities, including the review of standard design approvals, pre-application activities, and construction permits; (2) an increase to support the review of license renewal applications; and (3) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

The annual fee is also affected by: (1) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices issued in FY 2023; and (2) an increase in the generic transportation surcharge due to an increase in the overall budgeted resources for certificates of compliance (CoCs) for the operating power reactors fee class.

The fee-recoverable budgeted resources are divided equally among the 94 licensed operating power reactors, an increase of one operating power reactor compared to FY 2023 due the assessment of annual fees for Vogtle Unit 4, resulting in an annual fee of $5,336,000 per operating power reactor. Additionally, each licensed operating power reactor will be assessed the FY 2024 spent fuel storage/reactor decommissioning annual fee of $326,000 (see Table VII and the discussion that follows). The combined FY 2024 annual fee for each operating power reactor will be $5,662,000.

Section 102(b)(3)(B)(i) of NEIMA established a cap for the annual fees charged to operating reactor licensees; under this provision, the annual fee for an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual fee amount per operating reactor licensee established in the FY 2015 final fee rule (80 FR 37432; June 30, 2015), adjusted for inflation. The NRC included an estimate of the operating power reactors fee class annual fee in Appendix C, ''Estimated Operating Power Reactors Annual Fee,'' of the FY 2024 Congressional Budget Justification (CBJ) to increase transparency for stakeholders. The NRC developed this estimate based on the allocation of the FY 2024 CBJ to fee classes under 10 CFR part 170, and allocations within the operating power reactors fee class under 10 CFR part 171. The fee estimate included in the FY 2024 CBJ assumed 94 operating power reactors in FY 2024 and applied various data assumptions from the FY 2022 final fee rule. Based on these allocations and assumptions, the operating power reactors fee class annual fee included in the FY 2024 CBJ was estimated to be $5.3 million, approximately $0.6 million below the FY 2015 operating power reactors annual fee amount adjusted for inflation of $5.9 million. The assumptions made between budget formulation and the development of this final rule have changed. The FY 2024 annual fee of $5,336,000 nonetheless remains below the FY 2015 operating power reactors fee class annual fee amount, as adjusted for inflation.

In FY 2016, the NRC amended § 171.15 to establish a variable annual fee structure for light-water reactor (LWR) small modular reactors (SMRs) (81 FR 32617; May 24, 2016). In FY 2023, the NRC further amended § 171.5 to: (1) expand the applicability of the SMR variable fee structure to include non-LWR SMRs; and (2) establish an additional minimum fee and variable rate applicable to SMRs with a licensed thermal power rating of less than or equal to 250 megawatts-thermal (MWt) (88 FR 39120; June 15, 2023). This revision to the SMR variable annual fee structure retained the bundled unit concept for SMRs and the approach for calculating fees for reactors, or bundled units, with licensed thermal power ratings greater than 250 MWt.

Currently, there are no operating SMRs; therefore, the NRC will not assess an annual fee in FY 2024 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC will collect $40.4 million in annual fees from 10 CFR part 50 and 10 CFR part 52 power reactor licensees, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license or a 10 CFR part 52 combined license, to recover the budgeted resources for the spent fuel storage/reactor decommissioning fee class in FY 2024, as shown in table VII. The FY 2023 spent fuel storage/reactor

decommissioning fees are shown for comparison purposes.

TABLE VII—ANNUAL FEE SUMMARY CALCULATIONS FOR SPENT FUEL STORAGE/REACTOR DECOMMISSIONING

[Dollars in millions]

Summary fee calculations	FY 2023 final rule	FY 2024 final rule
Total budgeted resources	$42.9	$50.4
Less estimated 10 CFR part 170 receipts	−12.4	−12.3
Net 10 CFR part 171 resources	30.5	38.0
Allocated generic transportation costs	1.6	2.3
Billing adjustments	0.0	0.1
Total required annual fee recovery	32.1	40.4
Total spent fuel storage facilities	123	124
Annual fee per facility	$0.261	$0.326

In comparison to FY 2023, the FY 2024 annual fee for the spent fuel storage/reactor decommissioning fee class is increasing primarily due to the following: a (1) rise in the budgeted resources; (2) an increase in generic transportation costs; and (3) an expected decrease in 10 CFR part 170 estimated billings. The annual fee is partially offset by an increase in the number of licensees increasing from 123 to 124.

The budgeted resources increased primarily to support the following: (1) an increase in FTEs to support licensing and oversight activities for the reactor decommissioning program, which includes both power and non-power reactors in various stages of decommissioning; and (2) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

The increase in the annual fee is also affected by these contributing factors: (1) an increase in the generic transportation surcharge due to an increase in the generic transportation budgeted resources for the spent fuel storage/reactor decommissioning fee class; and (2) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices in FY 2023.

The annual fee is also increasing due to a decrease in the 10 CFR part 170 estimated billings, which in turn is primarily due to the following: (1) the completion of the safety and environmental review of the Holtec HI-STORE consolidated interim storage facility application; (2) the termination of the license for the La Crosse Boiling Water Reactor; and (3) a decrease in decommissioning licensing and inspection activities at multiple sites. This decrease is expected to be partially offset by the following: (1) an increase in hours to support the review of a new fuel storage system; and (2) an increase to support the review of applications for renewals, amendments, exemptions, and inspections for independent spent fuel storage installation and dry cask storage CoCs at multiple sites.

The required annual fee recovery amount is divided equally among 124 licensees, an increase of one licensee compared to FY 2023 due to the assessment of annual fees for Vogtle Unit 4, resulting in a FY 2024 annual fee of $326,000 per licensee.

c. Fuel Facilities

The NRC will collect $25.3 million in annual fees from the fuel facilities fee class in FY 2024, as shown in table VIII. The FY 2023 fuel facilities fees are shown for comparison purposes.

TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2023 final rule	FY 2024 Fina rule
Total budgeted resources	$26.6	$30.9
Less estimated 10 CFR part 170 receipts	−9.2	−8.7
Net 10 CFR part 171 resources	17.4	22.2
Allocated generic transportation	1.9	2.5
Allocated LLW surcharge	0.4	0.4
Billing adjustments	0.0	0.1
Total remaining required annual fee recovery	$19.7	$25.3

In comparison to FY 2023, the FY 2024 annual fee for the fuel facilities fee class is increasing primarily due to the following: (1) a rise in budgeted resources; (2) an increase in the 10 CFR part 171 billing adjustment; and (3) a decrease in 10 CFR part 170 estimated billings.

The budgeted resources increased primarily to support the following: (1) the review of licensing actions related to enrichment and manufacturing of HALEU fuel and ATF; (2) the continued review of the TRISO–X, LLC fuel facility license application, though as discussed below, the review has been slowed; (3) the development and maintenance of licensing guidance; (4) emergency preparedness and physical security reviews for license amendments and renewals; (5) programmatic oversight activities for Category II fuel facilities and an anticipated new fuel facility; (6) associated fuel facilities rulemaking activities; and (7) an increase in the fully-costed FTE rate compared to FY

2023 due to an increase in salaries and benefits. The increase in budgetary resources is partially offset due to a decline in information technology (IT) services and a reduction in resources due to the delay of a new fuel facility application.

Finally, the annual fee is also increasing due to the decrease in the 10 CFR part 170 estimated billings. The 10 CFR part 170 estimated billings are decreasing in comparison to FY 2023 primarily due to the following: (1) the slowing of the TRISO–X, LLC, fuel fabrication facility application review activities, including the development of environmental impact statement and the safety review while the NRC awaits the applicant's submittal of a major design change in December of 2024; (2) the completion of the review of Westinghouse Electric Company, LLC's license transfer application; (3) the completion of the review of the Global Nuclear Fuel Americas, LLC, amendment for an increase in enrichment activities up to 8 weight percent uranium–235; (4) the delay of the submittal of Global Nuclear Fuel Americas, LLC, amendment for an increase in enrichment activities up to 20 weight percent uranium–235; (5) a reduction in hours needed to support license amendment requests; and (6) the delay of the Niowave new medical isotope production facility application. This decrease in 10 CFR part 170 estimated billings is partially offset by increased hours to support the review of the National Institute of Standards and Technology's license renewal application for possession and use of its special nuclear material.

Finally, the increase in the annual fee is also affected by these contributing factors: (1) a rise in the generic transportation surcharge due to a new CoC within the fuel facilities fee class; and (2) a surcharge in the 10 CFR part 171 billing adjustment due to the timing of invoices in FY 2023.

The NRC will continue allocating annual fees to individual fuel facility licensees based on the effort/fee determination matrix developed in the FY 1999 final fee rule (64 FR 31448; June 10, 1999). To briefly recap, the matrix groups licensees within this fee class into various fee categories. The matrix lists processes that are conducted at licensed sites and assigns effort factors for the safety and safeguards activities associated with each process (these effort levels are reflected in table IX). The annual fees are then distributed across the fee class based on the regulatory effort assigned by the matrix. The effort factors in the matrix represent regulatory effort that is not recovered through 10 CFR part 170 fees (*e.g.,* rulemaking, guidance). Regulatory effort for activities that are subject to 10 CFR part 170 fees, such as the number of inspections, is not applicable to the effort factor.

NRC authorized the Centrus American Centrifuge Plant to begin its HALEU demonstration program operations at the Category II level on September 21, 2023. As discussed in the FY 2024 proposed fee rule, this change in operations caused the safeguard effort factors for ''scrap/waste'' to increase from 0 (no effort) to 1 (low effort), ''enrichment'' to increase from 5 (moderate effort) to 10 (high effort) and ''sensitive information'' to increase from 5 (moderate effort) to 10 (high effort), resulting in an increase of the safeguards efforts factors from 11 to 22 compared to the FY 2023 final fee rule.

TABLE IX—EFFORT FACTORS FOR FUEL FACILITIES, FY 2024

Facility type (fee category)	Number of facilities	Effort factors	
		Safety	Safeguards
High Enriched Uranium Fuel (1.A.(1)(a))	2	88	91
Low Enriched Uranium Fuel (1.A.(1)(b))	3	70	21
Limited Operations (1.A.(2)(a))	1	3	22
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	0	0	0
Hot Cell (and others) (1.A.(2)(c))	0	0	0
Uranium Enrichment (1.E.)	1	16	23
UF_6 Conversion and Deconversion (2.A.(1))	1	12	7
Total	8	189	164

In FY 2024, the total remaining amount of the annual fees that the NRC estimates to be recovered, $25.3 million, is attributable to safety activities, safeguards activities, and the LLW surcharge. For FY 2024, the total budgeted resources to be recovered as annual fees for safety activities are approximately $13.3 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percentage of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources that the NRC estimates to be recovered as annual fees for safeguards activities, $11.6 million, to each fee category based on its percentage of the total regulatory effort for safeguards activities. Finally, the fuel facilities fee class portion of the LLW surcharge—$0.4 million—is allocated to each fee category based on its percentage of the total regulatory effort for both safety and safeguards activities. The annual fee per licensee is then calculated by dividing the estimated total allocated budgeted resources for the fee category by the number of licensees in that fee category. The annual fee for each facility is summarized in table X.

TABLE X—ANNUAL FEES FOR FUEL FACILITIES

[Actual dollars]

Facility type (fee category)	FY 2023 final annual fee	FY 2024 final annual fee
High Enriched Uranium Fuel (1.A.(1)(a))	$5,156,000	$6,412,000
Low Enriched Uranium Fuel (1.A.(1)(b))	1,747,000	2,173,000
Facilities with limited operations (1.A.(2)(a))	807,000	1,791,000
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	N/A	N/A
Hot Cell (and others) (1.A.(2)(c))	N/A	N/A
Uranium Enrichment (1.E.)	2,247,000	2,794,000
UF_6 Conversion and Deconversion (2.A.(1))	1,095,000	1,361,000

d. Uranium Recovery Facilities

The NRC will collect $0.3 million in annual fees from the uranium recovery facilities fee class in FY 2024, as shown in table XI. The FY 2023 uranium recovery facilities fees are shown for comparison purposes.

TABLE XI—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2023 final rule	FY 2024 final rule
Total budgeted resources	$0.5	$0.7
Less estimated 10 CFR part 170 receipts	−0.3	−0.4
Net 10 CFR part 171 resources	0.2	0.3
Allocated generic transportation	N/A	N/A
Billing adjustments	0.0	0.0
Total required annual fee recovery	$0.2	$0.3

In comparison to FY 2023, the FY 2024 annual fee for the non-DOE licensee in the uranium recovery facilities fee class is increasing primarily due to a rise in budgeted resources attributed to licensing reviews associated with one licensed uranium recovery facility and two licensed, but not yet constructed, uranium recovery facilities.

The NRC regulates DOE's Title I and Title II activities under the Uranium Mill Tailings Radiation Control Act (UMTRCA).[2] The annual fee assessed to DOE includes the resources specifically budgeted for the NRC's UMTRCA Title I and Title II activities, as well as 10 percent of the remaining budgeted resources for this fee class. The NRC described the overall methodology for determining fees for UMTRCA in the FY 2002 fee rule (67 FR 42612; June 24, 2002), and the NRC continues to use this methodology. The DOE's UMTRCA annual fee is increasing compared to FY 2023 primarily due to a rise in budgeted resources needed to conduct generic work that the NRC will be performing to resolve the following: (1) issues associated with abandoned uranium mine waste cleanups and the potential waste disposal on or near uranium mill tailings sites including existing DOE sites under NRC oversight; (2) coordination on license termination strategies for sites; and (3) performance issues relating to existing cover systems at mill tailings sites. The annual fee is partially offset by a rise in the 10 CFR part 170 estimated billings for the anticipated workload increases at various DOE UMTRCA sites. The NRC assesses the remaining 90 percent of its budgeted resources to the remaining licensee in this fee class, as described in the work papers, which is reflected in table XII.

TABLE XII—COSTS RECOVERED THROUGH ANNUAL FEES; URANIUM RECOVERY FACILITIES FEE CLASS

[Actual dollars]

Summary of costs	FY 2023 final annual fee	FY 2024 final annual fee
DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses:		
UMTRCA Title I and Title II budgeted resources less 10 CFR part 170 receipts	$142,181	$254,846
10 percent of generic/other uranium recovery budgeted resources	5,798	5,908
10 percent of uranium recovery fee-relief adjustment	N/A	N/A
Total Annual Fee Amount for DOE (rounded)	148,000	261,000
Annual Fee Amount for Other Uranium Recovery Licenses:		
90 percent of generic/other uranium recovery budgeted resources less the amounts specifically budgeted for UMTRCA Title I and Title II activities	52,185	53,169
90 percent of uranium recovery fee-relief adjustment	N/A	N/A
Total Annual Fee Amount for Other Uranium Recovery Licensees	52,185	53,169

Further, for any non-DOE licensees, the NRC will continue using a matrix to determine the effort levels associated with conducting generic regulatory actions for the different licensees in the uranium recovery facilities fee class; this is similar to the NRC's approach for fuel facilities, described previously. The matrix methodology for uranium recovery licensees first identifies the licensee categories included within this fee class (excluding DOE). These categories are conventional uranium mills and heap leach facilities, uranium *in situ* recovery (ISR) and resin ISR facilities, and mill tailings disposal facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (see the work papers). Currently, there is only one remaining non-DOE licensee, which is a basic ISR facility. Table XIII displays the benefit factors for the non-DOE licensee in that fee category.

[2] Congress established the two programs, Title I and Title II, under UMTRCA to protect the public and the environment from hazards associated with uranium milling. The UMTRCA Title I program is for remedial action at abandoned mill tailings sites where tailings resulted largely from production of uranium for weapons programs. The NRC also regulates DOE's UMTRCA Title II program, which is directed toward uranium mill sites licensed by the NRC or Agreement States in or after 1978.

TABLE XIII—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES, 2024

Fee category	Number of licensees	Benefit factor per licensee	Total value	Benefit factor percent total
Conventional and Heap Leach mills (2.A.(2)(a))	0			0
Basic *In Situ* Recovery facilities (2.A.(2)(b))	1	190	190	100
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	0			0
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	0			0
Total	1	190	190	100

The FY 2024 annual fee for the remaining non-DOE licensee is calculated by allocating 100 percent of the budgeted resources, as summarized in table XIV.

TABLE XIV—ANNUAL FEES FOR URANIUM RECOVERY LICENSEES

(Other than DOE)

[Actual dollars]

Facility type (fee category)	FY 2023 final annual fee	FY 2024 final annual fee
Conventional and Heap Leach mills (2.A.(2)(a))	N/A	N/A
Basic *In Situ* Recovery facilities (2.A.(2)(b))	$52,200	$53,200
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	N/A	N/A
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	N/A	N/A

e. Non-Power Production or Utilization Facilities

The NRC will collect $0.292 million in annual fees from the non-power production or utilization facilities fee class in FY 2024, as shown in table XV. The FY 2023 non-power production or utilization facilities fees are shown for comparison purposes.

TABLE XV—ANNUAL FEE SUMMARY CALCULATIONS FOR NON-POWER PRODUCTION OR UTILIZATION FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2023 final rule	FY 2024 final rule
Total budgeted resources	$5.115	$3.195
Less estimated 10 CFR part 170 receipts	−4.869	−2.963
Net 10 CFR part 171 resources	0.246	0.233
Allocated generic transportation	0.040	0.054
Billing adjustments	0.003	0.005
Total required annual fee recovery	0.289	0.292
Total non-power production or utilization facilities licenses	3	3
Total annual fee per license (rounded)	$0.0963	$0.0972

In comparison to FY 2023, the FY 2024 annual fee for the non-power production or utilization facilities fee class is increasing, as discussed in the following paragraphs.

In FY 2024, the budgeted resources decreased primarily due to a reduction in medical radioisotope production facilities workload primarily due to a delay with the SHINE Technologies LLC's (SHINE) operating license application for a medical radioisotope production facility and a delay in the construction schedule. The offset to the decline in budgetary resources is the rise in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

The 10 CFR part 170 estimated billings associated with the current fleet of operating non-power production or utilization facilities licensees subject to annual fees have declined compared to FY 2023 due to a reduction in workload for license amendment activities associated with the shutdown of the General Electric Hitachi Vallecitos Nuclear Center in FY 2024. The 10 CFR part 170 estimated billings with respect to medical radioisotope production facilities and advanced research and test reactors have declined when compared with FY 2023 primarily due to the following: (1) a reduction in staff hours due to the delay with SHINE's operating license application and a delay in the construction schedule; and (2) the completion of the safety review of the Kairos Power, LLC's (Kairos) application for a permit to construct the Hermes 1 test reactor. This decline in 10 CFR part 170 estimated billings is offset due to the following: (1) the review of the Kairos Hermes 2 application for a permit to construct two test reactors; and (2) conducting pre-application meetings due to the anticipated

submission of several license applications.

Furthermore, the increase in the annual fee is also affected by these contributing factors: (1) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices in FY 2023; and (2) an increase in the generic transportation surcharge due to an increase in the generic transportation budgeted resources for the non-power production or utilization facilities fee class.

The annual fee recovery amount is divided equally among the three non-power production or utilization facilities licensees subject to annual fees and results in an FY 2024 annual fee of $97,200 for each licensee.

f. Rare Earth

In FY 2024, the NRC has allocated approximately $0.2 million in budgeted resources to this fee class; however, because all the budgeted resources will be recovered through service fees assessed under 10 CFR part 170, the NRC will not assess or collect annual fees in FY 2024 for this fee class.

g. Materials Users

The NRC will collect $46.3 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70 in FY 2023, as shown in Table XVI. The FY 2024 materials users fees are shown for comparison purposes.

TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

Summary fee calculations	FY 2023 final rule	FY 2024 final rule
Total budgeted resources for licensees not regulated by Agreement States	$38.7	$44.3
Less estimated 10 CFR part 170 receipts	−1.2	−0.8
Net 10 CFR part 171 resources	37.5	43.5
Allocated generic transportation	2.0	2.6
LLW surcharge	0.1	0.1
Billing adjustments	0.0	0.1
Total required annual fee recovery	$39.7	$46.3

The formula for calculating 10 CFR part 171 annual fees for the various categories of materials users is described in detail in the work papers. Generally, the calculation results in a single annual fee that includes 10 CFR part 170 costs, such as amendments, renewals, inspections, and other licensing actions specific to individual fee categories.

The total annual fee recovery of $46.3 million for FY 2024 shown in table XVI consists of $36.6 million for general costs, $9.5 million for inspection costs, and $0.1 million for LLW costs. To equitably and fairly allocate the $46.3 million required to be collected among approximately 2,400 diverse materials users licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the materials license, this approach is the methodology for allocating the generic and other regulatory costs to the diverse fee categories. This fee calculation method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

In comparison to FY 2023, the FY 2024 annual fees are increasing for all fee categories within the materials users fee class, ranging from 14 percent to 25 percent primarily due to an increase in the budgeted resources. The budgeted resources increased due to the following: (1) an increase in licensing and oversight workload, including the expected reviews of exempt distribution and sealed source device applications, updating licensing guidance, and the development of a regulatory guide on veterinary issues; (2) hiring actions to double encumber and train health physics staff to ensure an appropriate pipeline and knowledge management for future agency mission related activities; (3) support for rulemaking activities; (4) support for materials research activities; and (5) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

In addition, the FY 2024 annual fees are increasing due to the following: (1) an increase in generic transportation costs for materials users; (2) a decrease in the 10 CFR part 170 estimated billings for new licensing applications; (3) a decrease of 53 materials users licensees from FY 2023; and (4) an increase in the 10 CFR part 171 billing adjustment due to the timing of invoices issued in FY 2023.

A constant multiplier is established to recover the total general costs (including allocated generic transportation costs) of $36.6 million. To derive the constant multiplier, the general cost amount is divided by the sum of all fee categories (application fee plus the inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in a constant multiplier of 1.29 for FY 2024. The average inspection cost is the average inspection hours for each fee category multiplied by the professional hourly rate of $317. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is established to recover the $9.5 million in inspection costs. To derive the inspection multiplier, the inspection costs amount is divided by the sum of all fee categories (inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in an inspection multiplier of 1.72 for FY 2024. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. Please see the work papers for more detail about this classification.

The annual fee being assessed to each licensee also takes into account a share of approximately $0.1 million in LLW surcharge costs allocated to the materials users fee class (see Table IV, ''Allocation of LLW Surcharge, FY 2024,'' of this document). The annual fee for each fee category is shown in the revision to § 171.16(d).

h. Transportation

The NRC will collect $2.3 million in annual fees to recover generic transportation budgeted resources in FY 2024, as shown in table XVII. The FY

2023 fees are shown for comparison purposes.

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

Summary fee calculations	FY 2023 final rule	FY 2024 final rule
Total budgeted resources	$11.1	$13.0
Less estimated 10 CFR part 170 receipts	−3.4	−2.4
Net 10 CFR part 171 resources	7.7	10.6
Less generic transportation resources	−6.0	−8.2
Billing adjustments	0.0	0.0
Total required annual fee recovery	$1.7	$2.3

In comparison to FY 2023, the FY 2024 annual fee for the transportation fee class is increasing primarily due to an increase in the budgeted resources; (2) a rise in the distribution of the generic transportation resources allocated to other fee classes; and (3) a decrease in the 10 CFR part 170 estimated billings.

In FY 2024, the budgeted resources increased primarily to support the following: (1) rulemaking activities; (2) environmental reviews and licensing of transportation packages for ATF, the anticipated licensing review of one transportable microreactor application, other advanced reactors fuels, and microreactors; and (3) a rise in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits.

The increase in the annual fee is partially offset by a rise in the distribution of generic transportation resources allocated to respective other fee classes resulting from additional number of CoCs for 2024.

Furthermore, the annual fee is also increasing due to a decrease in the 10 CFR part 170 estimated billings as a result of: (1) delays in submittals of major amendments of transportation packages and submittals requiring revisions to the applications; and (2) a delay in inspection activities.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30722; May 30, 2006), the NRC recovers generic transportation costs unrelated to DOE by including those costs in the annual fees for licensee fee classes. The NRC continues to assess a separate annual fee under § 171.16, fee category 18.A., for DOE transportation activities. The amount of the allocated generic resources is calculated by multiplying the percentage of total CoCs used by each fee class (and DOE) by the total generic transportation resources to be recovered.

This resource distribution to the licensee fee classes and DOE is shown in table XVIII. Note that for the non-power production or utilization facilities fee class, the NRC allocates the distribution to only those licensees that are subject to annual fees. Although five CoCs benefit the entire non-power production or utilization facilities fee class, only three out of 30 operating non-power production or utilization facilities licensees are subject to annual fees. Consequently, the number of CoCs used to determine the proportion of generic transportation resources allocated to annual fees for the non-power production or utilization facilities fee class has been adjusted to 0.5 so these licensees are charged a fair and equitable portion of the total fees (see the work papers).

TABLE XVIII—DISTRIBUTION OF TRANSPORTATION RESOURCES, FY 2024

[Dollars in millions]

Licensee fee class/DOE	Number of CoCs benefiting fee class or DOE	Percentage of total CoCs	Allocated generic transportation resources
Materials Users	24.0	25.1	$2.7
Operating Power Reactors	6.0	6.3	0.7
Spent Fuel Storage/Reactor Decommissioning	21.0	22.0	2.3
Non-Power Production or Utilization Facilities	0.5	0.5	0.0
Fuel Facilities	23.0	24.1	2.5
Subtotal of Generic Transportation Resources	74.5	78.0	8.2
DOE	21.0	22.0	2.2
Total	95.5	100.0	10.6

The NRC assesses an annual fee to DOE based on the number of 10 CFR part 71 CoCs held by DOE. The NRC, therefore, does not allocate these DOE-related resources to other licensees' annual fees because these resources specifically support DOE.

FY 2024—Policy Changes

The NRC is not making any policy changes in FY 2024.

FY 2024—Administrative Changes

The NRC is making 11 administrative changes in FY 2024:

1. *Amend §§ 2.205(i), 15.35(c), 37.27(c)(2), 73.17(m)(1), 73.57(d)(3)(i), 110.64(e), 140.7(d), 170.12(f), and 171.19(a) by clarifying payment methods.*

The NRC is amending §§ 2.205(i), 15.35(c), 37.27(c)(2), 73.17(m)(1), 73.57(d)(3)(i), 110.64(e), 140.7(d),

170.12(f), and 171.19(a) to align with the U.S. Department of the Treasury's (Treasury) ''No-Cash No-Check'' policy. The Treasury encourages Federal agencies to use the most efficient, cost-effective, and best-suited collection and payment solutions. The Treasury's Bureau of the Fiscal Service provides central collection and payment services to agencies to maintain the financial integrity and operational efficiency of the Federal Government. The Treasury's Bureau of the Fiscal Service notified the NRC that the agency is expected to transition from paper-based collections to one or more offered electronic methods by September 30, 2024.

The ''No-Cash No-Check'' policy will improve timeliness of collections, thereby reducing interest/penalty/administrative fees associated with late payments, and reduce resources associated with processing paper checks. The available electronic payment options will enhance processing speed and accuracy, and adopting this policy will make consumer and business payments and remittances to agencies easier and more efficient. Accordingly, the NRC is amending §§ 2.205(i), 15.35(c), 37.27(c)(2), 73.17(m)(1), 73.57(d)(3)(i), 110.64(e), 140.7(d), 170.12(f), and 171.19(a) to revise available payment methods to remove paper forms of payment and provide that payments are to be made electronically using the methods accepted at *www.Pay.gov.*

2. *Amend table 1 in § 170.31 to add language to 7.A, 7.A.1, 7.A.2, 7.C, 7.C.1, and 7.C.2 for clarity.*

The NRC is amending table 1 in § 170.31 to add language to 7.A., 7.A.1, 7.A.2, 7.C, 7.C.1, and 7.C.2, to clarify with respect to 10 CFR part 170 fees that these categories also include the possession and use of source material for shielding when authorized on the same license.

3. *Revise footnote 17 to table 2 in § 171.16(d) for clarity.*

The NRC is revising footnote 17 in table 2 paragraph (d) in § 171.16 to clarify that with respect to annual fees, medical licensees paying fees under 7.A, 7.A.1, 7.A.2, 7.B, 7.B.1, 7.B.2, 7.C, 7.C(1), or 7.C(2) are not subject to fees under 2.B. for possession and shielding authorized on the same license.

III. Public Comment Analysis

Overview of Public Comments

The NRC published a proposed rule on February 20, 2024 (89 FR 12759) and requested public comment on its proposed revisions to 10 CFR parts 170 and 171. By the close of the comment period, the NRC received nine written comment submissions on the FY 2024 proposed rule. In general, commenters were supportive of the specific proposed regulatory changes, although most commenters expressed concerns about broader fee policy issues related to the overall size of the NRC's budget, fairness of fees, transparency, and budget formulation. Some commenters' concerns were outside the scope of the fee rule.

The commenters are listed in Table XIX.

TABLE XIX—FY 2024 PROPOSED FEE RULE COMMENTER SUBMISSIONS

Commenter	Affiliation	ADAMS Accession No.
Susan Shultz	Self	ML24059A041
Congressman Byron Donalds, et. al	United States Congress	ML24078A249
Wayne Norton	Decommissioning Plant Coalition (DPC)	ML24080A062
Gary D. Camper	BWXT Nuclear Operations Group, Inc. (BWXT)	ML24080A063
Dr. Jennifer L. Uhle	Nuclear Energy Institute (NEI)	ML24082A097
Justin Both	NextEra Energy Duane Arnold, LLC (DAEC)	ML24082A191
Kevin Lueshen	Constellation Energy Generation, LLC (CEG)	ML24082A228
Nader Mamish	Westinghouse Electric Company, LLC (Westinghouse).	ML24082A229
Sara L. Scott	Xcel Energy	ML24082A230

Information about obtaining the complete text of the comment submissions is provided in the ''Availability of Documents,'' section of this document.

IV. Public Comments and NRC Responses

The NRC has carefully considered the public comments received on the proposed rule. The comments have been organized by topic. Comments from multiple commenters raising similar specific concerns were combined to capture the common issues raised by the commenters. Comments from a single commenter have been quoted to ensure accuracy; brackets within those comments are used to show changes that have been made to the quoted comments.

A. Use of Fee-Based Carryover To Reduce Fees

Comment: Several commenters suggested that the NRC should use the additional carryover to further offset FY 2024 budgets for Operating Power Reactors, Spent Fuel Storage/Reactor Decommissioning, Non-Power Production or Utilization Facilities, and Fuel Cycle Facilities to help reduce fees. (NEI, Westinghouse, and CEG)

Response: Each fiscal year, the NRC follows the direction of Congress that accompanies the annual appropriations act. The FY 2024 final fee rule reflects a total budget authority in the amount of $944.1 million, which is an increase of $16.9 million from FY 2023, but a decrease of $35.1 million from the FY 2024 proposed fee rule. The estimated net budget authority (*i.e.,* excluded activities) specified in the Consolidated Appropriations Act, 2024, for the NRC's ''Salaries and Expenses'' account reflects a decrease of $18.9 million from the FY 2024 budget request. The explanatory statement associated with the Consolidated Appropriations Act, 2024, directed the NRC to use $62.0 million of carryover. The explanatory statement allocates $16.0 million for the UNLP and language in the Senate Report demonstrates an intent for the NRC to fund the UNLP in FY 2024 using fee-based carryover. The direction to use the $62.0 million carryover also reflects the $27.1 million proposed in the FY 2024 budget request to offset the Nuclear Reactor Safety budget and an additional $18.9 million in prior-year unobligated balances, which offsets the $18.9 million reduction in the estimated net budget authority specified in the Consolidated Appropriations Act, 2024, for the NRC's ''Salaries and Expenses'' account. With these allocations of the $62.0 million in prior-year unobligated carryover funds, no additional carryover

remains that could be applied to offset fees for other fee classes.

No changes were made to this final rule as a result of these comments.

B. Transparency

Comment: ''Most licensees must estimate and budget their NRC fees well in advance of the proposed fee rule and upon issuance must adjust their operating budget to accommodate the changes. Given the significant changes that are likely to result from the Consolidated Appropriations Act of 2024, we strongly encourage the NRC to use any means available to notify licensees of any substantial changes made during the crafting of the final rule. This would provide licensees the additional time needed to realign their budgets.'' (NEI)

Response: The NRC strives to ensure that the proposed fee rule is as accurate as possible and explains its assumptions about the budgetary resources and other factors associated with annual fees to provide the best information available regarding the fiscal year's proposed fees. The NRC discussed these assumptions during the March 7, 2024, public meeting on the FY 2024 proposed fee rule.

The NRC must comply with statutory requirements, including NEIMA and the Administrative Procedure Act (APA). NEIMA requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its total budget authority for the fiscal year less the budget authority for excluded activities, through fees assessed by the end of the fiscal year. Section 553 of the APA requires the NRC to give the public an opportunity to comment on a published proposed rule. Because the Office of Management and Budget has found the fee rule to be a major rule under the Congressional Review Act, the effective date of the final rule cannot be less than 60 days from the date of publication and must allow for timely final billing prior to the end of the fiscal year (*i.e.,* September 30, 2024 for FY 2024). Depending on the timing of the enacted budget, the NRC may not have sufficient time to provide advance notification of all changes within the final rule prior to publication and meet its statutory requirements.

No changes were made to this final rule in response to these comments.

C. Fuel Facilities Fee Class Budget and Increase in the Annual Fees

Comment: Several commenters expressed concerns about the average 22 percent annual fee increase for all operating fuel cycle facilities, which is a significant escalation in comparison to the agency's budgeted increase of 5.62% and multiples higher than the other business lines. The commenters stated that the fuel facilities business line budget and annual fees decreased for each of the fiscal years (FY 2019–FY 2022) to more accurately reflect the reduced number of operating facilities and the corresponding reduction in workload. The commenters expressed concern that increase in the annual fees in FY 2023 and FY 2024 is not efficient and limits the potential of nuclear energy advancement, and that despite the number of operating facilities remaining steady, the proposed annual fee increase is not based on quantitative workload or effort factors and does not reflect the relatively low risk profile of the existing and predicted fuel cycle facility fleet. The commenters expressed concern that the basis for the increase in the annual fee is not adequate and clear. In addition, the commenters expressed concern regarding the increase in the budget for licensing and oversight activities and the disparity between lower 10 CFR part 170 (service fees) relative to 10 CFR part 171 (annual fees). The commenters also expressed that available carryover funds should be applied to eliminate the proposed 22 percent increase above the FY 2023 levels. One commenter suggested that the NRC should apply an annual fee cap to fuel facilities, similar to the annual fee cap for operating power reactors in NEIMA. (NEI, BWXT, and Westinghouse)

Response: The NRC remains mindful of the impact of its budget on the fees for the fuel facilities fee class. The NRC notes that efforts to deploy ATF and advanced reactors, along with a focus on domestic fuel supplies, have resulted in an environment with a fluctuating workload. When formulating the budget, the NRC takes into consideration various factors, including workload forecasting, historical data and trends in the business line, information from licensees and potential applicants, and uncertainty of projections. The NRC assesses the current environment and looks for significant drivers that could impact future workload. These include, but are not limited to, technical and regulatory developments that have the potential to generate additional work or reduce work (*i.e.,* pre-application activities and applications for new fuel facilities, potential major amendments and license termination requests, rulemaking activities, guidance development, and oversight of the fuel facilities program), related reactor licensing work, federal funding opportunities, and geopolitical changes that could influence the availability of uranium.

In addition, the NRC evaluates historical data and trends to measure how execution in previous years lines up with the budget assumptions at the time. The NRC uses that data to inform the budget and identify areas where the assumptions previously used have changed. Historical data allows the NRC to identify trending in quantity and/or complexity of the planned submittals, and to incorporate efficiencies gained and lessons learned from previous data.

The NRC also relies on communication from stakeholders to identify accurate dates for planned submittals (*i.e.,* major amendment requests, renewals, and new fuel facility applications), including letters of intent provided by licensees and applicants, and collecting information from Federal partners. For large licensing projects, the NRC tries to balance the appropriate resource needs against the relative certainty that an application will be submitted on schedule.

While the NRC understands the commenters' concerns regarding the impact of budget on the existing operating fuel facilities licensees, NEIMA requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget authority, less the budget authority for excluded activities, and to do so through a combination of both user fees and annual fees. When budgeted 10 CFR part 170 work does not materialize (due to circumstances like delayed or cancelled licensing submittals or construction inspections) changes to the annual fee for the fee class can result. This change in 10 CFR part 170 billings due to fact-of-life changes was a significant contributor to the annual fee increases in FY 2023 and FY 2024 for the fuel facilities fee class.

As expressed by the commenters, from FY 2019 through FY 2022, the annual fee for fuel facilities fee class decreased each year and, after a significant decrease in the budgeted resources for the fee class from FY 2019 to FY 2020, budgeted resources remained relatively flat from FY 2020 to FY 2022. The decrease in the fuel facilities budgeted resources over this period appropriately aligned resources with the projected workload for the fuel facilities fee class at the time. For example, during this time, there were fewer license renewals, limited guidance development, and only routine licensing actions.

In FY 2023, the fuel facilities fee class experienced an increase in the budget by $4.2 million compared to FY 2022, which included an increase of 5.3 FTE

and approximately $0.5 million in contract support, for licensing, oversight, and rulemaking activities. The FY 2024 fuel facilities fee class budget is $30.9 million, which includes 58.9 FTE and approximately $2.9 million in contract support resources. This is $0.9 million or 3 percent higher than the FY 2019 fuel facilities budgeted resources of $30.0 million, which included 66.7 FTE and approximately $2.0 million in contract support.

The FY 2024 CBJ, published in March 2023, explains that the increase in budgeted resources for the fuel facilities business line supports activities such as: (1) licensing actions related to enrichment and manufacturing of HALEU fuel and ATF; (2) the review of one new fuel facility license applications; (3) programmatic oversight activities in support of Category II fuel facilities and an anticipated new fuel facility; (4) potential rulemaking for enhanced security of special nuclear material and guidance development for fuel cycle facility security; and (5) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits to support Federal pay raises for NRC employees. The increase in budgetary resources is partially offset due to a decline in IT services. Additionally, changing workload drivers, including delays in the submittal of licensing activities, have impacted the FY 2024 budget for the fuel facilities business line.

Consistent with NEIMA, when developing the annual fee rule, the NRC accounted for changes that occurred in the two-year interval between the development of the FY 2024 budget request, which began in FY 2022, and the enactment of the FY 2024 appropriation in March 2024.

As part of developing the annual fee rule, the NRC estimates the amount of 10 CFR part 170 service fees by each fee class by analyzing billing data and the actual cost of work under NRC contracts charged to licensees and applicants for the previous four quarters. The estimate, therefore, reflects recent changes in the NRC's regulatory activities. The NRC used four quarters of the prior year invoice data to calculate fees in its FY 2024 proposed rule, and is using a combination of two quarters of the prior year and two quarters of the current year billing data (which is also updated to reflect workload changes) for this final fee rule.

In the FY 2024 proposed fee rule, the 10 CFR part 170 estimated service fees for the fuel facilities fee class increased from $9.2 million in FY 2023 to $10.5 million as shown in the FY 2024 proposed fee rule, which is an increase of $1.3 million or approximately 14.1 percent compared to FY 2023.

During the March 7, 2024, public meeting to discuss the FY 2024 proposed fee rule, the NRC explained that the increase in proposed annual fees for the fuel facilities fee class was primarily due to budget increases and lower than anticipated 10 CFR part 170 billings. At the public meeting, the NRC explained that the increase in proposed annual fees described in the FY 2024 proposed fee rule was primarily due to budget increases and lower than anticipated 10 CFR part 170 billings. The lower than anticipated 10 CFR part 170 billings was because of delays in the submittals of Niowave's new medical isotope production facility application and Global Nuclear Fuel-Americas amendment supporting Natrium fuel fabrication. The FY 2024 final fee rule reflects a further decrease in 10 CFR part 170 billings that was caused by the completion of more licensing actions than estimated, the further delay in commencing inspection activities for the TRISO–X, LLC new fabrication facility, the slowdown of the TRISO–X, LLC new fuel facility license application review while the NRC awaits the applicant's submittal of a major design change, and other delays in routine licensing actions.

During the public meeting, the NRC identified that, during the budget formulation and execution process, it can account for fact-of-life changes and implemented these changes, where possible, in FY 2024. These changes are reflected in the FY 2024 final fee rule, where the NRC reallocated resources from the fuel facility fee class to other fee classes within the nuclear materials and waste safety control point. While these changes did not lower the final FY 2024 annual fees for the fuel facilities fee class in comparison to the annual fees in FY 2024 proposed fee rule, they did mitigate what would have been an even more significant increase.

Although the NRC is aware of the impact its budgeted resources has on the fees for fuel facilities licensees subject to 10 CFR part 171 annual fees, the fee class budget is not linearly proportional to the number of licensees in the fuel facilities fee class. Resources are required to develop and maintain the infrastructure independent of the number of operational fuel facilities. The fuel facilities business line must maintain certain minimum requirements to meet the NRC's regulatory and statutory oversight role. This includes maintaining expertise in several technical areas, including integrated safety analysis, radiation protection, criticality safety, chemical safety, fire safety, emergency management, environmental protection, decommissioning, management measures, material control and accounting, physical protection, and information security. Budgeted resources in technical areas are recovered through 10 CFR part 170 user fees as well as 10 CFR part 171 annual fees. Additionally, the infrastructure costs include indirect services and the business line portion of corporate support. Indirect services include rulemaking, maintaining guidance for licensees, maintaining procedures for NRC staff, training, and travel. Corporate support includes, but is not limited to, the cost for information management and technology, security, facilities management, rent, utilities, human resources, financial management, and acquisitions.

As explained above, because the NRC's fee recovery under 10 CFR part 170 will not equal approximately 100 percent of the agency's budget authority for the fiscal year (less the budget authority for excluded activities), the NRC also assesses 10 CFR part 171 annual fees. Estimated 10 CFR part 170 billings, therefore, are inversely related to the proposed annual fee for a fee class. The more the NRC estimates to collect in 10 CFR part 170 billings, the less it assesses in annual fees. While the NRC anticipated an increase in 10 CFR part 170 estimated billings in the FY 2024 proposed fee rule, this anticipated increase was not enough to offset the overall increase in budgetary resources in FY 2024. Moreover, additional decreases in 10 CFR part 170 billings occurred since the issuance of the FY 2024 proposed fee rule that contributed to the additional increase in the annual fees for the fuel facilities fee class in the FY 2024 final fee rule. The additional decreases in 10 CFR part 170 billings were caused by the completion of more licensing actions than estimated, the further delay in commencing inspection activities for the TRISO–X, LLC new fabrication facility, the slowdown of the TRISO–X, LLC new fuel facility license application review while the NRC awaits the applicant's submittal of a major design change, and other delays in routine licensing actions.

One commenter also recommended that the NRC apply an annual cap to fuel facilities, similar to the annual fee cap for operating power reactors in NEIMA. Section 102(b)(3)(B)(i) of NEIMA established a cap for the annual fees charged to operating reactor licensees. Under this provision, the annual fee for an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual

fee amount per operating reactor licensee established in the FY 2015 final fee rule, adjusted for inflation. NEIMA did not establish such a cap on the annual fees charged to fuel facility licensees.

This final fee rule does not include an annual cap to fuel facilities. The NRC will continue to assess resource requirements, evaluate programmatic efficiencies, and make changes as appropriate. In addition, the NRC staff is exploring options to address the volatility in the fuel facilities fee class annual fees and will engage with the Commission as appropriate.

No changes were made to this final rule as a result of these comments.

Comment: Several commenters expressed concerns that they have finalized their calendar year 2024 budgets and funding a 22 percent increase in the FY 2024 annual fees is not currently budgeted and can only be fulfilled by making difficult resource decisions while maintaining the safety and security of plant operations. (NEI and Westinghouse)

Response: The NRC recognizes that the issuance of the fee rule may not coincide with budget cycles of industry. NEIMA requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget authority, less the budget authority for excluded activities, through fees by the end of the fiscal year. The NRC must set its fees in accordance with the enacted budget. Even though the NRC does not know the amount of fees it will need to collect until after it receives an annual appropriation from Congress, the NRC starts the process of developing the fee rule in the preceding summer to allow for timely final billing prior to the end of the fiscal year, consistent with the requirements of NEIMA.

Furthermore, the NRC must comply with additional statutory requirements, including the APA. Section 553 of the APA requires the NRC to give the public an opportunity to comment on a published proposed rule. Moreover, because OMB has found the fee rule to be a major rule under the Congressional Review Act, the effective date of this final rule cannot be less than 60 days from the date of publication and must allow for timely final billing prior to the end of the fiscal year. NEIMA requires the NRC to collect fees for FY 2024 by September 30, 2024. These scheduling constraints required the NRC to propose revisions to its fee schedules before receiving its annual appropriation.

The NRC strives to ensure that the proposed fee rule is as accurate as possible and explains its assumptions about the budgetary resources and other factors associated with annual fees to provide the best information available regarding the fiscal year's proposed fees. The NRC discussed these assumptions during the March 7, 2024, public meeting on the FY 2024 proposed fee rule. The NRC recognizes that the issuance of the fee rule may not coincide with budget cycles of industry; however, the NRC must promulgate a notice-and-comment rule based on the most accurate data available regarding the cost of NRC services in the context of the NRC's budget for a given fiscal year. Nonetheless, the NRC can and will continue to inform licensees of anticipated major changes in 10 CFR part 170 billings based on changes in the timing of licensing action submittals or inspection activities that could ultimately impact annual fees.

No changes were made to this final rule as a result of these comments.

D. Operating Power Reactors Fee Class Budget and Declining 10 CFR Part 170 Estimated Billings

Comment: ''Approximately 83% of the fee class budget for FY2024 is from the power reactor fee class. Over the past five years the Part 170 fee-for-service collections have decreased by 24%, meaning that the NRC's fee-for-service workload has decreased by roughly 34%. Yet, over this same period, the budget for operating reactors has increased. Consequently, a greater percentage of the operating budget is required to be recovered through annual fees. . . . [T]he percentage of the operating plant budget that is derived from annual fees (currently at 76.4%) continues to increase; up from 68% in FY2019. This growing disparity between 'fee-for-service' collections and 'overhead,' combined with the increasing levels of carryover, point to a need for the NRC to reevaluate its budget and fee collection model.'' (NEI)

Response: The NRC disagrees with the commenter's suggestion that the allocation of service fees versus annual fees for the operating power reactor fee class in the FY 2024 proposed fee rule necessities a revaluation of the NRC's fee-recovery framework. The operating power reactors fee class supports the activities of the operating reactors and new reactors business lines, including both direct-billable licensing actions and those general activities that indirectly support the agency's mission in these areas. The NRC's FY 2024 CBJ provided the agency's explanation and justification for the resources requested to allow the agency to complete its mission, and the reason for the changes in the budget for the NRC compared to the prior year.

The NRC continues to actively evaluate resource requirements to address changes that occur between budget formulation and execution, and to pursue improvements that enhance the accuracy of projections used in budget formulation. For example, the NRC considers projected operating power plant closures and other external factors when estimating workload changes in a manner that allows the agency to meet its fee collection statutory responsibilities as the industry changes. The NRC also seeks information from licensees and other entities relevant to projected workload through public meetings and other forms of public outreach, to better inform the NRC's budget formulation workload assumptions.

Ultimately, however, the NRC budget is not linearly proportional to the size of the operating fleet, as there is a cost for the agency infrastructure that must be maintained independent of the number of operating power reactors in the fleet.

Consistent with NEIMA, when developing the annual fee rule, the NRC considered changes that occurred in the two-year interval between the development of the FY 2024 budget request, which began in FY 2022, and the enactment of the FY 2024 appropriation in March 2024. The NRC strives to ensure that the proposed fee rule is as accurate as possible and explains its assumptions about the budgetary resources and other factors associated with annual fees to provide the best information available regarding the fiscal year's proposed fees. As part of the development of the annual fee rule, the NRC estimates the amount of 10 CFR part 170 service fees by each fee class by analyzing billing data and the actual cost of work under NRC contracts charged to licensees and applicants for the previous four quarters. The estimate, therefore, reflects any recent changes in the NRC's regulatory activities.

The FY 2024 proposed rule utilized four quarters of the prior year invoice data, while the NRC is using a combination of two quarters of the prior year and two quarters of the current year billing data (which is also updated to reflect workload changes) for the FY 2024 final rule. In the FY 2024 proposed fee rule, the 10 CFR part 170 estimated service fees for the operating power fee class increased from $158.9 million in FY 2023 to $165.3 million as shown in the FY 2024 proposed fee rule, which is an increase of $6.4 million or approximately 4.0 percent compared to FY 2023. As described in the FY 2024

proposed fee rule, the 10 CFR part 170 estimated billings increased primarily due to the following: (1) an anticipated increase in hours associated with the review of an increasing number of license renewal applications; and (2) an anticipated increase in new reactor licensing activities, including the review of standard design approvals, pre-application activities, and construction permits. This estimated increase is partially offset by an expected decline in the submission of topical reports. The NRC discussed these assumptions for the operating power reactors fee class during the March 7, 2024, public meeting on the FY 2024 proposed fee rule.

The NRC will continue to assess resource requirements, evaluate programmatic efficiencies, and make changes as appropriate.

No changes were made to this final rule as a result of these comments.

E. General Comments on the Increase in the Budget and the Hourly Rate

Comment: Some commenters expressed concern about the overall increase in the budget, which has resulted in increases in annual fees and the hourly rate in FY 2024 and the potential for increases in the future. The commenters requested that the NRC re-evaluate fees associated with the FY 2024 proposed fee rule. (Congressman Byron Donalds, et. al, DPC, DAEC, BWXT, NEI, Westinghouse)

Response: The NRC is committed to the application of fairness and equity in the assessment of fees. Fees are reassessed annually with stakeholder engagement and published in the **Federal Register** for public comment. The NRC held a public meeting on March 7, 2024, to discuss the key aspects of the FY 2024 proposed fee rule, including the impact of the budget upon fees. In developing the budget, the NRC seeks information on projected workload through public meetings, letters of intent from industry, and other forms of public outreach with licensees to better inform budget formulation workload assumptions. NEIMA requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from this fee recovery requirement. The FY 2024 proposed fee rule was based on the FY 2024 budget request because a full-year appropriation had not yet been enacted for FY 2024. A full-year appropriation was enacted on March 9, 2024, with the Consolidated Appropriations Act, 2024, which included less total budget authority than the budget request and direction to use $62.0 million in carryover funding. As a result, the FY 2024 final fee rule reflects the NRC's re-evaluation of fees based on the FY 2024 enacted budget. In addition, the final fee rule reflects updates to estimated billings based on workload changes for each fee class.

The NRC will continue to assess resource requirements, evaluate programmatic efficiencies, and make changes as appropriate. For example, the NRC recently modified its fee regulations to address the economic differences between the current fleet of large operating reactors and much smaller small modular reactors (SMRs) to make them technology-inclusive and establish a fair and equitable approach for assessing annual fees to all SMRs, in light of increased interest in licensing non-light water reactors.

No changes were made to this final rule as a result of these comments.

F. Non-Power Production or Utilization Facilities

Comment: ''The FY2024 proposed fee rule represents a 1.5% increase in the annual fee for the three paying licensees in the fleet. Notably, we understand that in FY2025, the number of fee-paying facilities will drop from three to two. Because of this significant change (representing a 33% reduction of the fee-paying licensee base), we are concerned about the downstream effects this could place on the two remaining licensees, resulting in a disproportionate financial impact and burden. This undesirable outcome has been observed with prior year fee rules in several other business lines, including NPUFs, when the size of the fleet is significantly downsized, yet the overall business line is not commensurately reduced. The staff highlighted this fact in the February 22, 2024, Commission briefing on the research and test reactor regulatory program. The staff stated that they are currently pursuing mitigating solutions for FY2025. We look forward to hearing more from the staff on any solutions, and we are open to supporting further dialogue on this topic. As this FY2025 decrease in the number of facilities is known, we expect the NRC to reduce its resources commensurately. This is especially important considering their primary national mission of education, research, training, and outreach, as highlighted in the Atomic Energy Act, Section 104(c).'' (NEI)

Response: The NRC recognizes the impact of its budgeted resources on the fees for facilities involved in education, research, training, and outreach. As mentioned during the February 22, 2024, Commission meeting, and the March 7,2024, public meeting to discuss the FY 2024 proposed fee rule, the NRC is actively exploring options to address the non-power production or utilization facilities (NPUF) fee class due to the decline in number of operating NPUFs and will engage with the Commission as appropriate.

For this fee rule, in FY 2024, the NRC budgeted activities for NPUFs to address emerging work needs and maintaining adequate oversight of the existing fleet of facilities. As discussed in the FY 2024 proposed fee rule, the NPUF budgetary resources, which are included under the operating reactors business line, decreased because of a reduction in medical radioisotope production facilities workload primarily due to a delay with the SHINE operating license application for a medical radioisotope production facility and a delay in the construction schedule. The decrease in the budgeted resources was partially offset by an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits. In addition, the 10 CFR part 170 estimated billings associated with the current fleet of operating NPUF licensees subject to annual fees have declined compared to FY 2023 due to a reduction in workload for license amendment activities associated with the anticipated shutdown of the General Electric Hitachi Vallecitos Nuclear Center in FY 2024. The 10 CFR part 170 estimated billings with respect to medical radioisotope production facilities and advanced research and test reactors have declined when compared with FY 2023 primarily due to the following: (1) a reduction in staff hours due to the delay with SHINE's operating license application and a delay in the construction schedule; and (2) the completion of the safety review of the Kairos application for a permit to construct the Hermes 1 test reactor. This decline in 10 CFR part 170 estimated billings is offset due to the following: (1) the review of the Kairos Hermes 2 application for a permit to construct two test reactors; and (2) conducting pre-application meetings due to the anticipated submission of several license applications.

While the NRC agrees that it should reduce its budget commensurate with the reduction in the number of NPUFs that pay fees, that reduction is not linearly proportional as there is a cost for the infrastructure that must be maintained independent of the number of operational NPUFs. These infrastructure costs include indirect services and the business line portion of corporate support. Indirect services include rulemaking, maintaining

guidance for licensees, maintaining procedures for NRC staff, training, and travel. Corporate support includes, for example, the cost for information management, IT, security, facilities management, rent, utilities, financial management, acquisitions, human resources, and policy support.

No changes were made to this final rule as a result of these comments.

G. Corporate Support Cap

Comment: ''We appreciate the NRC efforts to manage and reduce Corporate Support costs. However, these efforts do not appear to be effective. The Corporate Support budget for FY2024 is 30.2% of total budget authority compared to the FY2024 NEIMA limit of 29%. In FY2025 the NEIMA limit on Corporate Support budget decreases to 28%. However, the NRC's proposed budget for FY2025 has a Corporate Support budget that increases to 31.9% of total budget authority. We encourage NRC to double its efforts to reduce Corporate Support costs.'' (NEI)

Response: Section 102(a)(3) of NEIMA provides that corporate support costs include annual budget justification submitted to Congress, to the maximum extent practicable, shall not exceed 29%. This requirement pertains to the annual budget justification and does not apply to the annual fee rule.

As stated in the Executive Summary to the FY 2024 CBJ, the NRC's corporate support request was approximately 30.2 percent of the agency's total requested budget authority and reflects the agency's efforts to comply with section 102(a)(3)(A) of NEIMA to the maximum extent practicable.

The agency will continue efforts to implement efficiencies and invest resources in initiatives that will result in future savings in corporate support activities.

No changes were made to this final rule as a result of these comments.

H. Excluded Activities

Comment: Several commenters expressed concern about using fee-based carryover funding for the UNLP and not complying with NEIMA. One commenter stated that ''[t]he FY2024 proposed budget does not include funding for the University Nuclear Leadership Program (UNLP). However, the Consolidated Appropriations Act 2024 included $16 million for UNLP and directed the use of fee-based carryover funds for this purpose. This is contrary to the Nuclear Energy Innovation and Modernization Act (NEIMA) of 2018, where UNLP is one of the activities excluded from recovery using fee-based funding. The FY2024 payment, combined with similar payments in FY2023, FY2022 and FY2021, totals $64 million in payments by licensees that should have been excluded from the fee base.''

One commenter also expressed concern that licensee fees should not subsidize other Federal agencies. They stated, ''[t]he FY2024 budget includes approximately $6 million to subsidize rent for the Food and Drug Administration (FDA) and the National Institutes of Health (NIH). In its October 12, 2021, letter to Congress on NEIMA, NRC identified that over the course of this lease the nuclear industry will pay approximately $48 million to subsidize rent for the Food and Drug Administration (FDA) and the National Institutes of Health (NIH) in the 3WFN building. These payments do nothing to support the agency's mission and should not be funded through fees collected from NRC licensees and, ultimately, electricity rate payers. We encourage the NRC to continue its discussions with Congress to remove these payments from the fee base.'' (NEI and CEG)

Response: Each fiscal year, the NRC follows the direction of Congress that accompanies the annual appropriations act. In FY 2024, the explanatory statement associated with the Consolidated Appropriations Act, 2024 included direction for the NRC to use $62.0 million of carryover. The explanatory statement allocates $16.0 million for the UNLP, and consistent with language in the Senate Report, the UNLP is funded in FY 2024 using carryover. As part of the NRC's ongoing communications with Congress, the NRC provides information to and has discussions with Congress regarding various budgetary matters.

The Three White Flint subsidy is not currently an excluded activity under NEIMA.

No change was made to this final rule as a result of these comments.

I. Future Policy Adjustments for Micro-Reactors

Comment: ''We recognize that there are no further policy changes proposed this year following last year's addition of another minimum fee and variable rate for non-light water reactors under 10 CFR 171.15. NEI encourages the NRC to consider other changes to the fee structure for micro-reactors. Specifically, the overall licensing and ongoing oversight costs for micro-reactors need to be less than 1% of the total cost of manufacture and operations. If the policy in the current fee rule places undue economic burden on micro-reactors through annual fees that do not reflect lower oversight costs, due to their simplicity and very small radionuclide inventories, then the annual fees will challenge their economic viability. The current minimum fee, set equal to that of the NPUF fee class, is expected to be a significant percentage of annual operating costs for micro-reactors. Further, the distribution of NPUF fees for dozens of reactors among a fraction of payers (only three NPUF licensees are subject to annual fees) is not representative of commercial micro-reactor expectations to each pay their share of annual fees. The scaling of many tens or hundreds of micro-reactors up to 4500 MWth will continue to propagate the disproportionate impact and there may be a need for the policy to be revisited as early as next year.'' (NEI)

Response: In FY 2016, the NRC amended § 171.15 to establish a variable annual fee structure for LWR SMRs (81 FR 32617; May 24, 2016). Thereafter, in FY 2023, the NRC further amended § 171.15 to: (1) expand the applicability of the SMR variable fee structure to include non-LWR SMRs; and (2) establish an additional minimum fee and variable rate applicable to SMRs with a licensed thermal power rating of less than or equal to 250 MWt (88 FR 39120; June 15, 2023).

In developing this fee framework for SMRs, the NRC engaged with industry and other interested stakeholders to develop a knowledge base and understanding of the characteristics and proposed designs of non-LWR SMRs. The NRC also conducted public meetings with stakeholders to share information and discuss topics related to the development and licensing of non-LWRs and participated in preapplication activities with several applicants. During these public meetings, the NRC staff discussed possible approaches to assessing annual fees for non-LWR SMRs. Stakeholders recommended that the NRC consider lower fees for non-LWR SMRs and requested the NRC proceed with rulemaking expeditiously. In developing an approach to assess annual fees to future non-LWR SMRs, the NRC considered stakeholder input from these public meetings and analyzed a position paper from NEI, ''NEI Input on NRC Annual Fee Assessment for Non-Light Water Reactors.''

Ultimately, the NRC modified its fee regulations to address the economic differences between the current fleet of large operating reactors and much smaller SMRS to make them technology-inclusive and establish a fair and equitable approach for assessing annual

fees to all SMRs, including micro-reactors. That said, the NRC recognizes that the annual regulatory cost associated with LWR and non-LWR SMRs is inherently uncertain before such a licensed facility is operational.

As stated in the FY 2023 final fee rule, the NRC intends to re-evaluate the variable annual fee structure at the appropriate time to ensure consistency with NEIMA. This re-evaluation will occur once SMR facilities become operational and sufficient regulatory cost data becomes available. Operational experience data should provide insights that will identify the correlation between design features and the level of NRC oversight typically needed for these new types of power plants as well as inform whether further annual fee adjustments for SMRs may be needed. As cost data and operating experience for LWR and non-LWR SMRs are accumulated, the NRC will propose adjustments to fees as needed to make sure that the fees assessed to LWR and non-LWR SMRs (and to all operating power reactors) are commensurate with the regulatory support services provided by the NRC, consistent with NEIMA.

No changes were made to this final rule in response to these comments.

J. Spent Fuel Storage/Reactor Decommissioning Fee Class

Comment: Several commenters expressed concerns about the annual fee increase for the spent fuel storage/reactor decommissioning fee class. One commenter stated that an increase in annual and professional charges proposed for the fee class of 26.4 percent, and an increase of 117 percent since 2019, is systemically unsustainable. The commenter stated that their sites no longer produce electricity and the assumption that they will recover costs from the DOE via litigation or settlement(s) is one that ignores that the costs are not allowed for recovery. That cost is the erosion of the recovery due to the time value of money and that others do not receive full recovery of costs. Costs associated with the recovery process are not included. Another commenter stated that the FY 2024 proposed fee rule assigns the same fee for all decommissioning plants and does not distinguish between reactor sites that are actively decommissioning or moving spent fuel, which require significant active NRC oversight, and those in a SAFSTOR setting with no active fuel movement, which require much less NRC oversight. The commenters suggested that the NRC adjust the proposed rule to more accurately and equitably allocate its costs to plants in a decommissioning status based on the necessary level of NRC involvement. The commenters asked that the NRC undertake serious discussions internally, and then with the Congress and OMB, to seek long-term solutions to the dramatic and unsustainable increases in members' fees. (DPC and DAEC)

Response: The NRC is aware of the impact of the budget on the fees for the spent fuel storage/reactor decommissioning fee class that is assessed to 10 CFR part 50 and 10 CFR part 52 power reactor licensees, and on 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license or a 10 CFR part 52 combined license. The spent fuel storage/reactor decommissioning fee class supports the activities of the spent fuel storage and transportation and the decommissioning and LLW business lines, including both direct-billable licensing actions and those general activities that indirectly support the agency's mission in these areas.

When formulating the budget, the NRC takes into consideration various factors, including workload forecasting, historical data and trends, information from licensees and potential applicants, and uncertainty of projections. The NRC assesses the current environment and performs workload forecasting, which includes looking for significant drivers that could impact the future workload. These include, but are not limited to, technical and regulatory developments that have the potential to generate additional work or reduce work. In addition, the NRC reviews historical data and trends to measure how execution in previous years lines up with the budget assumptions at the time. The NRC uses that data to inform the future budget and identify areas where the assumptions previously used may have changed. The NRC also relies on communications from stakeholders to identify planned submittals, including letters of intent. In budgeting for large licensing projects, the NRC tries to balance the anticipated resource needs against the relative certainty that an application will be submitted on schedule and the level of complexity.

The NRC's FY 2024 CBJ, published in March 2023, provided the agency's explanation and justification for the resources being requested to allow the agency to complete its mission under the spent fuel storage and transportation and the decommissioning and LLW business lines as pertaining to the spent fuel storage/reactor decommissioning fee class. As explained in the FY 2024 proposed fee rule, the spent fuel storage/reactor decommissioning fee class budgeted resources increased primarily to support the following: (1) an increase in FTEs to support licensing and oversight activities for the reactor decommissioning program, which includes both power and non-power reactors in various stages of decommissioning; and (2) an increase in the fully-costed FTE rate compared to FY 2023 due to an increase in salaries and benefits to support Federal pay raises for NRC employees.

While NRC recognizes the impact of its budgeted resources on the fees for the spent fuel storage/reactor decommissioning facilities subject to 10 CFR part 171 annual fees, the fee class budget is not linearly proportional to the number of facilities in the fee class. Resources are required to develop and maintain the infrastructure independent of the number of facilities in the spent fuel storage/reactor decommissioning fee class. The spent fuel storage and transportation and the decommissioning and LLW business lines must maintain certain minimum requirements to meet the NRC's regulatory and statutory oversight role.

Consistent with NEIMA, when developing the annual fee rule, the NRC considered changes that occurred in the two-year interval between the development of the FY 2024 budget request, which began in FY 2022, and the enactment of the FY 2024 appropriation in March 2024. As part of the development of the annual fee rule, the NRC estimates the amount of 10 CFR part 170 service fees by each fee class by analyzing billing data and the actual cost of work under NRC contracts charged to licensees and applicants for the previous four quarters. The estimate, therefore, reflects any recent changes in the NRC's regulatory activities. The FY 2024 proposed rule utilized four quarters of the prior year invoice data, while the NRC is using a combination of two quarters of the prior year and two quarters of the current year billing data (which is also updated to reflect workload changes) for the FY 2024 final rule.

The commenters also raised concerns regarding the professional charges and that the FY 2024 proposed fee rule does not distinguish between sites that are in active decommissioning or where licensees are moving spent fuel, and those in a SAFSTOR setting that require less oversight. Under NEIMA, the NRC must use its IOAA authority first to collect 10 CFR part 170 service fees for NRC work that provides specific benefits to identifiable recipients, such as licensing activities, inspections, and special projects. In so doing, the NRC establishes a professional hourly rate for its work. To the extent that the NRC's

work directly benefits a licensee or applicant, the NRC then collects 10 CFR part 170 user fees from that licensee or applicant. As a result, the spent fuel storage/reactor decommissioning fee class facilities are only paying 10 CFR part 170 fees for work that directly benefits an entity engaged in their specific activities (*i.e.,* decommissioning licensing and oversight activities, moving spent fuel, and the review of certificate of compliance applications for amendments). With respect to 10 CFR part 170 service fees, the NRC staff time spent on licensing and inspection activities is subject to change, depending on the novelty and complexity of the application under review or the facility being inspected. Because the NRC's fee recovery under the IOAA (10 CFR part 170) will not equal 100 percent of the agency's total budget authority for the fiscal year (less the budget authority for excluded activities), the NRC also assesses annual fees under 10 CFR part 171 to recover the remaining amount necessary to comply with NEIMA.

The NRC believes that the assessment of annual fees from 10 CFR part 50 and 10 CFR part 52 power reactor licensees, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license or a 10 CFR part 52 combined license under spent fuel storage/reactor decommissioning, is fair and equitable to recover NRC costs for generic spent fuel storage and reactor decommissioning activities. This annual fee includes the costs of the NRC's generic and other research activities directly related to reactor decommissioning and spent fuel storage, and other safety, environmental, and safeguards activities related to reactor decommissioning and spent fuel storage, except those activities which are subject 10 CFR part 170 fees. The NRC recognizes that sites will be required to continue to store spent fuel onsite until another solution becomes available. Nonetheless, NEIMA requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from the fee-recovery requirement.

The NRC continues to actively evaluate resource requirements to address changes that occur between budget formulation and execution. The NRC will continue to evaluate programmatic efficiencies and make changes as appropriate.

No changes were made to this final rule in response to these comments.

K. Comments on Matters Not Related to This Rulemaking

Several commenters raised issues outside the scope of the FY 2024 fee rule. Commenters raised concerns with the agency's budgeting process and making changes to future budgets, and on the NRC's overall licensing processes. These matters are outside the scope of this final rule. The primary purpose of the rule is to update the NRC's fee schedules to recover approximately 100 percent of the NRC's total budget authority for the current fiscal year, less the budget authority for excluded activities, and to make other necessary corrections or appropriate changes to specific aspects of the NRC's fee regulations to ensure compliance with NEIMA.

The NRC understands the importance of examining and improving the efficiency of its operations and the prioritization of its regulatory activities. Accordingly, the NRC continues to seek improvements and efficiencies in NRC operations and enhancing the agency's approach to regulating while maintaining safety and security.

V. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[3] the NRC has prepared a regulatory flexibility analysis related to this final rule. The regulatory flexibility analysis is available as indicated in the ''Availability of Documents'' section of this document.

VI. Regulatory Analysis

Under NEIMA, the NRC is required to recover, to the maximum extent practicable, approximately 100 percent of its annual budget for FY 2024 less the budget authority for excluded activities. The NRC established fee methodology guidelines for 10 CFR part 170 in 1978 and established additional fee methodology guidelines for 10 CFR part 171 in 1986. In subsequent rulemakings, the NRC has adjusted its fees without changing the underlying principles of its fee policy to ensure that the NRC continues to comply with the statutory requirements for cost recovery.

In this final rule, the NRC continues this longstanding approach. Therefore, the NRC did not identify any alternatives to the current fee structure guidelines and did not prepare a regulatory analysis for this final rule.

[3] 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, Title II, 110 Stat. 847 (1996).

VII. Backfitting and Issue Finality

The NRC has determined that the backfit and issue finality provisions, §§ 50.109, ''Backfitting''; 52.39, ''Finality of early site permit determinations''; 52.63, ''Finality of standard design certifications''; 52.83, ''Finality of referenced NRC approvals; partial initial decision on site suitability''; 52.98, ''Finality of combined licenses; information requests''; 52.145, ''Finality of standard design approvals; information requests''; 52.171, ''Finality of manufacturing licenses; information requests''; and 70.76, ''Backfitting,'' do not apply to this final rule and that a backfit analysis is not required because these amendments do not require the modification of, or addition to, (1) systems, structures, components, or the design of a facility; (2) the design approval or manufacturing license for a facility; or (3) the procedures or organization required to design, construct, or operate a facility.

VIII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC wrote this document to be consistent with the Plain Writing Act, as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

IX. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described in § 51.22(c)(1). Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this final rule.

X. Paperwork Reduction Act

This final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*). Existing collections of information were approved by OMB, approval number 3150–0190.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XI. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act of 1996 (5 U.S.C. 801–808). OMB has found it to be a major rule as defined in the Congressional Review Act.

XII. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC is amending the licensing, inspection, and annual fees charged to its licensees and applicants, as necessary, to recover, to the maximum extent practicable, approximately 100 percent of its annual budget for FY 2024 less the budget authority for excluded activities, as required by NEIMA. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XIII. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. The NRC, in compliance with the law, prepared the ''Small Entity Compliance Guide'' for the FY 2023 fee rule. The compliance guide was developed when the NRC completed the small entity biennial review for FY 2023. The NRC plans to continue to use this compliance guide for FY 2024 and has relabeled the compliance guide to reflect the current FY. This compliance guide is available as indicated in the ''Availability of Documents'' section of this document.

XIV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Documents	ADAMS Accession No./FR citation/web link
NUREG–1100, Volume 39, ''Congressional Budget Justification: Fiscal Year 2024'' (March 2023).	ML23069A000.
FY 2024 Final Rule Work Papers	ML24155A214.
OMB Circular A–25, ''User Charges''	*https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-025.pdf.*
SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005	ML052580332.
''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015,'' dated June 30, 2015	80 FR 37432.
''Variable Annual Fee Structure for Small Modular Reactors,'' dated May 24, 2016	81 FR 32617.
''Revision of Fee Schedules; Fee Recovery for FY 2023,'' dated June 15, 2023	88 FR 39120.
''Revision of Fee Schedules; 100% Fee Recovery for FY 1999,'' dated June 10, 1999	64 FR 31448.
Revision of Fee Schedules; Fee Recovery for FY 2002,'' dated June 24, 2002	67 FR 42612.
''Revision of Fee Schedules; Fee Recovery for FY 2006,'' dated May 30, 2006	71 FR 30722.
FY 2024 Regulatory Flexibility Analysis	ML24123A027.
FY 2024 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide	ML23342A134.
''Plain Language in Government Writing,'' dated June 10, 1998	63 FR 31885.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information, Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 15

Administrative practice and procedure, Claims, Debt collection.

10 CFR Part 37

Byproduct material, Criminal penalties, Exports, Hazardous materials transportation, Imports, Licensed material, Nuclear materials, Penalties, Radioactive materials, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 73

Criminal penalties, Exports, Hazardous materials transportation, Imports, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Exports, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 140

Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Approvals, Byproduct material, Holders of certificates, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Registrations, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is making the following amendments to 10 CFR parts 2, 15, 37, 73, 110, 140, 170 and 171:

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note. Section 2.205(j) also issued under 28 U.S.C. 2461 note.

■ 2. In § 2.205, revise paragraph (i) to read as follows.

§ 2.205 Civil Penalties.

* * * * *

(i) Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the United States, following reference of the matter to the Attorney General for collection, payment of civil penalties imposed under section 234 of the Act are to be made payable to the U.S. Nuclear Regulatory Commission, in U.S. funds. The payments are to be made by electronic fund transfer using the electronic payment methods accepted at *www.Pay.gov.* Federal agencies may also make payments by Intra-Governmental Payment and Collection (IPAC). All payments are to be made in accordance with the specific payment instructions provided with Notices of Violation that propose civil penalties and Orders Imposing Civil Monetary Penalties.

* * * * *

PART 15—DEBT COLLECTION PROCEDURES

■ 3. The authority citation for part 15 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 186 (42 U.S.C. 2201, 2236); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 3701, 3713, 3716, 3719, 3720A; 42 U.S.C. 664; 44 U.S.C. 3504 note; 31 CFR parts 900 through 904; 31 CFR part 285; E.O. 12146, 44 FR 42657, 3 CFR, 1979 Comp., p. 409; E.O. 12988, 61 FR 4729, 3 CFR, 1996 Comp., p. 157.

■ 4. In § 15.35, revise paragraph (c) introductory text to read as follows:

§ 15.35 Payments.

* * * * *

(c) *To whom payment is made.* Payment of a debt is to be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Federal agencies may also make payment by Intra Governmental Payment and Collection (IPAC). Payments should be made to the U.S. Nuclear Regulatory Commission unless payment is—

* * * * *

PART 37—PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

■ 5. The authority citation for part 37 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 81, 103, 104, 147, 148, 149, 161, 182, 183, 223, 234, 274 (42 U.S.C. 2014, 2073, 2111, 2133, 2134, 2167, 2168, 2169, 2201, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

■ 6. In § 37.27, revise paragraph (c)(2) to read as follows:

§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.

* * * * *

(c) * * *

(2) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* For guidance on making electronic payments, contact the Division of Physical and Cyber Security Policy by emailing *Crimhist.Resource@nrc.gov.* Combined payment for multiple applications is acceptable. The Commission publishes the amount of the fingerprint check application fee on the NRC's public website. (To find the current fee amount, go to the Licensee Criminal History Records Checks & Firearms Background Check information page at *https://www.nrc.gov/security/chp.html* and see the link for How do I determine how much to pay for the request?)

* * * * *

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

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

Authority: Atomic Energy Act of 1954, secs. 53, 147, 149, 161, 161A, 170D, 170E, 170H, 170I, 223, 229, 234, 1701 (42 U.S.C. 2073, 2167, 2169, 2201, 2201a, 2210d, 2210e, 2210h, 2210i, 2273, 2278a, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Section 73.37(b)(2) also issued under Sec. 301, Public Law 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

■ 8. In § 73.17, revise paragraph (m)(1) to read as follows:

§ 73.17 Firearms background checks for armed security personnel.

* * * * *

(m) * * *

(1) Fees for the processing of firearms background checks are due upon application. The fee for the processing of a firearms background check consists of a fingerprint fee and a NICS check fee. Licensees must submit payment with the application for the processing of fingerprints, and payment must be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Licensees can find fee information for firearms background checks on the NRC's public website at *https://www.nrc.gov/security/chp.html.*

* * * * *

■ 9. In § 73.57, revise paragraph (d)(3)(i) to read as follows:

§ 73.57 Requirements for criminal history records checks of individuals granted unescorted access to a nuclear power facility, a non-power reactor, or access to Safeguards Information.

* * * * *

(d) * * *

(3) * * *

(i) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints, and payment must be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* (For guidance on making payments, contact the Criminal history Program, Division of Physical and Cyber Security Policy at 301–415–7513). Combined payment for multiple applications is acceptable.

* * * * *

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

■ 10. The authority citation for part 110 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 51, 53, 54, 57, 62, 63, 64, 65, 81, 82, 103, 104, 109, 111, 121, 122, 123, 124, 126, 127, 128, 129, 133, 134, 161, 170H, 181, 182, 183, 184, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2071, 2073, 2074, 2077, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2139, 2141, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160c, 2160d, 2201, 2210h, 2231, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Administrative Procedure Act (5 U.S.C. 552, 553); 42 U.S.C. 2139a, 2155a; 44 U.S.C. 3504 note. Section 110.1(b) also issued under 22 U.S.C. 2403; 22 U.S.C. 2778a; 50 App. U.S.C. 2401 *et seq.*

■ 11. In § 110.64, revise paragraph (e) to read as follows:

§ 110.64 Civil penalty.

* * * * *

(e) Except when the matter has been referred to the Attorney General for collection, payment of penalties shall be made in U.S. funds using the electronic

payment methods accepted at *www.Pay.gov.*

* * * * *

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

■ 12. The authority citation for part 140 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 170, 223, 234 (42 U.S.C. 2201, 2210, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

■ 13. In § 140.7, revise paragraph (d) to read as follows:

§ 140.7 Fees.

* * * * *

(d) Indemnity fee payments are to made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Federal agencies may also make payments by Intra-Governmental Payment and Collection (IPAC). Specific instructions for making payments may be obtained by contacting the Office of the Chief Financial Officer at 301–415–7554.

PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

■ 14. The authority citation for part 170 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2215; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

■ 15. In § 170.12, revise paragraph (f) to read as follows:

§ 170.12 Payment of Fees.

* * * * *

(f) *Method of payment.* All fee payments under this part are to be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Specific instructions for making payments may be obtained by contacting the Office of the Chief Financial Officer at 301–415–7554. In accordance with Department of the Treasury requirements, refunds will only be made upon receipt of information on the payee's financial institution and bank accounts.

* * * * *

§ 170.20 [Amended]

■ 16. In § 170.20, remove the dollar amount ''$300'' and add in its place the dollar amount ''$317''.

■ 17. In § 170.31, revise table 1 to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

* * * * *

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
1. Special nuclear material: [11]	
A. (1) Licenses for possession and use of U-235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [6] [Program Code(s): 21213]	Full Cost.
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [6] [Program Code(s): 21210]	Full Cost.
(2) All other special nuclear materials licenses not included in Category 1.A. (1) which are licensed for fuel cycle activities.[6]	
(a) Facilities with limited operations [6] [Program Code(s): 21240, 21310, 21320]	Full Cost.
(b) Gas centrifuge enrichment demonstration facilities.[6] [Program Code(s): 21205]	Full Cost.
(c) Others, including hot cell facilities.[6] [Program Code(s): 21130, 21131, 21133]	Full Cost.
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI).[6] [Program Code(s): 23200].	Full Cost.
C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 of this chapter in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.[4] Application [Program Code(s): 22140].	$1,500.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A.[4] Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310].	$2,900.
E. Licenses or certificates for construction and operation of a uranium enrichment facility [6] [Program Code(s): 21200]	Full Cost.
F. Licenses for possession and use of special nuclear material greater than critical mass as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities.[4] [6] [Program Code(s): 22155].	Full Cost.
2. Source material: [11]	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal.[6] [Program Code(s): 11400].	Full Cost.
(2) Licenses for possession and use of source material in recovery operations such as milling, *in situ* recovery, heap-leaching, ore buying stations, ion-exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.[6]	
(a) Conventional and Heap Leach facilities [6] [Program Code(s): 11100]	Full Cost.
(b) Basic *In Situ* Recovery facilities [6] [Program Code(s): 11500]	Full Cost.
(c) Expanded *In Situ* Recovery facilities [6] [Program Code(s): 11510]	Full Cost.
(d) *In Situ* Recovery Resin facilities [6] [Program Code(s): 11550]	Full Cost.
(e) Resin Toll Milling facilities [6] [Program Code(s): 11555]	Full Cost.
(f) Other facilities [6] [Program Code(s): 11700]	Full Cost.
(3) Licenses that authorize the receipt of byproduct material, as defined in section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [6] [Program Code(s): 11600, 12000].	Full Cost.
(4) Licenses that authorize the receipt of byproduct material, as defined in section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [6] [Program Code(s): 12010].	Full Cost.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[7] [8] Application [Program Code(s): 11210].	$1,400.
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. Application [Program Code(s): 11240].	$6,800.
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. Application [Program Code(s): 11230, 11231].	$3,100.
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. Application [Program Code(s): 11710].	$3,000.
F. All other source material licenses. Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820] ...	$3,000.
3. Byproduct material: [11]	
A. Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. Application [Program Code(s): 03211, 03212, 03213].	$14,800.
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. Application [Program Code(s): 04010, 04012, 04014].	$19,700.
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. Application [Program Code(s): 04011, 04013, 04015].	$24,600.
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. Application [Program Code(s): 03214, 03215, 22135, 22162].	$4,100.
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. Application [Program Code(s): 04110, 04112, 04114, 04116].	$5,400.
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. Application [Program Code(s): 04111, 04113, 04115, 04117].	$6,800.
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5. Application [Program Code(s): 02500, 02511, 02513].	$5,900.
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. Application [Program Code(s): 04210, 04212, 04214].	$7,900.
(2). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: more than 20. Application [Program Code(s): 04211, 04213, 04215].	$9,800.
D. [Reserved]	N/A.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units). Application [Program Code(s): 03510, 03520].	$3,600.
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes. Application [Program Code(s): 03511].	$7,400.
G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes. Application [Program Code(s): 03521].	$70,700.
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter. Application [Program Code(s): 03254, 03255, 03257].	$7,600.
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter. Application [Program Code(s): 03250, 03251, 03253, 03256].	$11,700.
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter. Application [Program Code(s): 03240, 03241, 03243].	$2,300.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter. Application [Program Code(s): 03242, 03244].	$1,300.
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5. Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613].	$6,200.
(1) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20. Application [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622].	$8,300.
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: more than 20. Application [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623].	$10,400.
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution. Application [Program Code(s): 03620].	$9,400.
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C.[13] Application [Program Code(s): 03219, 03225, 03226].	$10,100.
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 1–5. Application [Program Code(s): 03310, 03320].	$11,500.
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 6–20. Application [Program Code(s): 04310, 04312].	$15,300.
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: more than 20. Application [Program Code(s): 04311, 04313].	$19,200.
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: 1–5. Application [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03130, 03140, 03220, 03221, 03222, 03800, 03810, 22130].	$7,800.
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: 6–20. Application [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438].	$10,400.
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: more than 20. Application [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439].	$13,000.
Q. Registration of a device(s) generally licensed under part 31 of this chapter. Registration	$2,200.
R. Possession of items or products containing radium-226 identified in § 31.12 of this chapter which exceed the number of items or limits specified in that section.[5]	
1. Possession of quantities exceeding the number of items or limits in § 31.12(a)(4) or (5) of this chapter but less than or equal to 10 times the number of items or limits specified. Application [Program Code(s): 02700].	$2,900.
2. Possession of quantities exceeding 10 times the number of items or limits specified in § 31.12(a)(4) or (5) of this chapter. Application [Program Code(s): 02710].	$2,800.
S. Licenses for production of accelerator-produced radionuclides. Application [Program Code(s): 03210]	$16,200.
4. Waste disposal and processing: [11]	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. Application [Program Code(s): 03231, 03233, 03236, 06100, 06101].	Full Cost.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. Application [Program Code(s): 03234].	$7,900.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. Application [Program Code(s): 03232].	$5,700.
5. Well logging: [11]	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies. Application [Program Code(s): 03110, 03111, 03112].	$5,200.
B. Licenses for possession and use of byproduct material for field flooding tracer studies. Licensing [Program Code(s): 03113].	Full Cost.
6. Nuclear laundries: [11]	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material. Application [Program Code(s): 03218].	$25,200.
7. Medical licenses: [11]	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 1–5. Application [Program Code(s): 02300, 02310].	$12,700.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2 3]
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 6–20. Application [Program Code(s): 04510, 04512].	$16,800.
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: more than 20. Application [Program Code(s): 04511, 04513].	$21,000.
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 1–5. Application [Program Code(s): 02110].	$9,900.
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 6–20. Application [Program Code(s): 04710].	$13,100.
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: more than 20. Application [Program Code(s): 04711].	$16,400.
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[10] Number of locations of use: 1–5. Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160].	$10,800.
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[10] Number of locations of use: 6–20. Application [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828].	$14,400.
(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[10] Number of locations of use: more than 20. Application [Program Code(s): 04811,04813, 04815, 04817, 04819, 04821,04823, 04825, 04827, 04829].	$18,000.
8. Civil defense: [11]	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. Application [Program Code(s): 03710].	$2,900.
9. Device, product, or sealed source safety evaluation:	
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution. Application—each device.	$23,200.
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices. Application—each device.	$10,300.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution. Application—each source.	$6,000.
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel. Application—each source.	$1,200.
10. Transportation of radioactive material:	
A. Evaluation of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	Full Cost.
2. Other Casks	Full Cost.
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators.	
Application.	
Inspections	Full Cost.
2. Users.	
Application.	
Inspections	Full Cost.
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	Full Cost.
11. Review of standardized spent fuel facilities	Full Cost.
12. Special projects: Including approvals, pre-application/licensing activities, and inspections. Application [Program Code: 25110].	Full Cost.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
13. A. Spent fuel storage cask Certificate of Compliance	Full Cost.
B. Inspections related to storage of spent fuel under § 72.210 of this chapter	Full Cost.
14. Decommissioning/Reclamation [11]	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21325, 22200].	Full Cost.
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, regardless of whether or not the sites have been previously licensed.	Full Cost.
15. Import and Export licenses: [12]	
Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.).	
A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under § 110.40(b) of this chapter. Application—new license, or amendment; or license exemption request.	N/A.
B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires the NRC to consult with domestic host state authorities (*i.e.,* Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.). Application—new license, or amendment; or license exemption request.	N/A.
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances. Application—new license, or amendment; or license exemption request.	N/A.
D. Application for export or import of nuclear material not requiring Commission or Executive Branch review, or obtaining foreign government assurances. Application—new license, or amendment; or license exemption request.	N/A.
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities. Minor amendment.	N/A.
Licenses issued under part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in appendix P to part 110 of this chapter (fee categories 15.F. through 15.R.).	
Category 1 (Appendix P, 10 CFR part 110) Exports:	
F. Application for export of appendix P Category 1 materials requiring Commission review (*e.g.,* exceptional circumstance review under § 110.42(e)(4) of this chapter) and to obtain one government-to-government consent for this process. For additional consent see fee category 15.I. Application—new license, or amendment; or license exemption request.	N/A.
G. Application for export of appendix P Category 1 materials requiring Executive Branch review and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I. Application—new license, or amendment; or license exemption request.	N/A.
H. Application for export of appendix P Category 1 materials and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I. Application—new license, or amendment; or license exemption request.	N/A.
I. Requests for each additional government-to-government consent in support of an export license application or active export license. Application—new license, or amendment; or license exemption request.	N/A.
Category 2 (Appendix P, 10 CFR part 110) Exports:	
J. Application for export of appendix P Category 2 materials requiring Commission review (*e.g.,* exceptional circumstance review under § 110.42(e)(4) of this chapter). Application—new license, or amendment; or license exemption request.	N/A.
K. Applications for export of appendix P Category 2 materials requiring Executive Branch review. Application—new license, or amendment; or license exemption request.	N/A.
L. Application for the export of Category 2 materials. Application—new license, or amendment; or license exemption request.	N/A.
M. [Reserved]	N/A.
N. [Reserved]	N/A.
O. [Reserved]	N/A.
P. [Reserved]	N/A.
Q. [Reserved]	N/A.
Minor Amendments (Category 1 and 2, Appendix P, 10 CFR part 110, Export):	
R. Minor amendment of any active export license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities. Minor amendment.	N/A.
16. Reciprocity:	
Agreement State licensees who conduct activities under the reciprocity provisions of § 150.20 of this chapter. Application	$3,800.
17. Master materials licenses of broad scope issued to Government agencies. Application [Program Code(s): 03614]	Full Cost.
18. Department of Energy	
A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages).	Full Cost.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities	Full Cost.

[1] *Types of fees*—Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession-only licenses; issuances of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(1) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses, except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(i) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(ii) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee category 1.C. only.

(2) *Licensing fees.* Fees for reviews of applications for new licenses, renewals, and amendments to existing licenses, pre-application consultations and other documents submitted to the NRC for review, and project manager time for fee categories subject to full cost fees are due upon notification by the Commission in accordance with § 170.12(b).

(3) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to an export or import license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.

(4) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

(5) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

[2] Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (*e.g.,* 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in fee categories 9.A. through 9.D.

[3] Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect when the service is provided, and the appropriate contractual support services expended.

[4] Licensees paying fees under categories 1.A., 1.B., and 1.E. are not subject to fees under categories 1.C., 1.D. and 1.F. for sealed sources authorized in the same license, except for an application that deals only with the sealed sources authorized by the license.

[5] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

[6] Licensees subject to fees under fee categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

[7] Licensees paying fees under 3.C., 3.C.1, or 3.C.2 are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[8] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[9] Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.

[10] Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2. for broad scope licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

[11] A materials license (or part of a materials license) that transitions to fee category 14.A is assessed full-cost fees under 10 CFR part 170, but is not assessed an annual fee under 10 CFR part 171. If only part of a materials license is transitioned to fee category 14.A, the licensee may be charged annual fees (and any applicable 10 CFR part 170 fees) for other activities authorized under the license that are not in decommissioning status.

[12] Because the resources for import and export licensing activities are identified as a fee-relief activity to be excluded from the fee-recoverable budget, import and export licensing actions will not incur fees.

[13] Licensees paying fees under 4.A., 4.B. or 4.C. are not subject to paying fees under 3.N. licenses that authorize services for other licensees authorized on the same license.

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

■ 18. The authority citation for part 171 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2215; 44 U.S.C. 3504 note.

■ 19. In § 171.15, revise paragraphs (b)(1), (b)(2) introductory text, (c)(1), (c)(2) introductory text, and paragraph (e) to read as follows:

§ 171.15 Annual fees: Non-power production or utilization licenses, reactor licenses, and independent spent fuel storage licenses.

* * * * *

(b)(1) The FY 2024 annual fee for each operating power reactor that must be collected by September 30, 2024, is $5,336,000.

(2) The FY 2024 annual fees are comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee and associated additional charges. The activities comprising the spent fuel storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2024 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2024 annual fee for each power reactor holding a 10 CFR part 50 license or combined license issued under 10 CFR part 52 that is in a decommissioning or possession-only status and has spent fuel onsite, and for each independent spent fuel storage 10 CFR part 72 licensee who does not hold

a 10 CFR part 50 license or a 10 CFR part 52 combined license, is $326,000.

(2) The FY 2024 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section). The activities comprising the FY 2024 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * * *

(e) The FY 2024 annual fee for licensees authorized to operate one or more non-power production or utilization facilities under a single 10 CFR part 50 license, unless the reactor is exempted from fees under § 171.11(b), is $97,200.

■ 20. In § 171.16, revise paragraphs (b) introductory text, (c), and (d) to read as follows:

§ 171.16 Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.

* * * * *

(b) The FY 2024 annual fee is comprised of a base annual fee and associated additional charges. The base FY 2024 annual fee is the sum of budgeted costs for the following activities:

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in table 1 to this paragraph (c). Failure to file a small entity certification in a timely manner could result in the receipt of a delinquent invoice requesting the outstanding balance due and/or denial of any refund that might otherwise be due. The small entity fees are as follows:

TABLE 1 TO PARAGRAPH (c)

NRC small entity classification	Maximum annual fee per licensed category
Small Businesses Not Engaged in Manufacturing (Average gross receipts over the last 5 completed fiscal years):	
$555,000 to $8 million	$5,200
Less than $555,000	1,000
Small Not-For-Profit Organizations (Annual Gross Receipts):	
$555,000 to $8 million	5,200
Less than $555,000	1,000
Manufacturing Entities that Have an Average of 500 Employees or Fewer:	
35 to 500 employees	5,200
Fewer than 35 employees	1,000
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 49,999	5,200
Fewer than 20,000	1,000
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer:	
35 to 500 employees	5,200
Fewer than 35 employees	1,000

(d) The FY 2024 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in table 2 to this paragraph (d):

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
1. Special nuclear material:	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [15] [Program Code(s): 21213]	$6,412,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [15] [Program Code(s): 21210]	2,173,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
(a) Facilities with limited operations [15] [Program Code(s): 21310, 21320]	1,791,000
(b) Gas centrifuge enrichment demonstration facility [15] [Program Code(s): 21205]	N/A
(c) Others, including hot cell facility [15] [Program Code(s): 21130, 21131, 21133]	N/A
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [11 15] [Program Code(s): 23200]	N/A
C. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in § 70.4 of this chapter, in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. [Program Code(s): 22140]	3,400

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A. [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	9,500
E. Licenses or certificates for the operation of a uranium enrichment facility [15] [Program Code(s): 21200]	2,794,000
F. Licenses for possession and use of special nuclear materials greater than critical mass, as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel cycle activities.[4] [Program Code: 22155]	5,900
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal.[15] [Program Code: 11400]	1,361,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in situ recovery, heap-leaching, ore buying stations, ion-exchange facilities and in-processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Conventional and Heap Leach facilities.[15] [Program Code(s): 11100]	N/A
(b) Basic *In Situ* Recovery facilities.[15] [Program Code(s): 11500]	53,200
(c) Expanded *In Situ* Recovery facilities [15] [Program Code(s): 11510]	N/A
(d) *In Situ* Recovery Resin facilities.[15] [Program Code(s): 11550]	[5] N/A
(e) Resin Toll Milling facilities.[15] [Program Code(s): 11555]	[5] N/A
(f) Other facilities [6] [Program Code(s): 11700]	[5] N/A
(3) Licenses that authorize the receipt of byproduct material, as defined in section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [15] [Program Code(s): 11600, 12000]	[5] N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [15] [Program Code(s): 12010]	N/A
B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[16] [17]Application [Program Code(s): 11210]	3,700
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	14,000
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. [Program Code(s): 11230 and 11231]	6,900
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. [Program Code: 11710]	8,800
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	11,800
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03211, 03212, 03213]	38,000
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04010, 04012, 04014]	50,500
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04011, 04013, 04015]	63,000
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03214, 03215, 22135, 22162]	12,900
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04110, 04112, 04114, 04116]	17,100
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04111, 04113, 04115, 04117]	21,400
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4) of this chapter. Number of locations of use: 1–5. [Program Code(s): 02500, 02511, 02513]	12,900
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. [Program Code(s): 04210, 04212, 04214]	17,200

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
(2). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: more than 20. [Program Code(s): 04211, 04213, 04215]	23,500
D. [Reserved]	[5] N/A
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units). [Program Code(s): 03510, 03520]	12,100
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes. [Program Code(s): 03511]	12,500
G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes. [Program Code(s): 03521]	105,800
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter. [Program Code(s): 03254, 03255, 03257]	13,000
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter. [Program Code(s): 03250, 03251, 03253, 03256]	19,200
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter. [Program Code(s): 03240, 03241, 03243]	4,900
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter. [Program Code(s): 03242, 03244]	3,700
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5. [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	17,600
(1) Licenses of broad scope for possession and use of product material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	23,400
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: more than 20. [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	29,200
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution. [Program Code(s): 03620]	18,400
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4.A., 4.B., and 4.C.[21] [Program Code(s): 03219, 03225, 03226]	20,100
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: 1–5. [Program Code(s): 03310, 03320]	43,700
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: 6–20. [Program Code(s): 04310, 04312]	58,500
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: more than 20. [Program Code(s): 04311, 04313]	73,100
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 1–5. [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03140, 03130, 03220, 03221, 03222, 03800, 03810, 22130]	14,600
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 6–20. [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438]	19,500
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: more than 20. [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	24,400

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
Q. Registration of devices generally licensed under part 31 of this chapter	[13] N/A
R. Possession of items or products containing radium–226 identified in § 31.12 of this chapter which exceed the number of items or limits specified in that section:[14]	
(1). Possession of quantities exceeding the number of items or limits in § 31.12(a)(4), or (5) of this chapter but less than or equal to 10 times the number of items or limits specified. [Program Code(s): 02700]	8,400
(2). Possession of quantities exceeding 10 times the number of items or limits specified in § 31.12(a)(4) or (5) of this chapter. [Program Code(s): 02710]	8,700
S. Licenses for production of accelerator-produced radionuclides. [Program Code(s): 03210]	35,300
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. [Program Code(s): 03231, 03233, 03236, 06100, 06101]	27,400
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. [Program Code(s): 03234]	20,400
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. [Program Code(s): 03232]	12,100
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies. [Program Code(s): 03110, 03111, 03112]	16,200
B. Licenses for possession and use of byproduct material for field flooding tracer studies. [Program Code(s): 03113]	[5] N/A
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material. [Program Code(s): 03218]	39,600
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: 1–5. [Program Code(s): 02300, 02310]	37,600
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: 6–20. [Program Code(s): 04510, 04512]	50,000
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: more than 20. [Program Code(s): 04511, 04513]	62,500
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: 1–5. [Program Code(s): 02110]	53,000
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: 6–20. [Program Code(s): 04710]	70,600
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] Number of locations of use: more than 20. [Program Code(s): 04711]	88,000
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [17] [19] Number of locations of use: 1–5. [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	21,400

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. [9] [17] [19] Number of locations of use: 6–20. [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	28,600
(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. [9] [17] [19] Number of locations of use: more than 20. [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	36,600
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. [Program Code(s): 03710]	8,400
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	29,800
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	13,200
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	7,700
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	1,500
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	[6] N/A
2. Other Casks	[6] N/A
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators	[6] N/A
2. Users	[6] N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	[6] N/A
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects [Program Code(s): 25110]	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under § 72.210 of this chapter	[12] N/A
14. Decommissioning/Reclamation:	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21325, 22200]	[7] [20] N/A
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed	[7] N/A
15. Import and Export licenses	[8] N/A
16. Reciprocity	[8] N/A
17. Master materials licenses of broad scope issued to Government agencies. [15] [Program Code(s): 03614]	457,000
18. Department of Energy:	
A. Certificates of Compliance	[10] 2,331,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities [Program Code(s): 03237, 03238]	261,000

[1] Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1 of the current FY, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (*e.g.,* human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

[2] Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

[3] Each FY, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the **Federal Register** for notice and comment.

[4] Other facilities include licenses for extraction of metals, heavy metals, and rare earths.

[5] There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.

[6] Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance and related Quality Assurance program approvals, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.

[7] Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.
[8] No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.
[9] Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses under fee categories 7.A, 7.A.1, 7.A.2, 7.B., 7.B.1, 7.B.2, 7.C, 7.C.1, or 7.C.2.
[10] This includes Certificates of Compliance issued to the DOE that are not funded from the Nuclear Waste Fund.
[11] See § 171.15(c).
[12] See § 171.15(c).
[13] No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.
[14] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)
[15] Licensees subject to fees under categories 1.A., 1.B., 1.E., 2.A., and licensees paying fees under fee category 17 must pay the largest applicable fee and are not subject to additional fees listed in this table.
[16] Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.
[17] Licensees paying fees under 7.A, 7.A.1, 7.A.2, 7.B, 7.B.1, 7.B.2, 7.C, 7.C.1, or 7.C.2 are not subject to fees under 2.B. for possession and shielding authorized on the same license.
[18] Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.
[19] Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2 for broad scope license licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.
[20] No annual fee is charged for a materials license (or part of a materials license) that has transitioned to this fee category because the decommissioning costs will be recovered through 10 CFR part 170 fees, but annual fees may be charged for other activities authorized under the license that are not in decommissioning status.
[21] Licensees paying fees under 4.A., 4.B. or 4.C. are not subject to paying fees under 3.N. licenses that authorize services for other licensees authorized on the same license.

* * * * *

■ 21. In § 171.19, revise paragraph (a) to read as follows.

§ 171.19 Payment.

* * * * *

(a) *Method of payment.* All annual fee payments under this part are to be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds using the electronic payment methods accepted at *www.Pay.gov.* Federal agencies may also make payment by IntraGovernmental Payment and Collection (IPAC). Specific instructions for making payments may be obtained by contacting the Office of the Chief Financial Officer at 301–415–7554. In accordance with Department of the Treasury requirements, refunds will only be made upon receipt of information on the payee's financial institution and bank accounts.

* * * * *

Dated: June 5, 2024.

For the Nuclear Regulatory Commission.

Jennifer M. Golder,

Acting Chief Financial Officer.

[FR Doc. 2024–13230 Filed 6–18–24; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–0315; Airspace Docket No. 24–AGL–6]

RIN 2120–AA66

Establishment of Class E Airspace; Fort Yates, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Fort Yates, ND. This action is due to the development of new public instrument procedures at The Standing Rock Airport, Fort Yates, ND, and supports instrument flight rule (IFR) operations.

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

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

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

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 establishes Class E airspace extending upward from 700 feet above the surface at The Standing Rock Airport, Fort Yates, ND, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2024–0315 in the **Federal Register** (89 FR 20146; March 21, 2024) proposing to establish Class E airspace at Fort Yates, ND. Interested parties were invited to participate in this rulemaking effort by submitting

written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace extending upward from 700 feet above the surface to within a 8.2-mile radius of The Standing Rock Airport, Fort Yates, ND.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

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

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

* * * * *

AGL ND E5 Fort Yates, ND [Establish]

Standing Rock Airport, ND
(Lat. 46°04′01″ N, long. 100°37′58″ W)
That airspace extending upward from 700 feet above the surface within a 8.2-mile radius of Standing Rock Airport.

* * * * *

Issued in Fort Worth, Texas, on June 12, 2024.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2024–13317 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33–11265A; 34–99418A; IC–35096A; File No. S7–13–22]

RIN 3235–AM90

Special Purpose Acquisition Companies, Shell Companies, and Projections; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to an amendatory instruction in Release No. 33–11265 (Jan. 24, 2024), which was published in the **Federal Register** on February 26, 2024.

DATES: Effective July 1, 2024.

FOR FURTHER INFORMATION CONTACT: Mark Saltzburg, at (202) 551–3430, Office of Rulemaking, Division of Corporation Finance, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In FR Doc. 2024–01853, appearing on page 14158 in the **Federal Register** of Monday, February 26, 2024, the following correction is made:

§ 210.1–02 [Corrected]

■ On page 14313, in the second column, in part 210, instruction 2, ''Amend § 210.1–02 by revising paragraphs (d) and (w)(1) to read as follows:'' is corrected to read ''Amend § 210.1–02 by revising paragraph (d) and paragraph (w)(1) introductory text to read as follows:''.

Dated: June 14, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–13444 Filed 6–18–24; 8:45 am]

BILLING CODE 8011–01–P

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Rules of Practice and Procedure

AGENCY: Delaware River Basin Commission.

ACTION: Final rule; correcting amendments.

SUMMARY: The Delaware River Basin Commission is amending its Rules of Practice and Procedure to: resolve ambiguities around the automatic termination of project approvals issued by the Commission and make conforming amendments to related provisions as appropriate; update the Commission's Water Resources Program and Project Review procedures to better conform them to current practice; remove incorrect references to the Federal Freedom of Information Act in the Commission's regulations providing for access to public records; align pronouns with the Commission's policies regarding diversity, inclusion, and belonging; and correct certain cross-references.

DATES: This final rule is effective July 22, 2024.

FOR FURTHER INFORMATION CONTACT: Pamela M. Bush, Esquire, Commission Secretary and Assistant General Counsel, at *pam.bush@drbc.gov* (preferred) or 609–477–7203.

SUPPLEMENTARY INFORMATION: The Delaware River Basin Commission (''DRBC'' or ''Commission'') is a Federal-interstate compact agency formed by the enactment of concurrent legislation by four states and the United States in 1961 [1] to manage the water resources of the Delaware River Basin (the ''Basin'') without regard to political boundaries. The Commission's members are, *ex officio,* the governors of the states of Delaware, New Jersey, New York, and Pennsylvania, and the Division Engineer of the U.S. Army Corps of Engineers North Atlantic Division, who represents the United States.

Background

The Commission's Rules of Practice and Procedure (''RPP''), comprising part 401 of title 18 of the Code of Federal Regulations, govern the adoption and revision of the Commission's Comprehensive Plan and Water Resources Program, exercise of the Commission's authority pursuant to the provisions of Article 3.8 of the Delaware River Basin Compact (the ''Compact''), and other actions of the Commission mandated or authorized by the Compact, including but not limited to the administration of public access to records and information in the Commission's possession.

On September 28, 2023, the Commission published a proposed rule (88 FR 66722) to amend the RPP to: resolve ambiguities around the automatic termination of project approvals issued by the Commission and make conforming amendments to related provisions as appropriate; update the Commission's Water Resources Program and Project Review procedures to better conform them to current practice; remove incorrect references to the Federal Freedom of Information Act in the Commission's regulations providing for access to public records; and align pronouns with the Commission's policies regarding diversity, inclusion, and belonging. A notice of the proposed amendments appeared in the Delaware Register of Regulations, 27 Del. Reg. 196, 206, on October 1, 2023, the New Jersey Register, 55 N.J.R. 2179(a), on October 16, 2023, the New York Register, 45 N.Y. Reg. 9, on October 11, 2023, and the Pennsylvania Bulletin, 53 Pa. B. 6698, on October 28, 2023.

[1] United States Public Law 87–328, Approved Sept. 27, 1961, 75 Statutes at Large 688; 53 Delaware Laws, Ch. 71, Approved May 26, 1961; New Jersey Laws of 1961, Ch. 13, Approved May 1, 1961; New York Laws of 1961, Ch. 148, Approved March 17, 1961; Pennsylvania Acts of 1961, Act. No. 268, Approved July 7, 1961.

Opportunity for public input on the proposed rules was provided during a comment period that ran from September 28, 2023, through November 30, 2023. In addition to soliciting written comments, the Commission accepted oral comment at two hearings conducted via Zoom and telephone. The Commission received a total of 209 public comment submissions, consisting of 199 written submissions and ten oral comments. The submissions typically consisted of a set of comments from a single individual or organization, and they typically addressed more than one aspect or provision of the proposed amendments. In many instances, a single submission included a set of comments by two or more individuals or organizations. Some submissions consisted of petitions or a set of comments with multiple signers. Similar or identical comments were in many instances submitted by individual commenters using form letters or template language provided by others. Commenters were not limited to a single submission, and some commenters offered two or more submissions. The ''199'' figure represents the number of individual written submissions the Commission received during the comment period without regard to the number of comments within a submission, the number of signers on a single submission, or the number of individuals making a joint submission.

The Commission reviewed all comments and supporting material it received during the comment period. The staff, in consultation with the Commissioners, prepared a Comment and Response Document summarizing the comments on the proposed rule and setting forth the Commission's responses and revisions in detail. By Resolution No. 2024—06 on June 5, 2024, the Commission adopted the Comment and Response Document simultaneously with its adoption of the final rule.

Changes From the Proposed Rule

The final rule differs from the proposed in the following respects:

Action on request for extension. The final rule provides that the Commissioners, not the Executive Director, will approve or deny all requests for extended or renewed approval under amended § 401.41(a) and (b), respectively. In conjunction with this change, rather than establishing a prescribed extension term of five years, as originally proposed, the final rule at § 401.41(a) provides for the Commissioners to grant an extension of *up to* five years.

Eligibility for extension. Under the final rule, to qualify for extension of a docket approval that would otherwise expire under § 401.41, in addition to demonstrating that approved activities, site conditions, and the Comprehensive Plan have not materially changed, the docket holder (project sponsor) will be required to demonstrate that it is diligently pursuing the project, which can be shown through its planning, construction or project operational activities, its project expenditures, its efforts to secure government approvals necessary for the project, or its active participation in appeals of government decisions on its applications for government approvals.

The docket holder will not be required to demonstrate that it has expended a fixed, minimum dollar amount, a proposal to which commenters objected. Nor will the docket holder be obligated to show that it has expended a substantial sum in relation to the project cost, as the rule originally provided, or that it has expended a fixed percentage representing a substantial sum in relation to the total cost of the project, as some commenters proposed. In the Commission's view, those approaches are impracticable where the project costs consist primarily of construction costs, and where the sponsor could not lawfully or reasonably commence construction because all final approvals have not been secured.

Public process. In accordance with the final rule, the Commission will publish notice that it has received a request for a docket extension under § 401.41(a) and provide an opportunity for written comment of at least ten days' length on whether the docket holder has demonstrated all elements requisite for an extension—*i.e.,* that the approved activities, site conditions, and Comprehensive Plan have not materially changed, and that the project sponsor has diligently pursued the project in reliance on the Commission's approval. The project sponsor will be afforded an opportunity to respond to the comments received but will not be obligated to do so. The Commission will provide notice at least ten days prior to the date of a business meeting at which the Commissioners consider action on a request pursuant to § 401.41(a).

Public hearing. The final rule provides that a public hearing on a request for a docket extension under § 401.41(a) will be held if three or more Commission members request such a hearing in writing to the Executive Director or by vote at a public meeting.

Administrative continuance. Under the final rule, a docket that is the subject

of a request for extension under § 401.41(a) filed at least 90 days before the docket's expiration will be administratively continued pending final Commission action on the request in the event that such action occurs after the otherwise effective date of termination.

Construction complete. The final rule clarifies that if the activities authorized by the Commission's docket are limited to construction activities, an extension in accordance with § 401.41(a) is no longer required once construction is complete. Because some dockets issued for construction activities impose ongoing obligations on docket holders, the final rule further clarifies that the expiration of the docket, including any approved extension, does not eliminate ongoing docket obligations expressly identified as such in the docket approval.

Language of final § 401.41(b). The final language adopted for § 401.41(b) has been modified from the originally proposed language to more accurately reflect that the burden is on the docket holder to demonstrate eligibility for an extension under § 401.41(a).

Process for re-application. Under the final rule, if a request for extension under § 401.41(a) is denied, and the project sponsor wishes to apply for renewal of its docket approval under paragraph (b), the project sponsor must do so by a date to be established by the Commission. In this situation, the docket approval is not thereafter administratively continued automatically. However, the Commission may, in its discretion, administratively extend the docket approval in whole or in part for a period ending on or before the date on which the Commission renders a final decision on the sponsor's renewal application.

Correcting Amendments

On October 8, 1987, the Commission redesignated portions of the Rules of Practice and Procedure (52 FR 37602). The final rule that contained the redesignation inadvertently failed to update certain cross-references affected by the redesignation. This final rule corrects those cross-references. The affected provisions are 18 CFR 401.108(c), 401.109(a), (d), and (e), 401.113, and 401.115(b).

Additional Materials

Additional materials can be found on the Commission's website at: *https://www.nj.gov/drbc/about/regulations/finalrule_RPPamendments.html.* These include links to Resolution No. 2024–06 of June 5, 2024 adopting the final rule and incorporating a clean copy of the rule text; the Commission's Comment and Response Document; a mark-up comparing the final to the proposed rule text; a mark-up comparing the final to the former rule text; and copies of the comments received.

The Commission's notice of proposed rulemaking and proposed rule text can be found on the Commission's website at: *https://www.nj.gov/drbc/meetings/proposed/notice_RPP_amendments.html.*

List of Subjects in 18 CFR Part 401

Administrative practice and procedure, Archives and records, Water resources.

For the reasons set forth in the preamble, the Delaware River Basin Commission amends 18 CFR chapter III as follows:

PART 401—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 401 continues to read as follows:

Authority: Delaware River Basin Compact (75 Stat. 688) unless otherwise noted.

Subpart A—Comprehensive Plan

■ 2. In § 401.8, revise paragraph (a) to read as follows:

§ 401.8 Public projects under Article 11 of the Compact.

(a) After a project of any Federal, State, or local agency has been included in the Comprehensive Plan, no further action will be required by the Commission or by the agency to satisfy the requirements of Article 11 of the Compact, except as the Comprehensive Plan may be amended or revised pursuant to the Compact and this part. Any project which is materially changed from the project as described in the Comprehensive Plan will be deemed to be a new and different project for the purposes of Article 11 of the Compact. Whenever a change is made the sponsor shall advise the Executive Director, who will determine whether the change is deemed a material change within the meaning of this part.

* * * * *

Subpart B—Water Resources Program

■ 3. Revise §§ 401.22 and 401.23 to read as follows:

§ 401.22 Concept of the program.

The Water Resources Program, as defined and described in section 13.2 of the Compact, will be a reasonably detailed amplification of that part of the Comprehensive Plan which the Commission recommends for action. That part of the Program consisting of a presentation of the water resource needs of the Basin will be revised only at such intervals as may be indicated to reflect new findings and conclusions, based upon the Commission's continuing planning programs.

§ 401.23 Procedure.

The Water Resources Program will be prepared and considered by the Commission for adoption annually. Projects included in the Water Resources Program shall have been previously included in the Comprehensive Plan, except that a project may be added to both the Plan and the Program by concurrent action of the Commission. In such instances, the project's sponsor shall furnish the information listed in § 401.4(b) prior to the inclusion of the project in the Comprehensive Plan and Water Resources Program.

§§ 401.24 through 401.26 [Removed]

■ 4. Remove §§ 401.24 through 401.26.

Subpart C—Project Review Under Section 3.8 of the Compact

■ 5. In § 401.38, revise the introductory text to read as follows:

§ 401.38 Form of referral by State or Federal agency.

Upon receipt of an application by any State or Federal agency for any project reviewable by the Commission under this part, if the project has not prior thereto been reviewed and approved by the Commission, such agency shall refer the project for review under section 3.8 of the Compact in such form and manner as shall be provided by Administrative Agreement.

* * * * *

■ 6. Revise § 401.39 to read as follows:

§ 401.39 Form of submission of projects.

(a) *Submission constituting application.* Where a project is subject to review under section 3.8 of the Compact, the submission shall be in accordance with such form of application as the Executive Director may prescribe and with such supporting documentation as the Executive Director may reasonably require for the administration of the provisions of the Compact. An application shall be deemed complete and the Commission's review of the application may commence upon submission of the completed form in accordance with paragraph (b) of this section, and payment of the applicable fee as set forth in § 401.43 together with all

balances due the Commission, if any, by the applicant or any member of its corporate structure, for unpaid fees, penalties, or interest.

(b) *Submission of applications.* Application forms and accompanying submissions shall be filed in accordance with the filing instructions included on the application form.

(c) *Availability of forms.* Any person may obtain a copy of any form prescribed for use in paragraph (a) of this section on the Commission's website, *https://www.drbc.gov.*

■ 7. Revise § 401.41 to read as follows:

§ 401.41 Limitation of approval; dormant applications.

(a) *Extension (no material change)*—(1) *Term of approval; extension request.* For any Commission approval not assigned an expiration date, the Commission's approval shall expire five years from the approval date unless prior thereto the Commission extends the approval for an additional period of up to five years, based upon a written request from the project sponsor accompanied by supporting documentation demonstrating that the following criteria have been met:

(i) No material changes to the project as approved are proposed;

(ii) The condition of the project site has not changed in a manner important to determining whether the project would substantially impair or conflict with the Commission's Comprehensive Plan;

(iii) The Commission's Comprehensive Plan has not changed in a manner important to determining whether the project would substantially impair or conflict with the Comprehensive Plan; and

(iv) The project sponsor is diligently pursuing the project as shown by its planning, construction or project operational activities, its project expenditures, its efforts to secure government approvals necessary for the project, or its active participation in appeals of government decisions on its applications for government approvals. The project sponsor is not required by this paragraph (a)(1)(iv) to conduct activities that it is not legally authorized to conduct or that it demonstrates would be unreasonable for it to conduct before obtaining all necessary final government approvals.

(2) *Denial of extension request.* Otherwise, the extension request shall be denied, and the project sponsor may apply for renewal of its approval under paragraph (b) of this section by a date to be established by the Commission. If the Commission denies the request for an extension pursuant to this section, the docket approval shall not be administratively continued automatically pursuant to paragraph (a)(5) of this section. The Commission may, however, in its discretion, administratively extend the docket approval in whole or in part for a period ending on or before the date on which the Commission renders a final decision on the sponsor's re-application under paragraph (b) of this section.

(3) *Public notice.* The Commission will publish notice of receipt of a request for extension under this paragraph (a) and will provide notice at least ten days prior to the date of a business meeting at which the Commissioners may act on such request.

(4) *Public comment.* An opportunity for written comment of at least ten days' length will be provided on a request for extension. The project sponsor will be afforded an opportunity to respond in writing to the comments received. A public hearing will be provided if three or more Commission members ask the Executive Director in writing to schedule one or vote during a public meeting of the Commission to provide one.

(5) *Administrative continuance.* A docket that is the subject of a request for extension under paragraph (a) of this section filed at least 90 days before the docket's expiration shall be administratively continued pending the Commission's final action on the request in the event that such action occurs after the otherwise effective date of termination under this section.

(6) *Extensions no longer needed.* If the activities authorized by a docket are limited to construction activities, an extension is no longer required once construction is complete; however, the expiration of the docket, including any approved extension, does not eliminate ongoing docket obligations expressly identified as such in the docket approval.

(b) *Re-application (material change).* If the Commission determines that the project sponsor has failed to demonstrate that no material changes to the project as approved are proposed and that the other criteria listed in paragraph (a)(1) of this section are satisfied, the project sponsor must apply for renewal and any necessary modification of its approval in accordance with the customary application procedure for any docket renewal or approval.

(c) *Automatic termination of application.* Any application that remains dormant (no proof of active pursuit of approvals) for a period of three years from date of receipt, shall be automatically terminated without further action of the Commission. Any renewed activity following that date will require submission of a new application.

■ 8. In § 401.42, revise paragraph (e) to read as follows:

§ 401.42 One Permit Program.

* * * * *

(e) *Comprehensive Plan projects.* Articles 11 and 13 of the Compact require certain projects to be included in the Comprehensive Plan. To add a project not yet included in the Comprehensive Plan, the project sponsor shall submit a separate application to the Commission. If following its review and public hearing the Commission approves the addition of the project to the Comprehensive Plan, the Commission's approval will include such project requirements as are necessary under the Compact and this part. All other project approvals that may be required from the Signatory Party Agency or the Commission under regulatory programs administered pursuant to this section may be issued through the One Permit Program. An application for renewal or modification of a project in the Comprehensive Plan that does not materially change the project may be submitted only to the Signatory Party Agency unless otherwise specified in the Administrative Agreement.

* * * * *

■ 9. In § 401.43:

■ a. Revise paragraphs (b)(1)(ii) and (b)(4)(ii) through (iv); and

■ b. In paragraph (e), in table 3, remove the entries for ''Name change'' and ''Change of Ownership'' and add an entry at the end of the table for ''Name Change or Change of Ownership'' in their place.

The revisions and addition read as follows:

§ 401.43 Regulatory program fees.

* * * * *

(b) * * *

(1) * * *

(ii) *Project requiring inclusion in the comprehensive plan.* Any project that in accordance with section 11 or section 13.1 of the Delaware River Basin Compact and DRBC regulations must be added to the Comprehensive Plan (also, ''Plan''). In addition to any new project required to be included in the Plan, such projects include existing projects that in accordance with section 13.1 of the Compact are required to be included in the Plan and which were not previously added to the Plan. Any existing project that is materially changed from the project as described in

the Plan shall be deemed to be a new and different project for purposes of this section.

* * * * *

(4) * * *

(ii) *Late filed renewal application.* Any renewal application submitted fewer than 180 calendar days in advance of the expiration date or after such other date specified in the docket or permit or letter of the Executive Director for filing a renewal application shall be subject to a late filed renewal application charge in excess of the otherwise applicable fee.

(iii) *Modification of a DRBC approval.* Following Commission action on a project, any material change to the project as approved shall require an additional application and accompanying fee. Such fee shall be calculated in accordance with paragraph (e) of this section and may be subject to an alternative review fee in accordance with paragraph (b)(3) of this section.

(iv) *Name change or change of ownership.* Each project with a docket or permit issued by the DRBC will be charged an administrative fee as set forth in paragraph (e) of this section if it undergoes a change in name or a ''change in ownership'' as that term is defined at § 420.31(e)(2) of this subchapter.

* * * * *

(e) * * *

TABLE 3 TO § 401.43—ADDITIONAL FEES

Proposed action	Fee	Fee maximum
* * * * * * *		
Name Change or Change of Ownership	$1,917 [1]	

[1] Subject to annual adjustment in accordance with paragraph (c) of this section.

Subpart H—Public Access to Records and Information

■ 10. Remove the authority citation to subpart H.

■ 11. In § 401.103, revise paragraph (a) to read as follows:

§ 401.103 Request for existing records.

(a) Any written request to the Commission for existing records not prepared for routine distribution to the public shall be deemed to be a request for records pursuant to the provisions of this part, whether or not the provisions of this part are mentioned in the request, and shall be governed by the provisions of this part.

* * * * *

■ 12. Revise § 401.104 to read as follows:

§ 401.104 Preparation of new records.

The provisions of this part apply only to existing records that are reasonably described in a request filed with the Commission pursuant to the procedures herein established. The Commission shall not be required to prepare new records in order to respond to a request for information.

■ 13. In § 401.105, revise paragraph (b) to read as follows:

§ 401.105 Indexes of certain records.

* * * * *

(b) A copy of each such index is available at cost of duplication from the Records Access Officer.

■ 14. Revise § 401.106 to read as follows:

§ 401.106 Records Access Officer.

The Executive Director shall designate a Commission employee as the Records Access Officer. The Records Access Officer shall be responsible for Commission compliance with the provisions of this part. All requests for agency records shall be sent to the Records Access Officer in a manner consistent with § 401.108(a).

■ 15. In § 401.108, revise paragraphs (a), (b)(1), (c), and (d) to read as follows:

§ 401.108 Filing a request for records.

(a) All requests for Commission records shall be submitted to the Records Access Officer on such forms as the Executive Director may prescribe, which shall be available on the Commission's website, *https://www.drbc.gov,* or by written request to the Commission, 25 Cosey Road, West Trenton, NJ 08628.

(b) * * *

(1) If the description is insufficient to locate the records requested, the Records Access Officer will so notify the person making the request and indicate the additional information needed to identify the records requested.

* * * * *

(c) Upon receipt of a request for records, the Records Access Officer shall enter it in a public log (which entry may consist of a copy of the request). The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to § 401.109(b), the date(s) any records are subsequently furnished, the number of staff-hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

(d) A denial of a request for records, in whole or in part, shall be signed by the Records Access Officer. The name and title or position of each person who participated in the denial of a request for records shall be set forth in the letter denying the request. This requirement may be met by attaching a list of such individuals to the letter.

■ 16. In § 401.109, revise paragraphs (a), (b) introductory text, and (c) through (e) to read as follows:

§ 401.109 Time limitations.

(a) All time limitations established pursuant to this section shall begin as of the time at which a request for records is logged in by the Records Access Officer pursuant to § 401.108(c). An oral request for records shall not begin any time requirement. A written request for records sent elsewhere within the Commission shall not begin any time requirement until it is redirected to the Records Access Officer and is logged in accordance with § 401.108(c). A request that is expected to involve fees in excess of $50.00 will not be deemed received until the requester is promptly notified and agrees to bear the cost or has so indicated on the initial request.

(b) Within 10 working days (excepting Saturdays, Sundays, and legal public holidays) after a request for records is logged by the Records Access Officer, the record shall be furnished or a letter shall be sent to the person making the request determining whether, or the extent to which, the Commission will comply with the request, and, if any records are denied, the reasons therefor.

* * * * *

(c) If any record is denied, the letter shall state the right of the person requesting such records to appeal any

adverse determination to the Executive Director of the Commission. Such an appeal shall be filed within 30 days from receipt of the Records Access Officer's determination denying the requested information (where the entire request has been denied), or from the receipt of any information made available pursuant to the request (where the request has been denied in part). Within 20 working days (excepting Saturdays, Sundays, and legal public holidays) after receipt of any appeal, or any authorized extension, the Executive Director or the Executive Director's designee shall make a determination and notify the appellant of such determination. If the appeal is decided in favor of the appellant the requested information shall be promptly supplied as provided in this part. If on appeal the denial of the request for records is upheld in whole or in part, the appellant shall be entitled to appeal to the Commission at its regular meeting. In the event that the Commission confirms the Executive Director's denial the appellant shall be notified of the provisions for judicial review.

(d) If the request for records will result in a fee of more than $25, determination letter under paragraph (b) of this section shall specify or estimate the fee involved and may require prepayment, as well as payment of any amount not yet received as a result of any previous request, before the records are made available. If the fee is less than $25, prepayment shall not be required unless payment has not yet been received for records disclosed as a result of a previous request.

(e) Whenever possible, the determination letter required under paragraph (b) of this section, relating to a request for records that involves a fee of less than $25.00, shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter. For requests for records involving a fee of more than $25.00, the records shall be forwarded as soon as possible after receipt of payment.

■ 17. In § 401.110, revise paragraphs (a)(1)(i)(A) and (c) to read as follows:

§ 401.110 Fees.

(a) * * *

(1) * * *

(i) * * *

(A) Processing requests for records;

* * * * *

(c) Payment shall be made by check or money order payable to ''Delaware River Basin Commission'' and shall be sent to the Records Access Officer.

■ 18. Revise § 401.113 to read as follows:

§ 401.113 Segregable materials.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this part, except as provided in § 401.102.

■ 19. Revise § 401.115 to read as follows:

§ 401.115 Discretionary disclosure by the Executive Director.

(a) The Executive Director may exercise discretion to disclose part or all of any Commission record that is otherwise exempt from disclosure pursuant to this part whenever the Executive Director determines that such disclosure is in the public interest, will promote the objectives of the Commission, and is consistent with the rights of individuals to privacy, the property rights of persons in trade secrets, and the need for the Commission to promote frank internal policy deliberations and to pursue its regulatory activities without disruption.

(b) Discretionary disclosure of a record pursuant to this section shall invoke the requirement that the record shall be disclosed to any person who requests it pursuant to § 401.108, but shall not set a precedent for discretionary disclosure of any similar or related record and shall not obligate the Executive Director to disclose any other record that is exempt from disclosure.

Subpart I—General Provisions

■ 20. In § 401.121, redesignate paragraph (e) as paragraph (f) and add new paragraph (e) to read as follows:

§ 401.121 Definitions.

* * * * *

(e) *Material change* shall mean a change to a project previously approved by the Commission that is important in determining whether the project would substantially impair or conflict with the Commission's comprehensive plan.

* * * * *

Dated: June 11, 2024.

Pamela M. Bush,

Commission Secretary/Assistant General Counsel.

[FR Doc. 2024–13308 Filed 6–18–24; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2024–0473]

Safety Zone; Kemah Fireworks; Sector Houston-Galveston Captain of the Port

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zone regulations for the Kemah Board Walk Summer Season Fireworks Display every Friday night in June and July 2024, and Thursday, July 4, 2024, to provide for the safety of life on navigable waterways during the events. Our regulation for marine events within the Eighth Coast Guard District identifies the regulated area for the events in Clear Lake, TX. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Captain of the Port or designated representative.

DATES: The regulation in 33 CFR 165.801, Table 3, line 3, will be enforced from sunset until midnight every Friday in June and July 2024, and Thursday, July 4, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LTJG Jack Brunswick, Sector Houston/Galveston Waterways Management Division, U.S. Coast Guard; telephone 713–398–5823, email *houstonwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.801, Table 3, line 3, for the Kemah Board Walk Summer Season Fireworks Display from sunset until midnight each Friday in June and July 2024, and on Thursday, July 4, 2024. This action is being taken to provide for the safety of life on navigable waterways during this weekly event. Our regulation for marine events within the Eighth Coast Guard District specifies the location of the regulated area for the Kemah Board Walk Summer Season Fireworks which encompasses portions of the Clear Creek Channel centered around the firework barges and boardwalk. During the enforcement periods, as reflected in § 165.801(a) through (c), entry into this zone is prohibited unless authorized by the Captain of the Port or a designated representative. All persons and vessels shall comply with the instructions of

the Captain of the Port or designated representative. Designated representatives include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: June 4, 2024.

Keith M. Donohue,

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

[FR Doc. 2024–13411 Filed 6–18–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R06–OAR–2023–0536; FRL–11640–02–R6]

Clean Air Act Reclassification of the San Antonio, Dallas-Fort Worth, and Houston-Galveston-Brazoria Ozone Nonattainment Areas; TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA), the Environmental Protection Agency (EPA) is granting a request from the Governor of the State of Texas to voluntarily reclassify the San Antonio, Dallas-Fort Worth (DFW), and Houston-Galveston-Brazoria (HGB) ozone nonattainment areas from Moderate to Serious for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The EPA is also setting the date for the Texas Commission on Environmental Quality (TCEQ or State) to submit revised State Implementation Plans (SIPs) addressing the Serious ozone nonattainment area requirements and for the first transportation control demonstrations for these areas. The EPA is also setting the deadlines for implementation of new rules addressing Reasonably Available Control Technology (RACT) and for any new or revised Enhanced vehicle Inspection and Maintenance (I/M) programs. Finally, the TCEQ is no longer required to submit SIP revisions addressing the following requirements related to the prior classification level for these three ozone nonattainment areas: a demonstration of attainment by the prior attainment date; a Reasonably Available Control Measures (RACM) analysis tied to the prior attainment date; and contingency measures specifically related to the area's failure to attain by the prior attainment date.

DATES: This rule is effective on July 22, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID EPA–R06–OAR–2023–0536. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Paige, EPA Region 6 Office, Infrastructure and Ozone Section, 214–665–6521, *paige.carrie@epa.gov.* Please call or email the contact listed here if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our January 26, 2024, proposal (89 FR 5145).[1] In that document, we proposed to grant a request submitted by Texas Governor Greg Abbott to reclassify the San Antonio, DFW, and HGB ozone nonattainment areas from Moderate to Serious for the 2015 ozone NAAQS. We also proposed a deadline for the TCEQ to submit revisions to the SIP addressing the Serious area requirements for these areas. The SIP requirements that apply specifically to Serious areas include: Enhanced monitoring (CAA section 182(c)(1)); Emissions inventory and emissions statement rule (40 CFR 51.1300(p) and 40 CFR 51.1315); Reasonable Further Progress (RFP) (40 CFR 51.1310); Attainment demonstration and RACM (40 CFR 51.1308 and 40 CFR 51.1312(c)); RACT (40 CFR 51.1312); Nonattainment New Source Review (NSR) (40 CFR 51.1314 and 40 CFR 51.165); Enhanced I/M (CAA section 182(c)(3) and 40 CFR 51 Subpart S); Clean-fuel vehicle programs (CAA section 182(c)(4));[2] and Contingency measures (CAA sections 172(c)(9) and 182(c)(9)). In addition, a demonstration evaluating the need for a transportation control measure program (CAA section 182(c)(5)) is also required. We also proposed and took comment on a range of deadlines for the TCEQ to submit revisions to the SIP addressing the Serious area requirements, from 12 to 18 months from the effective date of the EPA's final rule reclassifying the San Antonio, DFW, and HGB areas as Serious. We also proposed a deadline for implementation of new RACT rules as expeditiously as practicable but no later than January 1, 2026, and proposed a deadline for any new or revised Enhanced vehicle I/M programs (for areas that do not need I/M emission reductions for attainment or RFP SIP purposes) to be fully implemented as expeditiously as practicable but no later than four years after the effective date of EPA's final rule reclassifying these areas as Serious. We also proposed a deadline for the first transportation control demonstration to be submitted two years after the attainment demonstration due date.

The January 2024 proposal also outlined EPA's interpretation that following voluntary reclassification, a state is no longer required to submit certain SIP revisions addressing the following requirements related to the prior classification level for an ozone nonattainment area because they are tied to the prior (*i.e.,* Moderate) attainment date: (1) a demonstration of attainment by the prior attainment date, (2) a RACM analysis tied to the prior attainment date, and (3) contingency measures specifically related to the area's failure to attain by the prior attainment date. Accordingly, with this final voluntary reclassification of the San Antonio, DFW, and HGB areas as Serious for the 2015 ozone NAAQS, Texas is no longer required to submit these three identified SIP elements as they relate to the Moderate classification level, and EPA's October 18, 2023, Finding of Failure to Submit is moot as to these specific SIP elements for Texas.[3] However, as described in our January 2024 proposal, there remain several Moderate area SIP requirements that continue to be required after these areas are voluntarily reclassified as Serious because they are not dependent upon the Moderate attainment date itself.[4]

[1] Henceforth we refer to this proposal as the ''January 2024 proposal.'' The January 2024 proposal and related documents (*e.g.,* the Texas Governor's request and our Environmental Justice Considerations) are provided in the docket for this action.

[2] In June 2022, the EPA released new guidance that provides several options for states to either continue to rely upon their existing Clean Fuel Fleets Program, to add new components to these programs, or to rely on recent EPA regulations to satisfy the Clean Fuel Fleets requirement. This new guidance reaffirms and supplements the 1998 guidance with new compliance options. This guidance is posted at *https://www.epa.gov/state-and-local-transportation/clean-fuel-fleets-program-guidance.*

[3] 88 FR 71757 (October 18, 2023). Henceforth referred to as the ''October 2023 findings.''

[4] See 89 FR 5145, 5147.

The comment period for our January 2024 proposal closed on February 26, 2024. We received relevant comments during the comment period from eight sources: CPS Energy; Earthjustice—on behalf of Air Alliance Houston, Texas Environmental Justice Advocacy Services, and Sierra Club; Office of the Harris County Attorney; Texas Chemistry Council; TCEQ; Texas Oil & Gas Association; Texas Pipeline Association; and a member of the public. These comments are available for review in the docket for this rulemaking. Our responses to the comments are provided in Section II of this rulemaking.

II. Response to Comments

A. Reclassification of the Areas as Serious

Comment: Commenters state that the EPA has no discretion to deny the reclassification request and the EPA should have issued a direct final approval granting the reclassification request.

Response: The EPA is granting the request to reclassify the San Antonio, DFW, and HGB nonattainment areas from Moderate to Serious for the 2015 ozone NAAQS, but we disagree that a direct final action is appropriate in this circumstance for several reasons. First, our January 2024 proposal proposed to determine that the EPA's October 2023 findings with respect to the Texas SIP revisions for the demonstration of attainment by the prior attainment date, the RACM analysis tied to the prior attainment date, and contingency measures specifically related to the area's failure to attain by the prior attainment date for the Moderate classification are now moot, and that the associated deadlines triggered by the October 2023 findings for imposition of sanctions or promulgation of a Federal Implementation Plan (FIP) no longer apply with respect to these three elements. Second, our January 2024 proposal requested comments on deadlines proposed for SIP submission and for implementation of certain CAA requirements, which we are required to establish pursuant to CAA section 182(i). Thus, the proposal provides the public an opportunity to review and comment upon the proposed actions and deadlines. Finally, we disagree that a direct final action is a required vehicle to grant the voluntary reclassification request. CAA section 181(b)(3) provides that the EPA ''shall publish a notice in the **Federal Register** of any such request and of action by the Administrator granting the request'' but does not dictate the form of such **Federal Register** action. Our action here is consistent with section 181(b)(3) and with a prior action granting the Texas Governor's request to reclassify the HGB area from Moderate to Severe for the 1997 ozone NAAQS, where we did not issue a direct final action but instead, used the same notice-and-comment format as we have here.[5]

Comment: The Office of the Harris County Attorney asks that EPA provide guidance on how it interprets CAA section 181(b)(3) in the event a governor requests a reclassification after a missed SIP deadline. The commenter contends that the Governor's reclassification request and the reasoning behind it is contrary to the intent of the CAA, which is not to protect industry and economy but the people living and breathing in Texas. The commenter states that the January 2024 proposal, if finalized, would give Texas several years to complete certain SIP requirements, and EPA has found some requirements pertaining to the prior attainment date to now be moot. The commenter states that this sets a precedent which may further delay ozone improvements, in contravention to the intent of the CAA. The commenter suggests clarifications on which requirements would be moot, deadlines, and other issues addressed in the January 2024 proposal would be helpful for both stakeholders and states when contemplating the consequences of such an action.

Response: CAA section 181(b)(3) does not require states to provide a reason for their request for a voluntary reclassification, nor does it condition EPA's action on the request on such reasoning. Consistent with 40 CFR 51.1303(b), ''[a] state may request, and the Administrator must approve, a higher classification for an area *for any reason* in accordance with CAA section 181(b)(3).'' [6] Reclassification is a legitimate method provided by the CAA to address the circumstances of the San Antonio, DFW, and HGB areas—as illustrated by the TCEQ's proposed Moderate attainment demonstration SIP revisions for these areas that indicated, based on the TCEQ's modeling and available data, these three areas were not expected to attain the 2015 ozone NAAQS by their 2024 attainment dates.[7]

We disagree that approving the request to reclassify the area from Moderate to Serious would delay implementation of the CAA SIP requirements in a manner inconsistent with the CAA. The commenter did not describe which ozone improvements would be delayed. Our January 2024 proposal did not propose delays for the Moderate or Serious area SIP submissions. As mentioned in our January 2024 proposal, upon reclassification, stationary air pollution sources in the San Antonio, DFW, and HGB ozone nonattainment areas will be subject to Serious ozone nonattainment area NSR and Title V permit requirements. The source applicability thresholds for major sources and major source modification emissions will be 50 tons per year (tpy) for volatile organic compounds (VOC) and oxides of nitrogen (NO_X). For new and modified major stationary sources subject to review under Texas Administrative Code Title 30, Chapter 116, Section 116.150 (30 TAC 116.150) in the EPA approved SIP,[8] VOC and NO_X emission increases from the proposed construction of new or modified major stationary sources must be offset by emission reductions by a minimum offset ratio of 1.20 to 1 (see CAA section 182(c)(10)). We note that the DFW and HGB areas are classified as Severe under the 2008 ozone NAAQS and thus, the more stringent Severe area requirements are currently being implemented—and will continue to be implemented—in those areas.[9] Our January 2024 proposal listed the remaining Moderate area SIP requirements that continue to be required after these areas are reclassified as Serious, which are: (1) a 15 percent rate-of-progress (ROP) plan (40 CFR 51.1310), (2) contingency measures for failure to achieve RFP, including the 15 percent ROP requirement for Moderate areas (CAA sections 172(c)(9) and 182(c)(9)), (3) a RACT demonstration (40 CFR 51.1312), (4) Nonattainment New Source Review (NNSR) rules (40 CFR 51.165), and (5) a Basic I/M program (CAA section 182(b)(4) and 40 CFR 51 subpart S). Because these SIP requirements are not dependent upon the Moderate attainment date itself, voluntary reclassification does not

[5] 73 FR 56983 (October 1, 2008).

[6] Emphasis added.

[7] The proposed SIP revisions are posted on the TCEQ website at *https://www.tceq.texas.gov/airquality/sip.* Once there, click on the map for the DFW, HGB, and/or the San Antonio area, then scroll down and click on ''Latest Ozone Planning Activities'' and then scroll down to the ''Proposed Moderate AD SIP Revision for the 2015 Ozone NAAQS.''

[8] Specifically, we are referring to the EPA-approved Texas SIP at Section 116.150, titled ''New Major Source or Major Modification in Ozone Nonattainment Area.'' 60 FR 49781 (September 27, 1995) and subsequent revisions at 77 FR 65119 (October 25, 2012).

[9] For Severe ozone nonattainment areas, the nonattainment NSR source applicability thresholds for major sources and major source modification emissions are 25 tpy for VOC and NO_X, and the minimum emissions offset ratio is 1.30 to 1 (see CAA sections 182(d) and 182(d)(2)).

change the submission requirement or implementation deadlines for these SIP elements that were due January 1, 2023, for the Moderate classification for the San Antonio, DFW, and HGB areas. Reclassifying the areas as Serious in response to a reclassification request does not result in an attainment date that is any later than the attainment date that would have applied had the area been initially classified as Serious, and the Serious requirements that depend on that date are all still applicable.

We disagree that approving the request to reclassify the area from Moderate to Serious would set a precedent that may further delay ozone improvements, as suggested by the commenter. We note that our approval of the prior Texas Governor's request to reclassify the HGB area from Moderate to Severe for the 1997 ozone NAAQS provided that once reclassified, the area would no longer be required to submit an attainment demonstration for the prior classification.[10] In our January 2024 proposal, we explained that once reclassified as Serious, these three areas have a new statutory attainment deadline, so certain SIP elements (in this case, specifically, the Moderate area attainment demonstration and the associated RACM and contingency measures for failure to attain) that are dependent on the Moderate attainment deadline are no longer applicable or required for the lower, superseded (in this case, Moderate) classification. None of the remaining SIP requirements for the Moderate classification and none of the SIP requirements for the Serious classification were proposed as moot or delayed in our January 2024 proposal. We also note that for the prior voluntary reclassification of the HGB area from Moderate to Severe for the 1997 ozone NAAQS, the HGB area was able to attain the 1997 ozone NAAQS by the end of 2014, significantly ahead of the area's June 15, 2019, attainment date.[11]

We elaborate on the Serious SIP submission and implementation deadlines in our responses to the comments that follow.

B. Status of Certain Requirements of Previous Classification

Comment: Commenters agree with EPA's determination that the attainment demonstration, RACM, and contingency measure elements for failure to attain for the Moderate level classification would no longer be due upon reclassification as Serious and that EPA's October 2023 findings should be mooted for these elements.

Response: The EPA appreciates these comments.

Comment: The commenter states that the EPA repeatedly reassured the TCEQ that voluntary reclassification would provide an extended timeframe to meet the CAA deadlines. The commenter states that the January 2024 proposal is inconsistent with those representations as the January 2024 proposal continues to hold Texas to the Moderate nonattainment area deadlines.

Response: We disagree that a voluntary reclassification provides the EPA with authority to extend existing deadlines associated with a prior nonattainment classification. The Moderate nonattainment SIP submission deadlines were established when the areas were reclassified from Marginal to Moderate and the TCEQ did not challenge the deadlines in that final action.[12] We note that the period of time between the effective date of reclassification and the area's attainment date could be greater for an area requesting a voluntary reclassification, since the effective date of reclassification would presumably occur earlier than for an area mandatorily reclassified following a Finding of Failure to Attain.[13] Thus, reclassification can have the practical effect of providing more time to develop and implement plans to meet an area's attainment date.

Our January 2024 proposal proposes to moot only the Moderate area attainment demonstration and associated RACM demonstration and contingency measures specifically tied to the Moderate attainment date. The remaining Moderate nonattainment SIP elements continue to be required and their associated deadlines are not otherwise altered.

Comment: Commenters state that the CAA is explicit that a state has authority to request voluntary reclassification, and therefore to moot all elements required under the prior classification. Commenters state that voluntary reclassification allows the state to delay elements required under the prior classification, because the purpose of the reclassification is to permit states to develop and implement the most effective collection of measures associated with the required elements to attain the NAAQS. Commenters state that CAA section 181(b)(3) affects the CAA's other provisions that are key to reclassification. Commenters state that when a state exercises its authority under CAA section 181(b)(3), the voluntary reclassification works on the CAA's other components and abrogates the need for submittals associated with the lower classification.

Response: The EPA disagrees. Commenters assert that voluntary reclassification to a higher classification exempts a state from needing to make a submittal for any SIP elements addressing the lower classification, but this assertion is inconsistent with the plain language of the statute. Specifically, CAA section 182(c) states that ''each State in which all or part of a Serious Area is located shall, with respect to the Serious Area . . . make the submissions described under subsection (b) of this section (relating to Moderate Areas) and shall also submit the revisions to the applicable implementation plan (including the plan items) described under this subsection.'' Thus, the CAA clearly requires that Serious areas meet Moderate area requirements in addition to Serious area requirements (*see* CAA section 182(c)). These Moderate area requirements apply to areas initially classified as Serious as well as areas reclassified as Serious, whether their reclassification as Serious is mandatory as a result of failure to attain or is voluntary in response to a reclassification request. The CAA does not otherwise provide for delaying Moderate area requirement deadlines beyond their prescribed timeframes, regardless of how the area came to become classified as Serious. What the voluntary reclassification does provide is additional lead time before the attainment date, as compared to a mandatory reclassification, for the state to adopt and implement such measures as necessary to attain while recognizing that the CAA requires that reasonable further progress as required for Moderate areas must still be achieved.

Our approach here is consistent with past actions to grant voluntary reclassifications. When Texas previously requested a voluntary reclassification for the HGB area from Moderate to Severe under the 1997 ozone NAAQS, we stated that, ''Texas has a continuing responsibility for certain elements of the Moderate area requirements. EPA has stated that reclassification does not provide a basis for extending submission deadlines for SIP elements unrelated to the attainment demonstration that were due for the area's Moderate classification.'' [14] With the exception of the Moderate area attainment demonstration and the associated

[10] 73 FR 56983, 56987.

[11] See 73 FR 56983 and 80 FR 81466 (December 30, 2015).

[12] 87 FR 60897 (October 7, 2022).

[13] 73 FR 56983.

[14] 73 FR 56983, 56991.

RACM demonstration and contingency measures for failure to attain by the Moderate attainment date, the TCEQ has not been relieved of its obligation to comply with SIP submission deadlines for the Moderate area requirements.

Comment: Commenters disagree with EPA's assertion that RFP requirements are not tied to the attainment date and therefore cannot be mooted for the Moderate classification upon reclassification as Serious. Commenters state that EPA's assertion that RFP requirements are not tied to the attainment date runs counter to plain language in CAA section 182(b)(1)(A), which states: ''Such plan shall provide for such specific annual reductions in emissions of volatile organic compounds [VOC] and oxides of nitrogen [NO_X] as necessary to attain the national primary ambient air quality standard for ozone *by the attainment date applicable under this chapter*'' [emphasis added by commenters]; as well as CAA section 182(c)(2)(B), which states: ''A demonstration that the plan, as revised, will result in VOC emissions reductions from the baseline emissions . . . *until the attainment date*'' [emphasis added by commenters]. Commenters state that while an RFP SIP revision is not designed to demonstrate attainment, the timing of the emissions reduction targets for the Moderate RFP demonstration are based on the attainment deadline for that Moderate classification, and the Moderate RFP contingency measures would be required if an area fails to meet those RFP targets that are based on the Moderate attainment deadline. Commenters state that EPA's argument for superseding the attainment demonstration and RACM requirements is that ''EPA interprets the CAA such that following reclassification, any required attainment demonstration and associated RACM analysis must be done with respect to the new and current applicable attainment date.'' Commenters state that this interpretation should also apply to RFP as a new demonstration would be required with targets based on the Serious classification attainment date. Commenters add that the targets based on the Moderate attainment date would also be demonstrated within the Serious classification RFP SIP revision using the most recent emissions development methods (*e.g.,* MOVES4); therefore, eliminating the need for the Moderate classification RFP submittal.

Response: Commenters' assertions that RFP is tied to the attainment date as they suggest is inconsistent with the RFP requirements established in the implementing regulations for the 2015 ozone NAAQS which are based on a long-held EPA interpretation of RFP for ozone nonattainment areas. As commenters note, Moderate and higher ozone nonattainment areas are subject to the general requirements for nonattainment plans in CAA subpart 1 and the specific requirements for ozone areas in CAA subpart 2, including the requirements related to RFP and attainment. This is consistent with the structure of the CAA as modified under the 1990 amendments, which introduced additional subparts to part D of title I of the CAA to address requirements for specific NAAQS pollutants, including ozone (subpart 2), carbon monoxide (subpart 3), particulate matter (subpart 4), and sulfur oxides, nitrogen dioxide, and lead (subpart 5).

These subparts apply tailored requirements for these pollutants, including those based on an area's designation and classification, in addition to and often in place of the generally applicable provisions retained in subpart 1. While CAA section 172(c)(2) of subpart 1 states only that nonattainment plans ''shall require reasonable further progress,'' CAA sections 182(b)(1) and 182(c)(2)(B) of subpart 2 provide specific percent reduction targets for ozone nonattainment areas to meet the RFP requirement. Put another way, subpart 2 defines RFP for ozone nonattainment areas by specifying the incremental amount of emissions reduction required by set dates for those areas.[15] For Moderate ozone nonattainment areas, CAA section 182(b)(1) defines RFP by setting a specific 15 percent VOC reduction requirement over the first six years of the plan. The 15 percent reduction is ''the base program that all moderate and above areas must meet. This base program is necessary to ensure actual progress toward attainment in the face of uncertainties inherent with SIP planning.'' [16]

For Serious or higher ozone nonattainment areas, the 15 percent requirement still applies, and section 182(c)(2)(B) further requires specific annual percent reductions for the period following the first six-year period and allows averaging over a three-year period. With respect to the 1-hour ozone NAAQS, the EPA stated that, by meeting the specific percent reduction requirements in CAA sections 182(b)(1) and 182(c)(2)(B), the state will also satisfy the general RFP requirements of section 172(c)(2) for the time period discussed.[17]

The EPA has adapted the RFP requirements under the CAA to implement the three 8-hour ozone NAAQS that have been promulgated since the 1990 CAA Amendments. In the ''Phase 2'' SIP Requirements Rule for the 1997 Ozone NAAQS (Phase 2 rule),[18] the EPA adapted the RFP requirements of CAA sections 172(c)(2) and 182(b)(1) to require plans to provide for the minimum required percent reductions and, for certain Moderate areas, to provide for the reductions as necessary for attainment. See, *e.g.,* 40 CFR 51.910(a)(1)(ii)(A) and (b)(2)(ii)(C).

In 2015, the EPA replaced the regulations promulgated through the Phase 2 rule with the regulations promulgated through the 2008 Ozone SIP Requirements Rule (SRR).[19] In the 2008 Ozone SRR, the EPA established RFP requirements for the 2008 ozone NAAQS that are similar, in most respects, to those in the Phase 2 rule for the 1997 ozone NAAQS but that do not define RFP for certain Moderate areas in terms of the reductions needed for attainment.[20] More explicitly, in the 2008 Ozone SRR, the EPA defined RFP as meaning both the ''emissions reductions required under CAA section 172(c)(2) *which the EPA interprets to be an average 3 percent per year emissions reductions of either VOC or* NO_X and CAA sections 182(c)(2)(B) and (c)(2)(C) and the 15 percent reductions over the first six years of the plan and the following three percent per year average under 40 CFR 51.1110.'' [21] Thus, under the 2008 Ozone SRR, the RFP emissions reductions required for Serious or higher ozone nonattainment areas under CAA section 172(c)(2) are based on a set annual percentage found in the CAA, not on the specific attainment needs for the area. In this regard, EPA has been even more explicit in our SRR for the

[15] CAA section 171(1) defines RFP as ''such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' The words ''this part'' in the statutory definition of RFP refer to part D of title I of the CAA, which contains the general requirements in subpart 1 and the pollutant-specific requirements in subparts 2–5 (including the ozone-specific RFP requirements in CAA sections 182(b)(1) and 182(c)(2)(B) for Serious areas).

[16] 57 FR 13498, 13507 (April 16, 1992).

[17] See 57 FR 13498, at 13510 (for Moderate areas) and at 13518 (for Serious areas).

[18] See 70 FR 71612 (November 29, 2005).

[19] 80 FR 12264. Under 40 CFR 51.919 and 51.1119, the regulations promulgated in the 2008 Ozone SRR replaced the regulations promulgated in the Phase 2 rule, with certain exceptions not relevant here.

[20] Compare RFP requirements for the 1997 ozone NAAQS at 40 CFR 51.910(a)(1)(ii)(A) and (b)(2)(ii)(C) with the analogous provisions for the 2008 ozone NAAQS at 40 CFR 51.1110(a)(2)(i)(B).

[21] See 40 CFR 51.1100(t) (emphasis added).

2015 ozone NAAQS: [22] ''Reasonable further progress (RFP) means the emissions reductions required under CAA sections 172(c)(2), 182(c)(2)(B), 182(c)(2)(C), and 40 CFR 51.1310. The EPA interprets RFP under CAA section 172(c)(2) to be an average 3 percent per year emissions reduction of either VOC or NO_X.[+ + 23]

In the SRR for the 2015 Ozone NAAQS, which is the set of regulations that governs the EPA's action here, RFP is defined in terms of percent reduction from the area's emissions in the baseline year, not in terms of the reductions necessary for attainment. In other words, for the 2015 ozone NAAQS, the requirement to demonstrate RFP is independent of the requirement to demonstrate attainment by the attainment date. RFP for the 2015 ozone NAAQS represents the minimum progress that is required under the CAA, and our regulations, and does not necessarily need to provide for the reductions necessary to achieve attainment of the ozone NAAQS by the attainment date, which could vary largely from one nonattainment area to another. For all of these reasons, EPA disagrees with commenter's claim that RFP should be treated the same as the Moderate area attainment demonstration, RACM, and contingency measures for failure to attain. EPA's explanation for why those three particular SIP elements are no longer required following a voluntary reclassification does not apply to the Moderate area RFP SIP element. Unlike the other three SIP elements, RFP is not ''tied to the applicable attainment deadline'' as explained above.

Moreover, the SRR for the 2015 ozone NAAQS lists RFP and ROP as distinct provisions for implementation. See 40 CFR 51.1300(l), 51.1300(m), 51.1310(a)(2)(i) and 51.1310(a)(4)(i). These provisions clearly demonstrate the necessity for RFP reductions during the first 6 years of the plan, regardless of the area's initial classification, or whether it was Moderate before reclassifying as Serious, whether voluntarily, or mandatorily. EPA therefore disagrees with the commenter's implicit suggestion that the Moderate area RFP SIP submittal should be delayed until submitted within the Serious area RFP SIP submittal, as that would further delay submission of the Moderate RFP plans, which are addressed in our October 2023 findings. The Moderate RFP SIP submittal was due to EPA on January 1, 2023, and the State will also be required to provide an RFP SIP submittal for the Serious classification by January 1, 2026. Considering the reasoning above explaining that the State is still required to provide an RFP demonstration for the Moderate classification, and the undisputed fact that the area is required to demonstrate RFP for this time period, the EPA is not convinced by the commenter that further delay of the RFP demonstration is warranted.

Comment: Commenters state that the EPA's proposal to require Texas to continue to meet Moderate RFP and contingency measure obligations does not align with EPA's rationale in its Clean Data Policy (40 CFR 51.1318), which provides that elements related to the attainment date, including RFP and contingency measure obligations, are eligible for suspension if the area is meeting the NAAQS. Commenters state that the EPA has not identified a rationale for treating the nature of these elements differently in the context of voluntary reclassification.

Response: Commenters misunderstand the purpose of the Clean Data Policy, which states, ''[u]pon a determination by the EPA that an area designated nonattainment for a specific ozone NAAQS has attained that NAAQS, the requirements for such area to submit attainment demonstrations and associated RACM, RFP plans, contingency measures for failure to attain or make reasonable progress, and other planning SIPs related to attainment of the ozone NAAQS for which the determination has been made, shall be suspended until such time as the area is redesignated to attainment for that NAAQS, at which time the requirements no longer apply; or the EPA determines that the area has violated that NAAQS, at which time the area is again required to submit such plans.'' (40 CFR 51.1318). The rationale for treatment of RFP in the Clean Data Policy is different from the rationale used here for reclassification. While the Clean Data Policy is reasonably based on the fact that an area that is attaining the NAAQS need not make further progress toward attainment in the form of RFP reductions, it does not follow that an area that is not attaining the NAAQS would be relieved of the need to make CAA-mandated progress toward attainment as a result of it being reclassified and given a later attainment date.

The DFW, HGB, and San Antonio areas currently are not meeting the 2015 ozone NAAQS, and thus the Clean Data Policy does not apply here. Moreover, as areas not meeting the standard, these areas must continue achieving emission reduction progress as required by the CAA and EPA's regulations.

Comment: A commenter disagrees that RACT requirements are not tied to the attainment date and therefore cannot be mooted for the Moderate classification upon reclassification as Serious. Commenters cite to CAA section 182(b)(2)(A) that states must consider each category of VOC sources in the area covered by a control techniques guideline (CTG) document issued by the Administrator between November 15, 1990, and the date of attainment, and thus the statutory connection of the RACT review to the attainment date is clear. Commenters state that the EPA clearly bases RACT requirements on the attainment deadline for an area's classification as evidenced by this action in which EPA is proposing RACT implementation deadlines based on the timing required to influence attainment of the standard by the attainment date. Commenters state that the RACT connection to the attainment date is also evident through the connection with the classification level itself, as the RACT analysis is grounded in the review of the applicable major stationary source threshold. Commenters state that the reclassification as Serious would result in more stringent application of RACT requirements to the nonattainment areas under a major source threshold of 50 tpy, which would capture major sources under the 100 tpy Moderate classification threshold, thus eliminating the need for a submittal to address Moderate classification RACT.

Response: The EPA disagrees. For reclassified areas, the RACT requirements at 40 CFR 51.1312(a)(2)(ii) and (3)(ii) obligate a state to conduct a new, individual RACT analysis for the new classification and implement any identified measures as necessary. Reclassification does not relieve the RACT obligation for the prior classification. As stated in our January 2024 proposal, the CAA requirement in section 182(b)(2) to implement RACT for specified categories of sources is implemented and assessed based on whether the RACT rules are implementing what is economically and technologically feasible and is not based on reductions needed to attain by the attainment deadline (89 FR at 5147).

We disagree that CAA section 182(b)(2)(A) provides a statutory connection of RACT to the attainment date. Section 182(b)(2)(A) states that RACT requirements apply to each category of sources covered by a CTG document issued by the Administrator between November 15, 1990, ''and the date of attainment.'' This language

[22] See 83 FR 62998 (December 6, 2018).

[23] See 40 CFR 51.1300(l).

establishes the sources covered by the RACT analysis that a Moderate or higher area must consider. The reference to the attainment date sets an outer bound of what CTGs will define the categories of sources that fall under the Moderate RACT requirement. It does not tie the substantive RACT analysis, and the level of controls required by application of RACT, to the attainment date.

We also disagree that the stationary source threshold set by the classification level evidences a connection between RACT and the attainment date. Just as 182(b)(2)(A) defines the categories of sources that need to be covered by a RACT assessment so too the stationary source threshold associated with a classification level defines the sources that need to be covered in the state's RACT assessment. The stationary source threshold establishes the emission levels where RACT would be applied but does not define the substance or content of the RACT analysis. In this case, the prior Moderate classification required evaluation of any sources in any category subject to a CTG and any non-CTG sources with a potential to emit more than 100 tpy of NOx or VOCs. The commenter is correct in that the new Serious classification means the State needs to address RACT for additional sources, namely non-CTG sources with a potential to emit 50 tpy or more of NOx. But the commenter has failed to explain why this fact, that RACT must be analyzed and implemented for additional smaller sources, should result in delayed submission and implementation of RACT on the original set of sources covered by the Moderate classification. If EPA were to go with such an interpretation, it would delay the requirement in this instance for Texas to submit a SIP addressing the RACT obligation from January 1, 2023, to January 1, 2026, in an area that is not attaining the 2015 ozone NAAQS. This would lead to a three-year delay in required controls in areas that have air quality that exceeds levels protective of human health and the environment. The commenter has not identified any language in the CAA that necessitates or even supports such a result.

Finally, the commenters point to the fact that EPA has based RACT implementation deadlines on the timing required to influence attainment of the standard by the attainment date. This is a correct characterization of EPA's action, but also does not inevitably lead to an interpretation that required SIP revisions and RACT implementation should be delayed by three years following an area's reclassification. As explained at proposal and elsewhere in this action, the substantive analysis required in a RACT SIP, namely the implementation of controls that are economically and technologically feasible, does not hinge on what level of control is needed for the area's attainment by the attainment date (this is in contrast to, *e.g.,* the analysis required for RACM). A state's RACT SIP should be based on, and EPA will review it for, imposition of reasonably available control technology, even if that imposition of reasonably available control technology is not nearly enough to get the area to attainment by the attainment date. At the same time, it is also true that implementation of RACT-level control should aid, at least in part, in getting an area to attainment by the attainment date. It defies logic to have an area's attainment date be in 2027, but for EPA to require a SIP revision requiring RACT level controls not due until 2028. Accordingly, both of these things can be true: that RACT is not a requirement directly tied to attainment while also requiring that RACT SIPs be due and RACT-level controls be implemented in time to matter for the overall efforts to get an area to attainment.

Comment: Commenters state that while vehicle I/M and nonattainment new source review (NNSR) elements are not explicitly tied to the attainment date for a classification, as with the other elements, the Serious classification would supersede these requirements with more stringent requirements. Commenters repeat that the evident legislative goal of the CAA, Part D, Subpart 2 requirements for the ozone NAAQS clearly indicate that reclassification to more stringent requirements subsume the less stringent requirements. Commenters add that in cases where elements are often satisfied with the submittal of certification statements noting that the requirements have already been addressed, commonly used for addressing I/M and NNSR requirements, it is illogical to hold areas under a finding of failure to submit for elements that have already been submitted and approved under previous classifications or standards. Commenters state that submittal of a certification statement is not legally necessary for EPA to know that an element, upon which EPA has already acted and approved, has been addressed, as EPA's SIP approval actions legally stand on their own merit. Commenters state that EPA's treatment of those elements as ''not submitted'' is legally insufficient to support a finding of failure to submit that results in sanctions and FIP clocks. Commenters add that the infrastructure SIP submittal requirements for each NAAQS already provide certification from the state that existing regulations are adequate to meet the applicable nonattainment area planning requirements.

Response: The EPA disagrees. Our January 2024 proposal did not propose to relieve the Basic I/M and Moderate NNSR requirements for the DFW, HGB, and San Antonio Moderate nonattainment areas. The Moderate nonattainment SIP submission deadlines, including the Basic I/M and Moderate NNSR requirements for the DFW, HGB, and San Antonio nonattainment areas, were established when the areas were reclassified from Marginal to Moderate and those deadlines were not challenged.[24] Our January 2024 proposal only proposed to relieve the Moderate area attainment demonstration and associated RACM demonstration and contingency measures specifically tied to the Moderate attainment date. The remaining Moderate nonattainment plan SIP deadlines, including I/M and NNSR, are not otherwise altered. We do not believe that the specific control requirements of the prior classification can or should be relieved because an area has been reclassified. More stringent NNSR and I/M are required because the area is subject to Serious requirements and in this final action, EPA is establishing submission and implementation deadlines for these new requirements but not relieving the requirements that should be implemented on the schedule set in the reclassification from Marginal to Moderate.

While our October 2023 findings are outside the scope of this action, the EPA disagrees that SIP certification statements triggered by a reclassification are redundant and already accomplished through other SIP processes, including approved SIP submissions under prior classifications or NAAQS. We continue to interpret the specific nonattainment planning requirements of CAA section 182 to require a state to provide a SIP submission to meet each nonattainment area planning requirement for a revised ozone NAAQS.[25] To the extent that commenters suggest the EPA should adopt a general presumption of adequacy for previously approved SIP elements, we disagree. The submission of individual nonattainment SIP elements for purposes of a reclassified area provides the public and the EPA an

[24] 87 FR 60897.

[25] See 83 FR 10376 (March 9, 2018) and 40 CFR 51.1302.

opportunity to review and comment upon each element of a nonattainment SIP. If the air agency reviews an existing SIP element and concludes it does not need to be revised in light of the reclassification, submission of a certification SIP allows the public to review the air agency's assessment and provide comment on any changes they may think necessary. The EPA then also has an opportunity to review the air agency's assessment and ensure that it is consistent with CAA requirements in relation to the reclassified area. The certification statement option is intended to streamline the SIP submission process, providing air agencies with the flexibility to address multiple SIP elements in a single certification statement, and combine the SIP certification action with other actions subject to public notice and comment. The EPA does not believe that developing and submitting certification SIP elements will be a significant and unnecessary drain on state resources. We also note with regard to the I/M programs, as discussed in 40 CFR 51 Subpart S, the vehicle fleet can change and impact whether the program continues to meet the required performance standard.

We disagree that the Texas infrastructure SIP submittal provides certification that existing regulations are adequate to meet the applicable nonattainment area planning requirements (CAA section 110(a)(2)(I)). The Texas infrastructure submittal for the 2015 ozone NAAQS did not address CAA section 110(a)(2)(I).[26] The infrastructure SIP submission is triggered by a NAAQS revision and provides the public and the EPA an opportunity to review the basic structure of a state's air quality management program. It is not intended—nor can it be presumed—to address the adequacy of individual nonattainment SIP elements for purposes of the revised NAAQS.

Comment: Commenters state that the EPA's January 2024 proposal notes that ''changing the submission requirement or implementation deadlines for these [Moderate attainment area] elements would delay the implementation of these measures beyond what the CAA intended.'' Commenters claim however that, like the attainment demonstration and RACM, all Moderate classification requirements would be superseded with more stringent requirements under the Serious classification, which eliminates the need for submittals to cover less stringent requirements with deadlines that have already passed to meet attainment dates that would no longer apply. Commenters state that the EPA must give legal effect to all parts of the statute—not just the parts it prefers. Commenters state that requiring the state to submit and have EPA act on these superseded Moderate classification elements would make no logical or practical sense.

Response: The EPA disagrees. As noted in our January 2024 proposal, the attainment demonstration with respect to the Moderate attainment date, the RACM analysis with respect to the Moderate attainment date, and contingency measures for failure to attain by the Moderate attainment date are all dependent on the Moderate attainment date. Once voluntarily reclassified, the area no longer has a Moderate attainment date. However, the other Moderate area requirements remain in place, even as the state works to implement the requirements of the higher classification. The Moderate nonattainment SIP submission deadlines, including the requirements for the DFW, HGB, and San Antonio Moderate areas, were established when the areas were reclassified from Marginal to Moderate—those deadlines were not challenged and they stand as finalized.[27] As noted earlier, comments addressing the Moderate nonattainment area submissions, with the exception of the Moderate attainment demonstration and the associated RACM and contingency measures for failure to attain by the Moderate attainment date, are outside the scope of this action.

While the EPA agrees that it must give legal effect to all parts of the statute, the CAA requirements for nonattainment areas are cumulative, adding more stringent requirements with each higher classification and building on the requirements of the lower classifications, and the EPA disagrees that this building of requirements always results in the lower classification requirements being superseded. As noted earlier, pursuant to CAA section 182(c), ''each State in which all or part of a Serious Area is located shall, with respect to the Serious Area . . . make the submissions described under subsection (b) of this section (relating to Moderate Areas) and shall also submit the revisions to the applicable implementation plan (including the plan items) described under this subsection.'' Except for elements specifically related to the attainment date, which are superseded by a voluntary reclassification, the higher classification requirements are added to the lower classification requirements. For example, although the Serious area major source threshold is more stringent than it is for a Moderate area, this does not supersede the NSR requirements for any source covered under the Moderate threshold. Instead, NSR requirements for smaller sources under the Serious threshold are *in addition to* those for sources covered under the Moderate threshold.

Our approach here is consistent with past actions to grant voluntary reclassifications. When Texas previously requested a voluntary reclassification for the HGB area from Moderate to Severe under the 1997 ozone NAAQS, we noted that, ''Texas has a continuing responsibility for certain elements of the Moderate area requirements. EPA has stated that reclassification does not provide a basis for extending submission deadlines for SIP elements unrelated to the attainment demonstration that were due for the area's Moderate classification.'' [28] We subsequently approved the HGB RFP for the Moderate nonattainment area for the 1997 ozone NAAQS.[29] We maintain that Texas has not been released from its CAA obligations to comply with SIP submission deadlines for other Moderate area requirements not related to the attainment demonstration.

Comment: The commenter states that, as an alternative to all Moderate classification requirements being mooted, the Moderate classification RFP contingency measure element could be mooted for areas where RFP targets have been met and requests clarification on how to demonstrate this element is no longer required. The commenter also cites 85 FR 40026, a proposed reclassification action in which EPA proposed to determine that contingency measures for RFP were no longer necessary for the prior Moderate classification nonattainment plan because the state had adequately demonstrated that the applicable quantitative milestones under the Moderate plan had been met.[30] The commenter states that if it can demonstrate that the RFP targets have been met for the San Antonio, DFW, and HGB Moderate nonattainment areas, the requirement to submit RFP contingency

[26] 84 FR 49663 (September 23, 2019). The Texas submission for this infrastructure action is posted in the docket at *www.regulations.gov* and the docket ID is EPA–R06–OAR–2018–0673.

[27] 87 FR 60897.

[28] 73 FR 56983, 56991 (October 1, 2008).

[29] 74 FR 18298 (April 22, 2009).

[30] See ''Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; California; South Coast Moderate Area Plan and Reclassification as Serious Nonattainment for the 2012 $PM_{2.5}$ NAAQS.'' 85 FR 40026, 40048–40049 (July 2, 2020).

measures would be unnecessary. The commenter states that since the milestone compliance demonstration is not required for the Moderate areas, the TCEQ requests clarification regarding the appropriate mechanism to demonstrate that the Moderate RFP targets have been met.

Response: The EPA acknowledges that in certain unideal situations, where the state has demonstrated that an RFP milestone has actually been met and where EPA has determined that demonstration to be adequate, the question of whether the state has adequate contingency measures for failure to meet RFP with respect to that milestone can be moot. This situation is unideal because the CAA is not designed to operate this way with respect to timing, and these situations typically arise because the state is overdue for submitting approvable contingency measures. Under normal CAA timelines, the contingency measures submittal and EPA approval should occur before the RFP milestone arrives so that the contingency measures could be triggered if the area failed to meet RFP. States should not delay submittal of required contingency submittals in the hopes that they may become moot at a later time. Such an approach contravenes the statutory timelines established by the CAA, and the intent of the contingency measures requirement. If this situation arises and the RFP milestone is not met, the CAA requires implementation of contingency measures without further action by the state or EPA. That requirement cannot be met on time if the contingency measures submittal is delayed.

For these reasons, EPA made a finding of failure to submit for contingency measures triggered by failure to meet RFP for the Moderate ozone nonattainment areas at issue here (and other elements) in October 2023. That finding started sanctions and FIP clocks that are still running because these (and other elements) are still outstanding. With this voluntary reclassification, EPA also urges the timely submittal of all required elements for the Serious classification, including contingency measures for all Serious RFP milestones and for failure to attain by the Serious area attainment date.

Under unusual circumstances in which EPA determines the Moderate area RFP reduction target was met before the state makes its overdue submittal to satisfy the requirement for Moderate contingency measures for failure to meet RFP, the EPA believes that no submittal of contingency measures for Moderate area RFP would be necessary. We acknowledge the EPA took a similar position within a $PM_{2.5}$ action cited by the commenter and believe the same logic could apply here.

This situation is also somewhat similar to EPA's prior disapproval of contingency measures in Texas for the 2008 Ozone NAAQS where we stated that, ''EPA agrees with TCEQ that there is no longer a need for contingency measures triggered by failure to meet RFP for the DFW and HGB Serious nonattainment plan for purposes of the 2008 8-hour ozone NAAQS, because these areas met RFP for this specific classification. However, contingency measures are still required for the failure to attain (and indeed, noting the fact that areas failed to attain, should already have taken effect).'' [31] There, the contingency measures were not needed for failure to meet RFP because EPA had previously determined that the area had met RFP, but contingency measures were still needed for failure to attain. But here, as explained previously, with this voluntary reclassification there will be no possibility of failure to attain by the Moderate area attainment date, and so the voluntary reclassification negates the need for contingency measures for failure to attain for the Moderate classification. Further, an RFP demonstration that EPA determined to be adequate would in this case negate the need to submit the Moderate contingency measures for failure to meet RFP, thus resulting in mooting the Moderate area contingency measures requirement entirely. Note, however, that the first Serious area RFP milestone is December 31, 2026, so a timely Serious area contingency measures submittal by January 1, 2026, is necessary to ensure that contingency measures are in place before the milestone occurs.

Finally, in response to the commenter's inquiry as to the appropriate mechanism for demonstrating that the Moderate RFP emission reduction targets have been met, the EPA notes that it does not have specific guidance or rules for this. Section 182(g) of the CAA does not require a milestone compliance demonstration (MCD) for Moderate areas. EPA expects that the process would work similar to that for PM (40 CFR 51.1013(b)) or for other MCDs for ozone (40 CFR 51.1310(c)(2)), where the state would provide to the EPA Regional Administrator a formal demonstration (*e.g.,* from the Governor or designee) showing the basis for establishing that RFP was met. The contingency measures SIP submittal requirement for failure to meet RFP would not be mooted unless and until EPA formally responds with a determination that it is adequate. EPA encourages the state to work with the Regional Office to discuss the demonstration process further.

Comment: The TCEQ states that the EPA should allow states flexibility in meeting RFP requirements, especially in areas where states can demonstrate that required reductions would not advance attainment. The TCEQ states that RFP requirements for areas classified as Moderate nonattainment for the 2015 ozone NAAQS are incredibly challenging to meet due to the significant reductions in ozone precursor emissions since 1990. The TCEQ states that as moderate classification RFP targets will still need to be demonstrated for the Bexar County nonattainment area under the Serious classification, EPA should allow states to substitute NO_X emissions reductions in place of the 15 percent reduction in VOC required for initially designated Moderate ozone nonattainment areas when NO_X emissions reductions are demonstrated to be at least as effective at reducing ozone concentrations. The TCEQ states that it recognizes that the CAA mandates the 15 percent VOC emissions reductions, but preliminary TCEQ photochemical modeling indicates that VOC reductions will not advance attainment of the 2015 ozone NAAQS in Bexar County. The TCEQ states that instead, this modeling indicates NO_X emissions reductions will be more effective at reducing ozone concentrations in Bexar County. The TCEQ states that in Bexar County, point sources account for less than 5 percent of the total anthropogenic VOC emissions, and that area sources (including emissions from consumer products) account for about 70 percent of anthropogenic VOC emissions. The TCEQ states that the EPA should not require states to develop regulations that are ineffective at reducing ozone, economically penalizing to consumers, difficult to enforce, and unlikely to achieve the required reductions. The TCEQ states that allowing states flexibility in this sphere (and others discussed herein) will further the CAA's cooperative federalism framework, ensure proper respect for the states' role in fulfilling their CAA obligations, and result in better outcomes consistent with the aims of the CAA.

Response: We appreciate these comments and recognize the challenges that meeting the 15 percent VOC emissions reduction requirement can pose for newly designated ozone nonattainment areas. The EPA is working on this issue with several states to identify approaches that would be

[31] 87 FR 67957 (October 3, 2023).

allowable under the Clean Air Act including under CAA section 182(b)(1)(A)(ii), which specifically provides that a state may use a percentage less than 15 percent by adopting certain requirements.

Comment: Commenter states that the TCEQ submitted SIP revisions to EPA addressing Basic I/M for the San Antonio Moderate nonattainment area on December 18, 2023.

Response: The EPA agrees and will act on the SIP submissions for Basic I/M for the San Antonio area in a separate rulemaking action.

Comment: Commenters state that the EPA must require RACM to be adopted for the DFW, HGB, and San Antonio Moderate nonattainment areas. Commenters mention that courts have deferred to EPA's decisions tying RACM to the statutory attainment deadlines and state that EPA has ''authority to change its approach to RACM, so long as it ''displays awareness that it is changing position, provides a reasoned explanation for the change, and is also cognizant of reliance interests on the agency's prior policy.'' [32]

Response: We appreciate the information provided by the commenters. The EPA disagrees that RACM is required in this circumstance for the DFW, HGB, and San Antonio Moderate nonattainment areas. EPA has long interpreted the CAA requirement for ozone nonattainment areas to assess and implement reasonably available control measures to mean that states need to analyze and implement measures that advance an ozone area's attainment, and a measure is not RACM if it would not advance the attainment date (57 FR 13498, 13560).[33] As the commenters note, this interpretation has been upheld by federal courts. See *Sierra Club* v. *EPA,* 294 F.3d 155 (D.C. Cir. 2002) and *Sierra Club* v. *United States EPA,* 314 F.3d 735 (5th Cir. 2002). In developing a SIP revision pursuant to the RACM requirement, a state must consider all potentially available measures to determine whether they are reasonably available for implementation in the area, and whether they would advance the area's attainment date. The state may reject any measures as not RACM if they would not advance the attainment date, would cause substantial widespread and long-term adverse impacts, or would be economically or technologically infeasible. *Sierra Club* v. *EPA* at 162–163 (D.C. Cir. 2002); *Sierra Club* v. *EPA,* 314 F.3d 735 (5th Cir. 2002); *BCCA Appeal Group* v. *EPA,* 355 F.3d 817 (5th Cir. 2003). Following reclassification as Serious, to demonstrate measures that advance attainment of the ozone standard the emission reductions from the measures must occur no later than the start of the 2015 ozone NAAQS attainment season—*i.e.,* by January 1, 2026 (for the HGB area) and by March 1, 2026 (for the DFW and San Antonio areas). Because the relevant attainment date for such an analysis will be the Serious area attainment date, we believe it is appropriate to conclude that a demonstration of RACM with respect to the Moderate area attainment date no longer has meaning.

We acknowledge and support the commenters' claim that the EPA has authority to change our approach to RACM, ''so long as we display awareness that we are changing position, provide a reasoned explanation for the change, and are also cognizant of reliance interests on the agency's prior policy.'' However, EPA is not changing its historical interpretation of the RACM requirement in this action, as outlined in our final rule for implementation of the 2015 ozone NAAQS, which retains our existing general RACM requirements [34] and our reclassification of areas classified as Marginal for the 2015 ozone NAAQS does not address any change in our approach to RACM.[35]

Comment: Commenters provide examples of RACM that could be quickly implemented in the DFW, HGB, and San Antonio nonattainment areas.

Response: The EPA appreciates the information and examples provided. Following reclassification, such measures must be considered as Texas undertakes the required RACM analysis for the newly reclassified Serious areas, and Texas must evaluate these measures for their potential to advance the attainment date ahead of the otherwise applicable Serious date.

Comment: Commenters state that reclassification as Serious does not change the submission requirement or implementation deadlines for these five SIP elements that were due January 1, 2023, for the DFW, HGB, and San Antonio Moderate nonattainment areas: (1) a 15 percent rate-of-progress (''ROP'') plan, (2) contingency measures for failure to achieve RFP, including the 15 percent ROP requirement for Moderate areas, (3) a RACT demonstration, (4) NNSR rules; and (5) a Basic I/M program.

Response: The EPA agrees.

C. Required Plans, and Submissions and Implementation Deadlines

1. Serious Area Plan Requirements

Our January 2024 proposal did not propose any changes to the Serious area plan requirements but instead listed the SIP requirements that apply specifically to Serious areas, consistent with CAA sections 172(c) and 182(c), and 40 CFR 51 Subpart CC.[36] We received no comments addressing the Serious area plan requirements. Therefore, we are finalizing the Serious area plan requirements as proposed and such plan requirements are listed in Section III of this final action.

2. Submission Deadline for the San Antonio, DFW, and HGB Area SIPs for the 2015 Ozone NAAQS

We invited comments on a range of deadlines, from 12 to 18 months from the effective date of reclassification, for submission of the revised SIPs for the San Antonio, DFW, and HGB Serious nonattainment areas.

Comment: Commenters provide a wide range of recommendations, including ''as expeditiously as possible'' and that the SIP submission deadline be set at 12 months. Commenters also state that the 12-month SIP deadline based on CAA section 179(d) has no relevance to the current circumstance. Commenters state that a SIP deadline of 18 months or longer is consistent with CAA section 110(k)(5), allowing the EPA to establish reasonable deadlines. Commenters also state that the EPA should finalize a SIP submission deadline of 18 months or January 1, 2026, whichever is later.

One commenter (the TCEQ) urged the EPA to set a submittal deadline of at least 18 months from the effective date of reclassification, but no sooner than January 1, 2026. The TCEQ provided justification, citing the substantial amount of time to conduct modeling, evaluate controls, develop attainment plans, and conduct rulemaking while allowing affected sources sufficient time to implement control requirements. The TCEQ added that significant resources are required to address each of the three reclassified Serious nonattainment areas and expressed concern that an expedited SIP submittal deadline would reduce the time needed to prepare and submit approvable SIPs. The TCEQ also expressed the desire to incorporate on-road and non-road emission inventories

[32] Commenter referenced *Encino Motorcars, LLC* v. *Navarro,* 579 U.S. 211, 221–22 (2016); *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009).

[33] See also EPA's ''Guidance on the Reasonably Available Control Measures (RACM) Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas,'' John S. Seitz, Director, Office of Air Quality Planning and Standards, November 30, 1999.

[34] 83 FR 62998, 63007 and 40 CFR 51.1312(c).

[35] 87 FR 60897.

[36] 89 FR 5145, 5148.

in the Serious SIP revisions using the newly released version of the Motor Vehicle Emission Simulator (MOVES4) model, which would require significant work to develop inventories for multiple years and areas.

Response: The EPA notes that the proposal pointed to CAA sections 179(d) and 110(k)(5) as examples of statutory provisions establishing timeframes for states to revise SIPs in instances where SIPs had been insufficient to result in an area's attainment by the attainment date and where SIPs had been identified as substantially inadequate to attain the NAAQS (among other things). To the extent that the commenter is asserting these provisions do not directly apply to the three areas being voluntarily reclassified, we agree. But we do not agree that the timing considerations of those provisions have no relevance to informing EPA's consideration and establishment of the SIP submission deadlines contemplated here. Here, as in the situation contemplated by CAA section 179(d), the areas in question would fail to timely attain by the Moderate area attainment date, absent the state's voluntary request to reclassify as Serious. Here, as in the situation contemplated by CAA section 110(k)(5), the state's SIPs have been inadequate to attain the NAAQS. So, while we agree that these provisions do not directly apply because EPA has not made the requisite findings to trigger those provisions, the Act's imposition of a 12-month clock, or an outer limit of no more than 18 months, for states to submit revisions addressing these conditions are informative of the appropriate timeframe to apply to these areas under these circumstances. It was therefore reasonable for EPA to propose a range of statutory timeframes for the SIP submission deadline that were in part informed by the relevant, though not directly applicable, statutory situations presented in CAA sections 179(d) and 110(k)(5).

We appreciate the information provided by the TCEQ. We are finalizing a SIP submission deadline of 18 months from the effective date of this action or January 1, 2026, whichever is earlier. As noted in the proposal, the 2026 ozone season, which in some areas begins on January 1, 2026, is the last ozone season that can impact air quality before the areas' attainment dates in 2027. We note that commenter's request that we establish a SIP submission deadline of ''no sooner than January 1, 2026'' appears to acknowledge the significance of that date with respect to the statutory and regulatory constraints on SIP submittal deadlines and implementation. Per EPA's 2015 ozone SRR, and as discussed below, states must implement RACT no later than the beginning of the ozone season of the attainment year, see 40 CFR 51.1312(a)(3), and it is appropriate to establish SIP deadlines no later than when the control measures in those SIPs are required to be implemented.[37] As discussed in the proposal, EPA's action establishing deadlines is informed by CAA section 182(i), which governs the adjustment of SIP revision deadlines following a mandatory reclassification for failure to timely attain by the attainment date. That provision instructs that the Administrator may adjust deadlines for meeting requirements associated with the reclassification, ''to the extent such adjustment is necessary and appropriate to assure consistency among the required submissions.'' CAA section 182(i). Given that the beginning of the attainment year ozone season for some of these areas is January 1, 2026 (and for the other two it is March 1) we are setting the maximum SIP submission deadline as no later than January 1, 2026, in order to assure consistency among all of the state's submissions.

We are finalizing this more extended timeframe for submitting the Serious area requirements (as opposed to 12 months, which was also contemplated in the proposal), because we acknowledge, as raised by the commenter, the complexity in developing and implementing effective emission reductions for the areas, and the opportunity a longer timeframe provides for more robust attainment demonstration plans that include the newer MOVES modeling. Developing and implementing effective emission reductions for these areas is complex due to the complex coastal meteorology and large industrial area in the HGB area, and the large urban and growing populations in all three areas. With a SIP submission deadline of 18 months from the effective date of this action but no later than January 1, 2026, we believe the TCEQ will be able to use the best information available in its Serious SIP submissions, while ensuring that SIP elements requiring control measures needed for attainment are submitted no later than when those controls are required to be implemented.

3. Implementation Deadline for RACT

Comment: A commenter states that there is no way for RACT to be implemented sooner, or more expeditiously, than the latest date required by the CAA. Commenters state that the EPA should set implementation deadlines for RACT by area instead of imposing one blanket deadline. Commenters state that the EPA has inappropriately proposed the same RACT implementation deadline (*i.e.,* January 1, 2026) for all three areas without considering the circumstances of each area. Commenters state that the different ozone seasons, historic frequency of ozone exceedances, emission sources, and timelines for emission control compliance support different implementation deadlines. Commenters state that the ozone season for the HGB nonattainment area begins on January 1, but the ozone season for the DFW and San Antonio nonattainment areas begins on March 1. Commenters state that implementing RACT at the start of the ozone season would not likely influence the design values as most of the highest ozone observations occur in May or later for all three areas. Commenters provide, as an example, ''the HGB area has not measured an eight-hour ozone concentration greater than 70 ppb before March 1 for over 10 years so the requirement for RACT implementation by January 1, 2026, would not benefit the area's design value.'' Commenters state that advancing attainment of the area is not a factor of consideration when evaluating RACT and therefore, it is not imperative that RACT be implemented by no later than the beginning of the attainment year ozone season; and it is inadequate support for requiring RACT implementation dates to be uniform for all nonattainment areas.

Commenters state that the EPA should finalize RACT implementation deadlines to allow affected entities to comply with RACT on a timeline that considers sources' ability to control emissions based on technological and economic feasibility, which are primary factors in determining RACT. Commenters state that the ability to control could vary between sources, source categories, and areas, particularly for Bexar County, and additional time may be needed to allow affected sources to comply with new rules. Commenters state that compliance may necessitate that affected sources purchase, install, test, and operate new equipment or control devices, and even if new

[37] 40 CFR 51.1312(a)(2)(ii) states that the SIP revision deadline for a RACT SIP required pursuant to a reclassification is either 24 months from the effective date of the reclassification action, or the deadline established by the Administrator in the reclassification action. In this case, given that a SIP revision deadline of 24 months from the effective date of reclassification would be *after* the deadline for RACT implementation, we are establishing a deadline in this reclassification action.

regulations only require affected sources to replace higher VOC-content materials with lower VOC-content materials, owners and operators would still need time to address existing stocks, find suppliers, and order new supplies.

Response: We appreciate these comments. Texas is now required to submit SIP revisions to implement RACT level controls for all three nonattainment areas now classified as Serious, which includes a lower Serious area source threshold of a potential to emit 50 tpy or more down from the Moderate area level of 100 tpy.

RACT-level controls should already be largely implemented in the DFW and HGB areas for sources within the Serious area source threshold, as these two areas were reclassified from Moderate to Serious for the 2008 ozone NAAQS, effective September 23, 2019, and the required RACT implementation deadlines were August 3, 2020, and July 20, 2021.[38] Any delays in implementing the more stringent requirements associated with reclassification would delay related air quality improvements and human health benefits for residents across these areas, including those that may already bear a disproportionate burden of pollution, as shown in the Environmental Justice (EJ) considerations referenced in our January 2024 proposal and included in the docket for this action.

We appreciate the TCEQ's comments addressing eight-hour ozone concentrations greater than 70 ppb before March 1 in the HGB area. We reviewed the State's data for the San Antonio, DFW, and HGB areas for January and February, from 2013 through 2024, and did not see any regulatory monitors with concentrations over 70 ppb.[39] However, consistent with our January 2024 proposal and the EPA's implementing regulations for the 2015 ozone NAAQS, for RACT required pursuant to reclassification, for the HGB area we are finalizing the Serious RACT implementation deadline to be as expeditiously as practicable, but no later than the start of the attainment year ozone season associated with the area's new attainment deadline, which is January 1, 2026.[40] For the DFW area, consistent with our January 2024 proposal and the EPA's implementing regulations for the 2015 ozone NAAQS, for RACT required pursuant to reclassification we are finalizing the Serious RACT implementation deadline to be as expeditiously as practicable, but no later than the start of the attainment year ozone season associated with the area's new attainment deadline, which is March 1, 2026.[41]

We appreciate the TCEQ's concerns regarding RACT in Bexar County. However, the implementation deadline for the Moderate area RACT was January 1, 2023, and by this time, implementation of RACT for the Moderate area should already be underway in the San Antonio area. Accordingly, most sources should already be under RACT controls for the Moderate classification and this voluntary reclassification as Serious will add those sources emitting less than 100 tpy that have the potential to emit 50 tpy or more. In addition, and as noted earlier, delays in implementing the more stringent requirements associated with reclassification would delay related air quality improvements and human health benefits for residents across the San Antonio nonattainment area, including those that may already bear a disproportionate burden of pollution, as shown in the EJ considerations referenced in our January 2024 proposal and included in the docket for this action. Therefore, consistent with our January 2024 proposal and the EPA's implementing regulations for the 2015 ozone NAAQS, for RACT required pursuant to reclassification we are finalizing the Serious RACT implementation deadline to be as expeditiously as practicable, but no later than the start of the attainment year ozone season associated with the area's new attainment deadline, which is March 1, 2026.[42]

4. Implementation Deadline for Enhanced I/M Programs

Comment: The Office of the Harris County Attorney states that vehicle emissions in Harris County are especially important in tackling ozone because the area's vehicle emissions will likely increase in the next several years as heavy traffic and population increase. The commenter believes a three-year deadline is reasonable and more appropriate than the proposed four-year deadline.

Response: We appreciate the commenter's concerns. The HGB (which includes Harris County), as well as the DFW, Serious ozone nonattainment areas are currently implementing Enhanced I/M pursuant to the requirements for the 2008 ozone NAAQS.[43] However, as described in our January 2024 proposal and consistent with the I/M regulations, for the existing Enhanced I/M programs in these areas, the TCEQ would need to conduct and submit a performance standard[44] modeling (PSM) analysis[45] as well as make any necessary program revisions as part of the Serious area I/M SIP submissions to ensure that I/M programs are operating at or above the Enhanced I/M performance standard level for the 2015 ozone NAAQS.[46] The TCEQ may determine through the PSM analysis that an existing SIP-approved program would meet the Enhanced performance standard for purposes of the 2015 ozone NAAQS without modification. In this case, the TCEQ could submit an I/M SIP revision with the associated performance modeling and a written statement certifying their determination in lieu of submitting new revised regulations.[47] To this end, the TCEQ included a PSM analysis for the existing Enhanced I/M program in Appendix C of the SIP revisions, proposed by the State on May 31, 2023, for the DFW and HGB Moderate attainment demonstrations for the 2015 ozone NAAQS.[48] The EPA will address these SIP revisions in a separate future action after the TCEQ has finalized the proposed I/M SIP revisions and submitted them to the EPA for consideration.

We also discussed in our January 2024 proposal that if the State wishes to rely upon emission reductions from any revisions to its I/M programs in SIPs demonstrating attainment or RFP, the State would need to fully implement these I/M program revisions as expeditiously as practicable but no later than the beginning of the applicable

[38] See 84 FR 44238 (August 23, 2019). The implementation deadline for RACT measures tied to attainment was August 3, 2020, and the implementation deadline for RACT measures not tied to attainment was July 20, 2021.

[39] *https://www.tceq.texas.gov/cgi-bin/compliance/monops/8hr_monthly.pl*

[40] See 40 CFR 51.1312(a)(3)(ii).

[41] Ibid.

[42] Ibid.

[43] See 88 FR 61971 (September 8, 2023).

[44] An I/M performance standard is a collection of program design elements which defines a benchmark program to which a state's proposed program is compared in terms of its potential to reduce emissions of the ozone precursors, VOC, and NO_X.

[45] See *Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model* (October 2022, EPA–420–B–22–034) at *https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1015S5C.pdf*.

[46] 40 CFR 51.372(a)(2).

[47] See *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements,* 83 FR 62998, 63001–63002 (December 6, 2018). Performance standard modeling is also required for Enhanced I/M programs in Serious and above ozone nonattainment areas for the 2015 ozone NAAQS.

[48] The DFW proposed SIP revision is identified as Project No. 2022–021–SIP–NR and the HGB proposed SIP revision is identified as Project No. 2022–022–SIP–NR. The Texas proposed SIP revisions are posted at *https://www.tceq.texas.gov/airquality/sip/Hottop.html*.

attainment year, *i.e.,* January 1, 2026 for the HGB area and March 1, 2026 for the DFW and San Antonio areas. However, the EPA has long taken the position that, like VOC RACT, the statutory requirement for states to implement I/M in ozone nonattainment areas classified Moderate and higher generally exists independently from the attainment planning requirements for such areas.[49] Thus, EPA believes that if the emission reductions from any I/M program revisions are not relied upon to demonstrate attainment by the attainment deadline or towards RFP for the 2015 ozone NAAQS, then an implementation deadline of no more than four years after the effective date of reclassification is reasonable given the unique nature of I/M programs and the many challenges, tasks, and milestones that must be met in implementing an Enhanced I/M program.

Furthermore, giving up to a four-year timeframe to implement Enhanced I/M in reclassified Serious nonattainment areas (that do not rely upon emission reductions from the new or revised Enhanced I/M programs for attainment demonstration or RFP SIP purposes) is consistent with the no more than four-year I/M implementation period established in the recent final rule that reclassified Marginal nonattainment areas to Moderate for the 2015 ozone NAAQS (which triggered requirements for Basic I/M programs).[50] Therefore, the EPA is finalizing its proposed deadline, that any new or revised Enhanced I/M programs, not intending to rely upon emission reductions from the new or revised Enhanced I/M programs for attainment demonstration or RFP SIP purposes, are to be fully implemented as expeditiously as practicable but no later than four years after the effective date of this final action.

Comment: The commenter disagrees that it is necessary to establish a January 1, 2026, implementation date for the Enhanced I/M program under the Serious classification in order to use the emissions reductions toward meeting Serious area attainment demonstration and RFP SIP obligations. The commenter states that the EPA has not provided a rationale for why newly required Enhanced I/M programs for the 2015 ozone standard would have to be fully implemented by no later than January 1, 2026, the beginning of the Serious classification attainment year. The commenter contends that if emissions reductions from implementation of an Enhanced I/M program can be used for meeting SIP requirements under the Serious classification, the reductions can be based on when the program starts within the attainment year. The commenter states that emissions reductions from I/M programs are variable, depending on the number of vehicles tested in any given month, the vehicles' emissions profiles, and state of repair.

Response: We appreciate these comments. However, as mentioned in our proposal and the SRR for the 2015 ozone NAAQS, all control measures in the attainment plan and demonstration must be implemented no later than the beginning of the attainment year ozone season, notwithstanding any alternate RACT and/or RACM implementation deadline requirements in 40 CFR 51.1312 (see 40 CFR 51.1308(d) and 83 FR 62998). Therefore, for those areas intending to rely upon emissions reductions from any revisions to its I/M programs for the Serious attainment demonstration or RFP SIP purposes, it is necessary to establish an I/M implementation deadline of no later than the start of the attainment year ozone season.

The EPA is finalizing its proposed deadline, that any new or revised Enhanced I/M programs, intending to rely upon emission reductions from the new or revised Enhanced I/M programs for attainment demonstration or RFP SIP purposes, are to be fully implemented as expeditiously as practicable but no later than January 1, 2026 (for the HGB area) and March 1, 2026 (for the DFW and San Antonio areas).

5. Reporting Deadline for the Transportation Control Demonstration

We received no comments addressing the reporting deadline for the transportation control demonstration. Therefore, consistent with our proposal and CAA section 182(c)(5), the first transportation control demonstration is due no later than January 1, 2028, which is two years after the attainment demonstration SIP is due, and subsequent transportation control demonstrations are due every three years thereafter.

Environmental Justice

Comment: The Office of the Harris County Attorney states that EPA provides an analysis of the HGB area's environmental justice (EJ) considerations in the proposed rule and notes that analyzing Harris County and its population with the inclusion of two other counties might not be the most accurate or effective way of understanding the EJ issues in Harris County. The commenter states that Harris County is geographically larger than Rhode Island, has a population larger than several states, is the third largest county in the United States, and has a sizable income gap. The commenter states that Harris County contains urban, suburban, and rural populations and does not have zoning laws, so commercial and industrial areas are often sited within or near residential areas, and consequently, neighborhoods in Harris County experience ozone pollution and EJ factors in different degrees. The commenter states that EPA noted this discrepancy in denying Texas's request for a 1-year extension of the attainment date for the HGB area for the 2008 ozone NAAQS—EPA based its denial, in part, on ''considerations of existing pollution burdens for some communities within the area.'' [51] The commenter states that EPA noted communities residing and working near violating ozone monitors in the Houston area and the Houston Ship Channel are exposed *to a significant and disproportionate burden of ozone pollution and other sources of pollution (e.g., vehicle traffic and particulate matter emissions) compared to the greater Houston area* and the U.S. as a whole.[52] The commenter asks the EPA to factor this disparity between populations in Harris County into future EJ analysis in actions concerning Harris County.

Response: The EPA appreciates these comments.

Comment: Commenters state that the EPA's analysis failed to identify that EJScreen indicators in Bexar County exceed the 80th percentile for particulate matter and ozone pollution, although a graph provided in the docket did so.[53] Commenters state that this information does not change the result, but it is essential that EPA accurately identify environmental justice issues.

Response: The EPA appreciates these comments.

D. General

Comment: The TCEQ states that the EPA should conduct rulemaking to establish requirements for approvable contingency measures or, in the absence of rulemaking, finalize and respond to the comments submitted on the March 2023 draft guidance on contingency measure requirements. Commenters

[49] John S. Seitz, Memo, ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' May 10, 1995, at 4.

[50] See 87 FR 60897.

[51] 87 FR 60926, 60927 (October 7, 2022).

[52] Ibid, page 60929. Emphasis added by the commenter.

[53] See ''Environmental Justice Considerations'' in the docket for this action.

state that finalization of this guidance is necessary for the TCEQ to meet the deadlines required for SIP development related to this reclassification action and to develop effective measures that EPA may find approvable.

Response: The EPA acknowledges this comment. Our draft guidance serves as a useful interim statement of EPA policy that can inform States' contingency measures SIP development. As to the necessity or desirability of EPA conducting a rulemaking or finalizing guidance, or the timing thereof, these comments are outside the scope of this action. With respect to TCEQ's concerns about developing approvable contingency measures for the Serious attainment plan in the absence of finalized guidance, EPA staff is available to assist the TCEQ in the development and implementation of approvable contingency measures that are consistent with the statute and relevant court decisions.

Comment: Commenters state that it is not logical to run a sanctions clock for deadlines that have already passed and will be reset based on a higher classification. Commenters state that the EPA should terminate all sanctions clocks associated with its October 2023 findings. Other commenters state that the EPA should move forward with FIPs under the October 2023 findings.

Response: The EPA did not propose sanctions in our January 2024 proposal. Comments addressing our October 2023 findings are outside the scope of this action. However, as discussed in detail elsewhere in this final action, all Moderate area requirements remain in effect with the exception of the Moderate attainment demonstration, contingency measures associated with failure to attain by the Moderate attainment date, and RACM associated with the Moderate area attainment date.

Comment: Commenters state that the EPA is well within its authority to direct for any judicial review of final action to the D.C. Circuit.

Response: The EPA appreciates these comments.

III. Final Action

Pursuant to CAA section 181(b)(3), we are granting the Texas Governor's request to voluntarily reclassify the San Antonio, DFW, and HGB nonattainment areas from Moderate to Serious for the 2015 ozone NAAQS. The EPA is also finalizing a deadline of 18 months from the effective date of this action or January 1, 2026, whichever is earlier, for the TCEQ to submit SIP revisions addressing the CAA Serious ozone nonattainment area requirements for the San Antonio, DFW, and HGB areas. The Serious area requirements include Enhanced monitoring (CAA section 182(c)(1)); Emissions inventory and emissions statement rule (40 CFR 51.1300(p) and 40 CFR 51.1315); RFP (40 CFR 51.1310); Attainment demonstration and RACM (40 CFR 51.1308 and 40 CFR 51.1312(c)); RACT (40 CFR 51.1312); Nonattainment NSR (40 CFR 51.1314 and 40 CFR 51.165); Enhanced I/M (CAA section 182(c)(3) and 40 CFR 51 Subpart S); Clean-fuel vehicle programs (CAA section 182(c)(4); and Contingency measures (CAA sections 172(c)(9) and 182(c)(9)). In addition, a demonstration evaluating the need for a transportation control measure program (CAA section 182(c)(5)) is also required. We are also finalizing deadlines for implementation of new RACT controls: in the HGB area, implementation shall occur as expeditiously as practicable but no later than January 1, 2026, and in the San Antonio and DFW areas implementation shall occur as expeditiously as practicable but no later than March 1, 2026. We are also finalizing a deadline for any new or revised Enhanced I/M programs in the HGB area to be fully implemented as expeditiously as practicable but no later than January 1, 2026, if emission reductions from I/M program revisions are relied upon for attainment demonstration or RFP SIP purposes and no later than four years after the effective date of the final action reclassifying these areas as Serious for the 2015 ozone NAAQS if emission reductions from I/M program revisions are not relied upon for attainment demonstration or RFP SIP purposes. We are also finalizing a deadline for any new or revised Enhanced I/M programs in the San Antonio and DFW areas to be fully implemented as expeditiously as practicable but no later than March 1, 2026, if emission reductions from I/M program revisions are relied upon for attainment demonstration or RFP SIP purposes and no later than four years after the effective date of the final action reclassifying these areas as Serious for the 2015 ozone NAAQS if emission reductions from I/M program revisions are not relied upon for attainment demonstration or RFP SIP purposes. We are also finalizing a deadline for the first transportation control demonstration, as required by CAA section 182(c)(5), of no later than January 1, 2028, and for subsequent transportation control demonstrations every 3 years thereafter.

IV. Environmental Justice Considerations

As stated in our January 2024 proposal and for informational purposes only, EPA conducted screening analyses of the San Antonio, DFW, and HGB areas using EPA's Environmental Justice (EJ) screening tool (EJScreen tool, version 2.2).[54] The results of this analysis are provided for informational and transparency purposes, not as a basis of our proposed action. The EJScreen analysis reports are available in the docket for this rulemaking. The EPA found, based on the EJScreen analyses, that this final action will not have disproportionately high or adverse human health or environmental effects on a particular group of people, because EPA's granting of the Texas Governor's request to reclassify the San Antonio, DFW, and HGB ozone nonattainment areas from Moderate to Serious will require ongoing reductions of ozone precursor emissions, as required by the CAA. Specifically, this final rule would require that Texas submit plans for each area including: Enhanced monitoring (CAA section 182(c)(1)); Emissions inventory and emissions statement rule (40 CFR 51.1300(p) and 40 CFR 51.1315); RFP (40 CFR 51.1310); Attainment demonstration and RACM (40 CFR 51.1308 and 40 CFR 51.1312(c)); RACT (40 CFR 51.1312); Nonattainment NSR (40 CFR 51.1314 and 40 CFR 51.165); Enhanced I/M (CAA section 182(c)(3) and 40 CFR 51 Subpart S); Clean-fuel vehicle programs (CAA section 182(c)(4); Contingency measures (CAA sections 172(c)(9) and 182(c)(9)); and a demonstration evaluating the need for a transportation control measure program (CAA section 182(c)(5)). These required measures would help to improve air quality in the affected nonattainment areas. Information on ozone and its relationship to negative health impacts can be found at *https://www.epa.gov/ground-level-ozone-pollution.*

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review, Executive Order 13563: Improving Regulation and Regulatory Review, and Executive Order 14094: Modernizing Regulatory Review

This final action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review. Because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by reclassification, the timing of the submittal of the Serious area

[54] See *https://www.epa.gov/ejscreen.*

requirements does not impose a materially adverse impact under Executive Order 12866.

B. Paperwork Reduction Act (PRA)

This final action does not impose an information collection burden under the provisions of the PRA.

C. Regulatory Flexibility Act (RFA)

I certify that this final rule will not have a significant economic impact on a substantial number of small entities under the RFA. This final action will not impose any requirements on small entities. Granting a request to reclassify an area to the next higher classification does not in and of itself create any new requirements beyond what is mandated by the CAA. Instead, this rulemaking only makes factual conclusions, and does not directly regulate any entities.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

This final action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The final action imposes no new enforceable duty on any State, local or Tribal governments or the private sector.

E. Executive Order 13132: Federalism

This final action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This final action does not have Tribal implications as specified in Executive Order 13175. There are no Indian reservation lands or other areas where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction within the San Antonio, DFW, or HGB ozone nonattainment areas. Therefore, this final action does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This final action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This final action does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

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

This final action would reclassify the San Antonio, DFW, and HGB nonattainment areas from Moderate to Serious for the 2015 ozone NAAQS, set deadlines for the submission of revised SIPs addressing the Serious area requirements for these three nonattainment areas, and set deadlines for implementation of controls required for these three nonattainment areas. This final does not revise measures in the current SIP. As such, at a minimum, this action would not worsen any existing air quality and is expected to ensure the areas are meeting requirements to attain and/or maintain air quality standards. Further, there is no information in the record indicating this action is expected to have disproportionately high or adverse human health or environmental effects on a particular group of people. The EPA performed an environmental justice analysis, as described earlier in this action under ''Environmental Justice Considerations.'' The analysis was done for the purpose of providing additional context and information about this action to the public, not as a basis of the action.

K. Congressional Review Act (CRA)

This final rule is exempt from the CRA because it is a rule of particular applicability. The rule makes factual determinations for specific entities and does not directly regulate any entities. The EPA's approval to grant the request to reclassify does not in itself create any new requirements beyond what is mandated by the CAA.

L. Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 19, 2024. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 10, 2024.

Earthea Nance,

Regional Administrator, Region 6.

Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

Subpart SS—Texas

■ 2. Section 81.344 is amended in the table for ''Texas—2015 8-Hour Ozone NAAQS [Primary and Secondary]'' by revising the entries for ''Dallas-Fort Worth, TX'', ''Houston-Galveston-Brazoria, TX'', and ''San Antonio, TX'' to read as follows:

§ 81.344 Identification of plan.

* * * * *

TEXAS—2015 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Dallas-Fort Worth, TX		Nonattainment	July 22, 2024	Serious.
Collin County.				
Dallas County.				
Denton County.				
Ellis County.				
Johnson County.				
Kaufman County.				
Parker County.				
Tarrant County.				
Wise County.				
* * *	*	*	*	*
Houston-Galveston-Brazoria, TX		Nonattainment	July 22, 2024	Serious.
Brazoria County.				
Chambers County.				
Fort Bend County.				
Galveston County.				
Harris County.				
Montgomery County.				
San Antonio, TX	9/24/2018	Nonattainment	July 22, 2024	Serious.
Bexar County.				
* * *	*	*	*	*

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is August 3, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2024–13193 Filed 6–18–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2024–0223; FRL–12024–01–OCSPP]

Afidopyropen; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of afidopyropen, including its metabolites and degradates, in or on strawberry. This action is in response to EPA's granting of an emergency exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on field-grown strawberry. This regulation establishes a maximum permissible level for residues of afidopyropen in or on strawberry. The time-limited tolerance expires on December 31, 2027.

DATES: This regulation is effective June 20, 2024. Objections and requests for hearings must be received on or before August 19, 2024 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2024–0223, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Docket Public Reading Room is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Federal Register Office's e-CFR site at *https://www.ecfr.gov/current/title-40.*

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

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2024–0223 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before August 19, 2024. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2024–0223, by one of the following methods:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

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

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

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

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing a time-limited tolerance for residues of afidopyropen, including its metabolites and degradates, in or on strawberry at 0.3 parts per million (ppm). This time-limited tolerance expires on December 31, 2027.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.,* without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Afidopyropen on Strawberry and FFDCA Tolerance

The California Department of Pesticide Regulation (CDPR) has requested a specific emergency exemption for use of afidopyropen in field-grown strawberry to control lygus bugs (Western Tarnished Plant Bugs). The applicant asserts that significant losses have occurred due to unprecedented infestations of lygus bugs in California strawberry, and an urgent and nonroutine situation is occurring. The applicant cites various factors leading to the current situation, including lack of commercially and environmentally viable alternative controls due to restrictions for using neonicotinoid pesticides, and ongoing resistance development to pyrethroid pesticides. Additionally, extreme wet conditions over the last several years have contributed to higher levels of weeds in nearby areas, hosting high populations of lygus bugs which then migrate to the neighboring strawberry fields. Despite the use of available controls, the applicant states that lygus bugs have not been adequately controlled and strawberry growers are facing significant economic losses without an effective control, such as the requested afidopyropen.

After having reviewed the submission, EPA determined that an emergency condition exists for this State, and that the criteria for approval of an emergency exemption are met. EPA has authorized a specific exemption under FIFRA section 18 for the use of afidopyropen on field-grown strawberry for control of lygus bug in California.

As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by residues of afidopyropen in or on strawberry. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although this time-limited tolerance expires on December 31, 2027, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amount specified in the tolerance remaining in or on strawberry after that

date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this time-limited tolerance at the time of that application. EPA will take action to revoke the time-limited tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this time-limited tolerance is being approved under emergency conditions, EPA has not made any decisions about whether afidopyropen meets FIFRA's registration requirements for use on field grown strawberry or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registration of afidopyropen by a State for special local needs under FIFRA section 24(c). Nor does this tolerance by itself serve as the authority for persons in any State other than California to use this pesticide on field-grown strawberries under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for afidopyropen, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of the use proposed by this emergency exemption request and the time-limited tolerance for residues of afidopyropen on strawberry at 0.3 ppm. EPA's assessment of exposures and risks associated with establishing the time-limited tolerance follows.

A. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for afidopyropen, and its metabolite of concern, cyclopropane carboxylic acid (CPCA), used for human risk assessment is discussed in Unit III of the final rule published in the **Federal Register** of October 8, 2020 (85 FR 63453) (FRL–10003–93). The CPCA metabolite is included as a residue of concern for ruminant commodities and drinking water.

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Separate dietary exposure assessments were conducted for afidopyropen (acute and chronic) and the afidopyropen metabolite CPCA (chronic only) as the toxicological endpoints are different for these compounds. In evaluating dietary exposure to afidopyropen, EPA considered exposure under the time-limited tolerance established by this action as well as all existing afidopyropen tolerances in 40 CFR 180.700. EPA assessed dietary exposures from afidopyropen in food as follows:

i. *Acute exposure.* In estimating acute dietary exposure (for afidopyropen only), EPA used food consumption information from the Dietary Exposure Evaluation Model–Food Commodity Intake Database (DEEM–FCID™, Version 4.02), which incorporates 2005–2010 consumption data from the United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). The acute dietary assessment for afidopyropen was conducted using tolerance-level residues and 100% crop treated (PCT) assumptions. Empirical and default processing factors were also used. An acute dietary exposure assessment was not conducted for CPCA since an acute dietary endpoint was not identified.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessments for both afidopyropen and CPCA, EPA used DEEM–FCID™, Version 4.02, which incorporates 2005–2010 consumption data from the USDA's NHANES/WWEIA. The chronic dietary assessments for afidopyropen and CPCA were conducted using tolerance-level residues and 100% crop treated (PCT) assumptions. Empirical and default processing factors were also used.

iii. *Cancer.* EPA has classified afidopyropen as ''*Suggestive Evidence of Carcinogenic Potential.*'' A cancer classification for CPCA has not been determined; however, a structural-activity relationship analysis indicated no structural alerts for genotoxicity or carcinogenicity. There were no reports of a tumorigenic response in the open literature. EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the

data referenced in Unit IV.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk from afidopyropen. Quantification of risk using a non-linear approach (*i.e.,* a cPAD) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to afidopyropen; the chronic aggregate assessments did not result in estimates of concern. Therefore, a separate cancer assessment was not conducted.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue nor PCT information in the dietary assessment for afidopyropen and CPCA. Tolerance level residues and 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for afidopyropen and CPCA in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of afidopyropen and CPCA. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/models-pesticide-risk-assessment#aquatic.*

Because of the difference in structure and mode of action, EPA calculated separate estimated drinking water concentrations (EDWCs) for afidopyropen and CPCA. Afidopyropen degrades in soil and water to form a wide range of structurally similar transformation products. All degradates, except CPCA, are included as residues of concern in the afidopyropen total toxic residues (TTR) analysis.

The highest modeled EDWCs for afidopyropen and for CPCA used in the dietary risk assessments were entered directly into the latest version of the Pesticides in Water Calculator (PWC 1.52). EDWCs were calculated for both surface water and groundwater based on the maximum annual application rate (0.33 lb a.i./A). For afidopyropen, the highest EDWCs were for surface water. The surface water EDWCs used to assess contribution to dietary exposure and risks from drinking water were 7.1 ppb for the acute assessment and 3.9 ppb for the chronic and cancer assessments. For CPCA, an acute dietary risk assessment was not conducted since an acute dietary endpoint was not identified. For chronic dietary risk assessment, the highest EDWC for CPCA, that for groundwater of 35 ppb, was used for assessing the contribution to chronic dietary exposure through drinking water. These modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Afidopyropen is registered for use on residential ornamentals. Residential handler exposure is not expected because the pesticide is intended for commercial use and is not labelled for application by residential handlers. There is a potential for the registered and proposed uses to result in post-application dermal exposure to afidopyropen, due to activities in treated gardens. EPA aggregated the worst-case risk estimates from post-application exposures (*i.e.,* dermal exposures to adults and children (6 to <11 years old) from activities in treated gardens) in its aggregate assessment. CPCA is not a residue of concern for residential exposures.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

EPA has not found afidopyropen or CPCA to share a common mechanism of toxicity with any other substances. Afidopyropen and another pesticide, aminocyclopyrachlor, both produce the toxic metabolite CPCA. Drinking water is the only expected exposure pathway for CPCA from both pesticides, and co-exposures to CPCA from both pesticides are unlikely to occur based on their use patterns. For the purposes of this tolerance action, therefore, EPA has concluded that it is not appropriate to conduct a cumulative exposure assessment. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

C. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Conclusion for afidopyropen.* EPA has determined that reliable data show that the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X for all afidopyropen exposure scenarios. That decision is based on the following findings:

i. The toxicity database for afidopyropen is considered complete for evaluating and characterizing toxicity, assessing children's susceptibility under FQPA, and selecting endpoints for the exposure pathways of concern.

ii. Acute oral (gavage) and subchronic oral (dietary) neurotoxicity studies were conducted in rats with effects seen only in the acute study at the limit dose. In subchronic studies with mice and dogs, indications of neurotoxicity were limited to vacuolation of white matter and/or spinal cord, which may have been an artifact of not preparing the tissues properly. Further, the nervous tissue vacuolation was observed at doses 7.5x–115x higher than the POD for the chronic dietary risk assessment. Thus, the potential effects are well characterized with clearly established NOAEL/LOAEL values and the selected PODs are protective for the observed effects.

Based on the weight of the evidence and taking into consideration the PODs selected for risk assessment, a developmental neurotoxicity study is not required at this time. Clear NOAELs have been established for all life stages, the selected PODs are protective of all pre- and/or post-natal toxicity observed throughout the toxicology database, and no specific neuropathological effects were noted. A DNT with rat (the typical test species) would not be expected to contribute meaningfully to the database, as the rat is expected to be less sensitive than dogs and mice.

iii. There is evidence of increased susceptibility following pre- and/or post-natal exposure to afidopyropen. Clear NOAELs have been established for the developmental effects in rats and rabbits as well as the offspring effects in the 2-generation reproduction studies. The NOAELs chosen for all selected endpoints are protective of all developmental and offspring effects seen in the database.

iv. There are no residual uncertainties identified in the exposure databases. The dietary assessments were performed based on high-end assumptions such as 100% CT and tolerance-level residues, default processing factors, and modeled high-end estimates of residues in drinking water. All the exposure estimates are based on high-end assumptions and are not likely to underestimate risk. In addition, the residential exposure assessments for post-application exposures were conducted based on the Residential SOPs such that residential exposure and risk will not be underestimated. These assessments will not underestimate the exposure and risks posed by afidopyropen.

3. *Conclusion for CPCA.* No developmental or reproductive toxicity studies are available for CPCA to assess pre- and/or post-natal toxicity. EPA is therefore retaining the default FQPA safety factor of 10X to account for a subchronic to chronic duration extrapolation and the lack of data to assess developmental and reproductive toxicity of CPCA.

D. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists. Separate dietary assessments were conducted for afidopyropen and its CPCA metabolite, as the toxicological endpoints are different for these compounds.

1. *Acute risk.* The acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. An acute endpoint for afidopyropen was identified for females 13–49 years old. However, for all other population subgroups, including the overall U.S Population, no adverse effects for afidopyropen resulting from a single oral exposure was identified, no acute dietary endpoints were selected, and acute dietary exposure assessments were not conducted for these populations. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to afidopyropen will occupy 3.7% of the aPAD for females 13–49 years old (the only population subgroup for which an acute endpoint was identified), at the 95th percentile of exposure, and is below the level of concern (LOC) (<100% of the aPAD). An acute dietary endpoint was not identified for CPCA; therefore, the Agency does not expect acute risk from exposure to CPCA.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, the estimated chronic dietary exposure risks from food and water for afidopyropen and for CPCA are below the LOC (<100% of the cPAD) for the US general population and all population subgroups. For afidopyropen, EPA has concluded that chronic exposure from food and water will utilize 6.4% of the cPAD for Children 1–2 years old, the population group receiving the greatest exposure, and 2.6% of the cPAD for the general U.S. population. For CPCA, EPA has concluded that chronic exposure from food and water will utilize 31% of the cPAD for Children 1–2 years old, the population group receiving the greatest exposure, and 11% of the cPAD for the general U.S population. Residential exposures to afidopyropen and CPCA are not expected to occur on a chronic basis. Therefore, the chronic aggregate risk estimates are equivalent to the chronic dietary risk estimates and are below the LOC.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Afidopyropen is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to afidopyropen.

The short-term aggregate exposure assessment applies only to afidopyropen since residential exposure to CPCA is not expected. The short-term aggregate exposure assessment combines residential exposures for adults and children (6 to <11 years old) contacting previously treated ornamentals) and average dietary (food + drinking water) exposures. EPA has concluded that the combined short-term aggregate exposures result in short term aggregate MOEs of 1,900 for adults and 2,100 for children. Because EPA's LOC for short term aggregate MOEs is 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term non-dietary, non-occupational exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no intermediate-term adverse effects were identified, afidopyropen and CPCA are not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* As indicated in unit IV, afidopyropen is classified as having ''suggestive evidence of carcinogenicity in humans.'' Quantification of risk using a non-linear approach (*e.g.,* a cPAD) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to afidopyropen, and the chronic aggregate assessment did not result in risk estimates of concern. A cancer classification for CPCA has not been determined; however, a structural-activity relationship analysis indicated no structural alerts for genotoxicity or carcinogenicity. There were no reports of a tumorigenic response in the open literature.

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

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodologies are available for plants and livestock using liquid chromatography/mass spectrometer/mass spectrometer (LC–MS/MS) analyses for analysis for afidopyropen. The Quick Easy Cheap Effective Rugged Safe (QuEChERS) multi-residue method D1514/01 is considered suitable for the analysis of afidopyropen in plant and livestock commodities but is not suitable for determination of CPCA in livestock commodities. However, an acceptable enforcement method (using LC–MS/MS) has been submitted for determining CPCA-carnetine in livestock commodities.

The analytical methods and standards for afidopyropen (expiration 11/1/2024) and CPCA-carnitine (expiration 04/01/2032) are currently available in the

USEPA National Pesticide Standards Repository and may be obtained by contacting: Analytical Chemistry Branch/OPP, Environmental Science Center, 701 Mapes Road, Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

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

The Codex has established an MRL for residues of afidopyropen in/on strawberry that harmonizes with the permanent U.S. tolerance established to support use in greenhouse-grown strawberry, both at 0.15 ppm. However, the time-limited tolerance established by this action of 0.3 ppm afidopyropen in/on strawberry is not harmonized with the Codex MRL. Based on available residue data, use by U.S. growers consistent with the approved emergency exemption use directions could result in residues that exceed the Codex MRL. Harmonizing with the Codex MRL could put U.S. growers at risk of violative residues despite legal use of afidopyropen. Moreover, EPA's regulations require adequate time-limited tolerances be in place in order to allow a pesticide use on food under an emergency exemption. A time-limited tolerance harmonized with the Codex MRL would not be adequate to cover residues resulting from the emergency exemption use in field-grown strawberry. Since EPA has determined that this time-limited tolerance is safe, EPA is establishing this time-limited tolerance despite the lack of harmonization with the related Codex MRL.

VI. Conclusion

Therefore, a time-limited tolerance is established for residues of afidopyropen, in or on strawberry at 0.3 ppm. This tolerance expires on December 31, 2027.

VII. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA sections 408(e) and 408(l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal governments, on the relationship between the National Government and the States or Tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: June 12, 2024.

Edward Messina,

Director, Office of Pesticide Programs.

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

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

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

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

■ 2. In § 180.700, add paragraph (b) to read as follows:

§ 180.700 Afidopyropen; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of afidopyropen, including its metabolites and degradates, in or on the commodities in table 3 to this paragraph (b). Compliance with the tolerance levels specified in this paragraph (b) is to be determined by measuring only afidopyropen, [(3*S,4R,*4a*R,*6*S,*6a*S,*12*R,*12a*S,*12b*S*)-3-[(cyclopropylcarbonyl)oxy]-1,3,4,4a,5,6a,12,12a,12b-decahydro-6,12-dihydroxy-4,6a,12b-trimethyl-11-oxo-9-(3-pyridinyl)2*H,*11*H*-naphtho[2,1-*b*]pyrano[3,4-*e*]pyran-4-yl]methyl cyclopropanecarboxylate, in or on the

specified agricultural commodities, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. The tolerances expire on the dates specified in table 3 to this paragraph (b).

TABLE 3 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration date
Strawberry	0.3	12/31/2027

* * * * *

[FR Doc. 2024–13447 Filed 6–18–24; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 89, No. 119
Thursday, June 20, 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 51

RIN 0581–AE32

[Doc. No. AMS–SC–23–0009]

Section 8e Import Inspection Fee Structure

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) proposes to revise the regulations governing the inspection and certification for fresh fruits, vegetables, and other products by amending certain fees charged for Section 8e import inspections from a per-carlot basis to a per-pound basis, reducing the fee for each additional sublot by 50 percent, and establishing a new fee calculation for lots less than a carlot. These revisions are necessary to recover, as nearly as practicable, the costs of performing inspection services on imported commodities in accordance with the Agricultural Marketing Agreement Act of 1937.

DATES: Comments must be submitted on or before August 19, 2024.

ADDRESSES: Interested persons are invited to submit comments to the Standardization Branch, Specialty Crops Inspection Division, Specialty Crops Program, Agricultural Marketing Service, U.S. Department of Agriculture, National Training and Development Center; 100 Riverside Parkway, Suite 101; Fredericksburg, Virginia 22406; fax: (540) 361–1199, or via the internet at: *https://www.regulations.gov.* Comments should reference the date and page numbers of this issue of the **Federal Register**. All comments submitted in response to this proposed rule will become a part of the public record and be made available to the public, including any personal information provided, at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Brian E. Griffin at the address above, or at phone (202) 748–2155; fax (540) 361–1199; or email *Brian.Griffin@usda.gov.*

SUPPLEMENTARY INFORMATION: This document would amend regulations at 7 CFR part 51 issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended.

Executive Orders 12866, 13563, and 14094

The USDA is issuing this proposed rule in conformance with Executive Orders 12866, 13563, and 14094. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 reaffirms, supplements, and updates Executive Order 12866 and further directs agencies to solicit and consider input from a wide range of affected and interested parties through a variety of means. This rule does not meet the criteria of a ''significant regulatory action'' under Executive Order 12866, as supplemented by Executive Order 13563 and updated by Executive Order 14094. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those orders.

Executive Order 13175

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

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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed action is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

Background

AMS is proposing to charge for certain Section 8e import inspections on a per-pound basis and make additional revisions to the fee structure of the Specialty Crop Inspection Division (Division). Accordingly, under this proposed rule, the fees for Section 8e import inspections for lots qualifying as a full carlot (or a whole lot) or for lots less than a full carlot would no longer be calculated on a per-carlot basis. Instead, those fees would be calculated on a per-pound rate basis. The proposed per-pound rate would be calculated by dividing the current inspection fee for a full carlot by the average weight by pound of a full carlot (40,000 pounds) (for example: the current inspection fee for a full carlot ($242) divided by 40,000 would result in a per-pound rate of $0.00605). The Division proposes to use 40,000 lbs. as the appropriate measurement for calculating the per-pound rate. AMS notes that 40,000 lbs. is generally recognized as the standard weight of the measurement used in USDA–AMS inspection practices when identifying a full carlot.

Additionally, AMS proposes to have two separate sublot fees: one for Section 8e sublots and one for non-Section 8e sublots. The term sublot is commonly used to describe additional lots of the same product. During an inspection, a sublot is generated when the product differs markedly, and such differences are associated with quality and/or condition, certain brands, varieties, sizes, or container markings. For an example, under this proposed rule, the fee for a Section 8e sublot would be reduced by 50 percent, from the current $110 per sublot fee (the FY 2024 rate) to $55 per sublot. All non-8e inspection fees would remain unchanged by this proposed rule. The proposed per-pound rate for a full carlot or for lots less than a full carlot, and the 8e sublot fee, would be subject to the annual updated Specialty Crops Program's inspections fee schedule.

Under this proposed rule, for all Section 8e import inspections, AMS would apply the current lot separation and sampling rates at 7 CFR 51.2(d)(1–3). To calculate inspection fees for a full carlot, AMS would multiply the current per-pound rate, using the proposed calculation as noted above, by the total weight of the full carlot, plus any applicable sublot fees. To calculate the inspection fee for lots less than a carlot, AMS would multiply the current per-pound rate, using the proposed per-pound rate calculation as noted above, by the total weight of the lot, with a minimum charge equivalent to 2-hours computed at the current established hourly rate, whichever is greater, plus any sublot fee(s) as applicable.

Currently, fees for all terminal market inspections, including Section 8e import inspections, are charged on a carlot basis (7 CFR 51.37). The current single carlot fee structure charges per conveyance and does not account for sampling and inspection time required for today's larger conveyances transporting larger volumes. The proposed per-pound fee structure will better ensure full recovery of inspection cost by AMS while mitigating the financial impact on applicants of additional sublot fees.

As shown in Table 1, applicants importing typical 40,000-pound loads comprising one lot will see no change in inspection fees under this proposed rule. Table 2 shows that larger size loads, which typically require increased sampling and inspection, will see a proportional increase in fees under this proposed rule. However, loads currently subject to additional sublot fees will see a significant decrease in fees per sublot under this proposed rule. The proposed fee calculation change will more accurately assess fees on inspected volume, better aligning the Division's ability to ensure cost recovery while significantly reducing additional sublot fees charged to applicants. The following comparison of the Section 8e fee structure is based on FY 2024 fees. Any increase or decrease to Section 8e fees would be included in the annual fee structure package in subsequent years.

Columns 1 and 2 of Table 1 compare the currently scheduled FY 2024 fee structure to the proposed new fee structure for a standard 40,000-pound lot. As shown in row 1, column 1, the currently scheduled FY 2024 fee structure for one lot is $242. Row 1, column 2 shows that under the proposed new fee structure, the fee for one lot would be unchanged at $242 but would be expressed at the per pound rate of $0.00605 (multiplied by 40,000 pounds).

Column 1 (rows 2 through 5) shows that without the proposed new fee structure, the inspection fee for each additional 40,000-pound increases by $110. Column 2 shows that with the proposed new fee, the incremental cost per additional lot would be cut in half to $55. Column 3 shows the cost savings for additional lots.

TABLE 1—SCI SEC. 8e INSPECTION FEES FOR STANDARD 40,000 POUND LOT: COMPARISON OF FY 2024 FEE TO PROPOSED NEW FEE, SHOWING REDUCED COST FOR ADDITIONAL LOTS

Number of lots	FY 2024 fee [1]	Proposed new fee [2]	Reduced cost to importer applicant
	(1)	(2)	(3)
1	$242	$242	$0.
2	$352	$297	$55.
3	$462	$352	$110.
4	$572	$407	$165.
5	$682	$462	$220.
Each additional sublot	Plus $110	Plus $55	$55 savings per additional sublot.

[1] If the proposal in this rule does not go into effect, the FY 2024 inspection fee would be $242 for one 40,000-pound lot plus $110 for each additional lot. For FY 2023, the cost was $225 for the first 40,000-pound lot and $103 for each additional lot.

[2] The proposed fee for one standard lot under this rule would be $242, unchanged from the FY 2024 fee, but would be expressed as the per-pound equivalent of $0.00605. ($242 inspection cost per 40,000-pound lot divided by 40,000 pounds equals $0.00605 per pound). Each additional lot would cost an additional $55, a 50% reduction from the FY 2024 incremental cost of $110 that would be in place without this rule change.

Table 2 shows the proposed new fee structure for alternative lot sizes. Row 2 shows again that the 40,000-pound lot fee would be unchanged at $242. Row 3 shows that for a 50,000-pound lot, the $302.50 inspection fee would be determined by multiplying the proposed per-pound rate ($0.00605) by 50,000 pounds. Row 1 shows that for any lot weighing less than 40,000 pounds, the applicable fee would be a 2-hour minimum charge at the currently established FY 2024 hourly inspection rate of $116 ($116 times 2 equals $232).

TABLE 2—SCI SEC. 8e INSPECTION FEES FOR ALTERNATIVE LOT SIZES, PROPOSED INSPECTION RATE PER POUND

	Alternative lot sizes	Pounds per lot	Inspection fee per lot [1] [2]
(1)	Less than full (standard) lot	([1])	$232.00 minimum.
(2)	Standard Lot	40,000	$242.00.
(3)	Lot 25% larger than standard	50,000	$302.50.

[1] For lots less than a standard lot, the fees are computed by multiplying pounds per lot by rate per pound ($0.00605) with a minimum charge equivalent to 2-hours applied at the current established FY 2024 hourly inspection rate of $116.

[2] Inspection fee per lot for standard lot or larger [(2) and (3)] are computed by multiplying pounds per lot by rate per pound ($0.00605).

Prior to developing proposed revisions to the Section 8e fee structure, AMS engaged in discussions with State partners including Association of Fruit and Vegetable Inspection and Standardization Agencies (AFVISA) members and the Texas Cooperative Inspection Program (TCIP), as well as industry stakeholders. The outcome of

these discussions was a positive perception of the fee changes as proposed.

A 60-day comment period is provided for interested persons to submit comments on this proposed rule. A 60-day comment period is deemed appropriate because any change in fee calculations, if adopted, should be in place as soon as possible to move the program towards an adequate reserve and financial stability.

Initial Regulatory Flexibility Analysis

Pursuant to the requirement set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS provides this initial regulatory flexibility analysis. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

The proposed action described herein is being taken for several reasons, including that additional user fee revenues are needed to cover the costs of (1) providing current program operations and services; (2) improving the timeliness in which inspection services are provided; and (3) improving the work environment. AMS regularly reviews its user-fee financed programs to determine if the fees are adequate.

This proposed rule would revise the regulations governing the inspection and certification for fresh fruits, vegetables, and other products by increasing certain fees charged for Section 8e import inspections on a per-pound basis. These revisions are necessary to recover, as nearly as practicable, the costs of performing inspection services on imported commodities in accordance with the Agricultural Marketing Agreement Act of 1937.

Since the inspection fees to be charged under the proposed new rate structure are proportional to size of lots, smaller businesses (importers) would not be unduly or disproportionately burdened. This proposed new fee structure, for imports subject to Section 8e grading requirements, balances cost increases (for lots larger than 40,000 pounds) with cost decreases for additional sublots. The fee for a standard 40,000-pound lot would remain unchanged.

Tables 3 and 4 show the estimated impacts on the nine Section 8e commodities affected by this proposed rule, using data from USDA's Compliance Enforcement Management System (CEMS) database, which lists the weight of each lot inspected over the three-year period FY 2021 through FY 2023. Table 3 puts the number of inspections into two categories: Column (1) shows the number of lots that weighed 40,000 pounds or less, and column (2) shows the number of lots that weighed more than 40,000 pounds. Column (3) presents the sum of columns (1) and (2). The last row of column (3) shows that the total number of inspections for the three-year period was 611,475.

TABLE 3—SCI SEC. 8e COMMODITIES IMPORTED: NUMBER OF INSPECTIONS, CATEGORIZED BY SIZE OF LOT INSPECTED, USING 40,000-POUND STANDARD LOT SIZE THRESHOLD, FY2021–FY2023 [1]

	<=40,000 lbs. per lot	>40,000 lbs. per lot	Total inspections	Pct of total inspections	Cumulative percent
	(1)	(2)	(3)	(4)	(5)
AVOCADOS	395,812	64,139	459,951	75.2	75.2
ONIONS	17,026	51,918	68,944	11.3	86.5
GRAPES	35,434	5,445	40,879	6.7	93.2
ORANGES	9,955	8,219	18,174	3.0	96.2
KIWIFRUIT	8,208	7,358	15,566	2.5	98.7
TOMATOES	3,925	33	3,958	0.6	99.3
GRAPEFRUIT	2,314	1,051	3,365	0.6	99.90
FILBERTS	240	109	349	0.1	99.95
POTATOES	193	96	289	0.05	100.0
9 commodities	473,107	138,368	611,475		

[1] Source: Compliance Enforcement Management System (CEMS) database, Market Development Division, Specialty Crops Program, Agricultural Marketing Service, USDA.

TABLE 4—SCI SEC. 8e COMMODITIES IMPORTED: PERCENT OF INSPECTIONS, CATEGORIZED BY SIZE OF LOT INSPECTED, USING 40,000-POUND STANDARD LOT SIZE THRESHOLD, FY2021–FY2023

	<=40,000 lbs. per lot (%)	>40,000 lbs. per lot (%)
AVOCADOS	86	14
ONIONS	25	75
GRAPES	87	13
ORANGES	55	45
KIWIFRUIT	53	47
TOMATOES	99	1
GRAPEFRUIT	69	31
FILBERTS	69	31
POTATOES	67	33
9 commodities	77	23

Table 4 shows that for all nine commodities combined, 77 percent of the inspections would have had equal or lower fees charged if the new fee structure had been in place. Twenty-three percent of the lots would have

been subject to higher fees. Looking at individual years (not shown), the percentage of inspections representing lots weighing 40,000 pounds or less for FY 2021, FY 2022 and FY 2023 was 73, 75, and 80 percent, respectively. Therefore, for a large majority of annual inspections, the cost per individual inspection would have been the same or lower than with the fee system currently in place.

The impacts of the proposed revised fee structure vary significantly by commodity. Table 4 shows that for six of the nine commodities, at least two thirds of the lots inspected would have had equal or lower fees (*i.e.,* lots weighing 40,000 pounds or less—avocadoes, grapes, tomatoes, grapefruit, filberts, potatoes) under the proposed fee structure. One commodity, onions, would have had the opposite result, with 25 percent of lots seeing lower fees, and 75 percent higher. This variation would be offset by the onion industry's prevalence of additional sublots in inspections. See Table 1—SCI 8e Inspection Fees for Standard 40,000 Pound Lot: Comparison of FY 2024 Fee to Proposed New Fee, Showing Reduced Cost for Additional Lots. For oranges and kiwifruit, the results were about even; slightly more than 50 percent of the lots weighed equal to or less than 40,000 pounds and, therefore, would have been subject to lower fees.

This analysis assumes that each lot is sampled and inspected independently. This may overstate the extent of higher fees because under the proposed new fee structure the cost declines for each additional sublot, as shown in Table 1. To the extent that the lots for which fees were charged in the CEMS database are actually sublots associated with an inspected lot from a particular importer, the value in Table 4, column (2) (*i.e.,* for lots more than 40,000 pounds) overstates the percentage of lots that would have been subject to a higher fee.

It is also important to note that certain commodities represented larger proportions of the lots inspected, as shown in columns (4) and (5) of Table 3. Just over 75 percent of the inspected lots were for avocadoes. Adding the next four commodities in terms of the magnitude of total inspections (onions, grapes, oranges, and kiwifruit) raises the cumulative percentage up to nearly 99 percent. Four commodities (tomatoes, grapefruit, filbert, and potatoes) represented about 1.3 percent of the total number of lots inspected.

This analysis shows that the fee impacts vary by commodity, with smaller fees per inspected lot expected for eight of the nine commodities, suggesting that for a large majority of annual inspections the cost per individual inspection would be the same or lower than with the fee system that would otherwise be in place in FY 2024 and future years.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

For reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 51 as follows:

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

■ 2. Revise § 51.37 to read as follows:

§ 51.37 Charges for fees, rates, and expenses.

For each carlot of product inspected, a fee or rate determined in accordance with §§ 51.38, 51.39, and 51.40, and expenses determined in accordance with § 51.41, shall be paid by the applicant.

■ 3. Redesignate §§ 51.39 through 51.62 as §§ 51.40 through 51.63, respectively.

■ 4. Add new § 51.39 to read as follows:

§ 51.39 Charges for fees and rates for 8e import inspection.

(a) *8e import inspection fees charged on a per-pound basis*—(1) *Establishing the per-pound inspection rate.* To compute the per-pound inspection rate, divide the current per-lot inspection fee for a full carlot (whole lot) by 40,000 (the generally accepted weight by pound of a full carlot).

(2) *Applying the per-pound rate.* The per-pound inspection rate shall be applied to the following lot sizes as follows:

(i) For a full carlot, multiply the per-pound rate by the total weight of the full carlot plus any applicable fees for additional lots of the same product as described in paragraph (b) of this section.

(ii) For lots less than a full carlot, multiply the per-pound rate by the total weight of the lot with a minimum fee equivalent to a 2-hour charge computed at the current established hourly rate, whichever is greater, plus any applicable fees for additional lots of the same product as described in paragraph (b) of this section.

(b) *8e import inspection fees charged on additional lots of the same product.* To compute the inspection fee for additional lots of the same product, multiply each additional lot by one-half of the current non-8e additional lot of the same product inspection fee.

Erin Morris.

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–13371 Filed 6–18–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1484; Project Identifier MCAI–2023–00968–A]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Embraer S.A. (Embraer) Model EMB–505 airplanes. This proposed AD was prompted by analysis of the left-hand (LH) refreshment center and LH forward cabinet that identified the need for installing structural reinforcements. This proposed AD would require installing structural reinforcements as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by August 5, 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–2024–1484; or in person at

Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For ANAC material contact ANAC, Continuing Airworthiness Technical Branch (GTAC), Rua Doutor Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; phone: 55 (12) 3203–6600; email: *pac@anac.gov.br;* website: *anac.gov.br/en/.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.* It is also available at *regulations.gov* under Docket No. FAA–2024–1484.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (816) 329–4165; email: *jim.rutherford@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–1484; Project Identifier MCAI–2023–00968–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

Background

ANAC, which is the aviation authority for Brazil, has issued ANAC AD 2023–07–01, effective August 10, 2023, as corrected by ANAC Airworthiness Directive Errata, effective August 10, 2023 (ANAC AD 2023–07–01) (also referred to as the MCAI) to correct an unsafe condition on certain serial-numbered Embraer Model EMB–505 airplanes. The MCAI states that analysis identified that the LH refreshment center and LH forward cabinet might not withstand the loads expected for specific emergency landing conditions, which may cause the detachment of mass items and cause injuries to the airplane occupants. In addition, the MCAI includes errata to correct a printing error in the original English version of the MCAI. The MCAI requires installing structural reinforcements.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1484.

Related Service Information Under 1 CFR Part 51

The FAA reviewed ANAC AD 2023–07–01, which specifies procedures for installing structural reinforcements.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in ANAC AD 2023–07–01, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and the MCAI.''

Differences Between This Proposed AD and the MCAI

The service information specified in ANAC AD 2023–07–01 allows the use of alternative or similar parts in place of the ones specified in the kits, provided these alternative or similar parts are approved by Embraer, but this proposed AD would require approval from either the Manager, International Validation Branch, FAA; ANAC; or ANAC's authorized Designee.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate ANAC AD 2023–07–01 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with ANAC AD 2023–07–01 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information required by ANAC AD 2023–07–01 will be available at *regulations.gov* under Docket No. FAA–2024–1484 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 229 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install structural reinforcements	11 work-hours × $85 per hour = $935.	$1,600	$2,535	$580,515

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed 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

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Embraer S.A.: Docket No. FAA–2024–1484; Project Identifier MCAI–2023–00968–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 5, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. Model EMB–505 airplanes, certificated in any category, as identified in Agência Nacional de Aviação Civil (ANAC) AD 2023–07–01, effective August 10, 2023, as corrected by ANAC Airworthiness Directive Errata, effective August 10, 2023 (ANAC AD 2023–07–01).

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by an analysis that the left-hand (LH) refreshment center and LH forward cabinet might not withstand the loads expected for specific emergency landing conditions. The FAA is issuing this AD to address the possibility of detachment of mass items during specific emergency landing conditions. The unsafe condition, if not addressed, could result in injuries to the airplane occupants.

(f) Compliance

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

(g) Required Actions

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, ANAC AD 2023–07–01.

(h) Exceptions to ANAC AD 2023–07–01

(1) Where ANAC AD 2023–07–01 refers to its effective date, this AD requires using the effective date of this AD.

(2) Although the service information referenced in ANAC AD 2023–07–01 allows the use of alternative or similar parts in place of the ones specified in the kits provided, this AD requires that alternative or similar parts be approved by the Manager, International Validation Branch, FAA; ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(3) Where the service information referenced in ANAC AD 2023–07–01 specifies to ''discard'' certain parts, for this AD replace that text with ''remove from service.''

(4) This AD does not adopt paragraphs (c) and (d) of ANAC AD 2023–07–01.

(i) No Reporting Requirement

Although the service information referenced in ANAC AD 2023–07–01 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) 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 local Flight Standards District 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 or email to: *9-AVS-AIR-730-AMOC@faa.gov.* If mailing information, also submit information by email. 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) Additional Information

For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (816) 329–4165; email: *jim.rutherford@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 the AD specifies otherwise.

(i) Agência Nacional de Aviação Civil (ANAC) AD 2023–07–01, effective August 10, 2023, as corrected by ANAC Airworthiness Directive Errata, effective August 10, 2023.

(ii) [Reserved]

(3) For ANAC AD 2023–07–01 contact ANAC, Continuing Airworthiness Technical Branch (GTAC), Rua Doutor Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; phone: 55 (12) 3203–6600; email: *pac@anac.gov.br;* website: *anac.gov.br/en/.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. 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 June 11, 2024.

James D. Foltz,

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

[FR Doc. 2024–13278 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1688; Project Identifier AD–2024–00109–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 767–200, –300, and –300F series airplanes. This proposed AD was prompted by a report of a main landing gear (MLG) collapse event following maintenance where a grinder was operating outside of its input parameters, resulting in possible heat damage to the outer cylinder of the MLG. This proposed AD would require replacing any affected outer cylinders. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 5, 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–2024–1688; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference

- For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* by searching for and locating Docket No. FAA–2024–1688.

FOR FURTHER INFORMATION CONTACT: Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3964; email: *Stefanie.N.Roesli@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–1688; Project Identifier AD–2024–00109–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3964; email: *Stefanie.N.Roesli@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating that a Model 767 MLG involved in an MLG collapse event had its previous maintenance overhaul at a certain maintenance, repair and operations (MRO) facility. An investigation by the MRO indicated that a grinder used during maintenance activities was operating outside of its input parameters. The MRO identified 83 Model 767 MLG outer cylinders that had inner diameter grinding performed with the affected grinder, which could cause heat damage. This condition, if not addressed, could result in the inability of a principal structural element to sustain limit load, gear collapse resulting in loss of control and potential for off runway excursion, and deviation from the intended breakaway sequence potentially resulting in the spillage of fuel.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 767–32A0253 RB, dated February 6, 2024. This service information specifies procedures for performing a check of maintenance records or performing an inspection of the left and right MLG outer cylinders for any affected part numbers and serial numbers and replacing affected cylinders.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 574 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection or maintenance records check for affected part numbers.	Up to 3 work-hours × $85 per hour = $255.	$0	Up to $255	Up to $146,370.

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the proposed inspection or maintenance records check. The agency has no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of MLG outer cylinder (83 affected parts).	189 work-hours * × $85 per hour = $16,065.	* $500,000	$516,065	Up to $42,833,395 (83 affected parts).

* Task work-hours and parts cost are based on one MLG outer cylinder replacement.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2024–1688; Project Identifier AD–2024–00109–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 5, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 767–200, –300, and –300F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by a report of a main landing gear (MLG) collapse event following maintenance where a grinder was operating outside of its input parameters, resulting in possible heat damage to the outer cylinder of the MLG. The FAA is issuing this AD to address any heat damage to the outer cylinder of the landing gear. The unsafe condition, if not addressed, could result in the inability of a principal structural element

to sustain limit load, gear collapse resulting in loss of control and potential for off runway excursion.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 767–32A0253 RB, dated February 6, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 767–32A0253 RB, dated February 6, 2024.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 767–32A0253, dated February 6, 2024, which is referred to in Boeing Alert Requirements Bulletin 767–32A0253 RB, dated February 6, 2024.

(h) Exceptions to Service Information Specifications

Where the Boeing Recommended Compliance Time column of the table in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 767–32A0253 RB, dated February 6, 2024, uses the phrase ''the Original Issue date of Requirements Bulletin 767–32A0253 RB,'' this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety 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 certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3964; email: *Stefanie.N.Roesli@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (4) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 767–32A0253 RB, dated February 6, 2024.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

(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 12, 2024.

Suzanne Masterson,

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

[FR Doc. 2024–13336 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1691; Project Identifier MCAI–2023–01269–E]

RIN 2120–AA64

Airworthiness Directives; Safran Helicopter Engines, S.A. (Type Certificate Previously Held by Turbomeca, S.A.) Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Safran Helicopter Engines, S.A. (Safran) (type certificate previously held by Turbomeca, S.A.) Model Makila 1A, Makila 1A1, and Makila 1A2 engines. This proposed AD was prompted by a determination that the accumulated service life of certain critical parts was underestimated. This proposed AD would require determining the recalculated service life of certain critical parts, would require replacing the parts if necessary, and would also specify conditions for installing the parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by August 5, 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–2024–1691; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material, contact EASA, Konrad–Adenauer–Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2024–1691.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: David Bergeron, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (860) 386–1805; email: *david.j.bergeron@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2024–1691; Project Identifier MCAI–2023–01269–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2023–0218, dated December 19, 2023 (EASA AD 2023–0218) (also referred to as the MCAI), to address an unsafe condition on Safran Model Makila 1A, Makila 1A1, and Makila 1A2 engines. The MCAI states that it has been determined that the accumulated service life of certain critical parts was underestimated. To address this potential unsafe condition, the manufacturer published service information that identifies the affected parts and provides instructions for recalculating the service life and replacing the affected parts. The MCAI specifies determining the recalculated service life of the affected parts and replacing if necessary. The MCAI also specifies conditions for installing the affected parts. This unsafe condition, if not addressed, could lead to operation of the affected parts beyond the part life, which could cause the failure of affected parts, possibly resulting in uncontained debris release with consequent damage to the helicopter and reduced control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1691.

Related Material Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0218, which specifies determining the recalculated service life of affected parts and replacing the affected parts, if necessary. EASA AD 2023–0218 also specifies conditions for installing the affected parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2023–0218 described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and CAAs to use this process. As a result, the FAA proposes to incorporate by reference EASA AD 2023–0218 in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023–0218 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions within the compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2023–0218. Service information required by the EASA AD for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1691 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 0 engines installed on helicopters of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Recalculate cycle lives	2 work-hours × $85 per hour = $170.	$0	$170	$0
Replace axial wheel 1	8 work-hours × $85 per hour = $680.	118,703	119,383	0

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace axial wheel 2	8 work-hours × $85 per hour = $680.	74,023	74,703	0
Replace axial wheel 3	8 work-hours × $85 per hour = $680.	86,939	87,619	0
Replace centrifugal impeller	8 work-hours × $85 per hour = $680.	164,583	165,263	0
Replace high-pressure turbine (HPT) disk 1	8 work-hours × $85 per hour = $680.	97,800	98,480	0
Replace HPT disk 2	8 work-hours × $85 per hour = $680.	92,284	92,964	0
Replace injection wheel	8 work-hours × $85 per hour = $680.	76,799	77,479	0

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Safran Helicopter Engines, S.A. (Type Certificate Previously Held by Turbomeca, S.A.): Docket No. FAA–2024–1691; Project Identifier MCAI–2023–01269–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 5, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Safran Helicopter Engines, S.A. (type certificate previously held by Turbomeca, S.A.) Model Makila 1A, Makila 1A1, and Makila 1A2 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by a determination that the accumulated service life of certain critical parts was underestimated. The FAA is issuing this AD to prevent failure of critical parts. The unsafe condition, if not addressed, could result in uncontained release of high-energy debris from the engine, with consequent damage to the engine, damage to the helicopter, and reduced control of the helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2023–0218, dated December 19, 2023 (EASA AD 2023–0218).

(h) Exceptions to EASA AD 2023–0218

(1) Where EASA AD 2023–0218 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the service information referenced in EASA AD 2023–0218 specifies to return certain parts to the manufacturer, this AD requires removing those parts from service.

(3) This AD does not adopt the Remarks paragraph of EASA AD 2023–0218.

(4) Where the service information referenced in EASA AD 2023–0218 specifies contacting the manufacturer for additional cycles for certain parts, this AD requires contacting the Manager, International Validation Branch, FAA, for additional cycles for certain parts, if those parts are installed on aircraft of U.S. Registry.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2023–0218 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(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 and email to: *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) Additional Information

For more information about this AD, contact David Bergeron, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (860) 386–1805; email: *david.j.bergeron@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2023–0218, dated December 19, 2023.

(ii) [Reserved]

(3) 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 this EASA AD on the EASA website at *ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. 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 June 13, 2024.

James D. Foltz,

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

[FR Doc. 2024–13434 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1690; Project Identifier AD–2024–00083–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company (Boeing) Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SP, and 747SR series airplanes. This proposed AD was prompted by a report of improper inner diameter grinding of landing gear outer cylinders, resulting in possible heat damage to the outer cylinder of the nose landing gear (NLG), body landing gear (BLG), and wing landing gear (WLG). This proposed AD would require replacing any affected outer cylinders. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 5, 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–2024–1690; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For The Boeing Company service information, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Boulevard, MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* by searching for and locating Docket No. FAA–2024–1690.

FOR FURTHER INFORMATION CONTACT: Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3964; email *stefanie.n.roesli@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–1690; Project Identifier AD–2024–00083–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–3964; email *stefanie.n.roesli@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report of a main landing gear collapse event on a Boeing Model 767 airplane that was last overhauled at a maintenance, repair, and operations (MRO) facility. The MRO facility identified a grinder that was operating outside of its input parameters, which could cause heat

damage to the outer cylinder of the NLG, BLG, and WLG. The MRO facility identified 67 Boeing Model 747 landing gear outer cylinders which had inner diameter grinding performed with the suspect grinder. This condition, if not addressed, could cause the failure of a principal structural element to sustain its limit load or collapse of the landing gear, which may result in loss of control of the airplane or a runway departure. A failure of an outer cylinder could also deviate from the intended breakaway sequence, which could result in a failed part impacting the fuel tank and spilling fuel and consequently creating a fire hazard.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024. This service information specifies determining whether the outer cylinder of the NLG, the right and left WLG, and the right and left BLG have an affected part number and serial number and replacing all affected outer cylinders.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *regulations.gov* under Docket No. FAA–2024–1690.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 168 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection or maintenance records check for affected parts.	3 work-hours × $85 per hour = $255	$0	$255	$42,840

The FAA estimates the following costs to do any replacements that would be required based on the results of the proposed inspection or maintenance records check. The agency has no way of determining the number of airplanes that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of outer cylinder (67 affected parts).	161 work-hours × $85 per hour = $13,685.	$325,000	$338,685	$22,691,895 (67 affected parts).

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2024–1690; Project Identifier AD–2024–00083–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 5, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SP, and 747SR series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Unsafe Condition

This AD was prompted by a report of improper inner diameter grinding of landing gear outer cylinders, resulting in possible heat damage to the outer cylinder of the nose landing gear (NLG), body landing gear (BLG), and wing landing gear (WLG). The FAA is issuing this AD to address heat damage to the outer cylinder of the NLG, BLG, and WLG. The unsafe condition, if not addressed, could cause failure of a principal structural element to sustain its limit load or collapse of the landing gear, which may result in loss of control of the airplane or a runway departure.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 747–32A2535, dated January 22, 2024, which is referred to in Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024.

(h) Exceptions to Service Information Specifications

Where the ''Boeing Recommended Compliance Time'' column in the table under the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, refers to ''the Original Issue date of Requirements Bulletin 747–32A2535 RB,'' this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety 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 certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *AMOC@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–3964; email *stefanie.n.roesli@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) of this AD.

(k) 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 the AD specifies otherwise.

(i) Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024.

(ii) [Reserved]

(3) For The Boeing Company service information, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Boulevard., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

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

(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 12, 2024.

Suzanne Masterson,

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

[FR Doc. 2024–13334 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–108761–22]

RIN 1545–BQ58

Charitable Remainder Annuity Trust Listed Transaction; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of a notice of public hearing on a proposed rulemaking and notice of public hearing.

SUMMARY: This document cancels a public hearing on proposed regulations that would identify certain charitable remainder annuity trust (CRAT) transactions and substantially similar transactions as listed transactions, a type of reportable transaction.

DATES: The public hearing scheduled for July 11, 2024, at 10 a.m. ET is cancelled.

FOR FURTHER INFORMATION CONTACT: Vivian Hayes of the Publications and Regulations Section, Associate Chief Counsel (Procedure and Administration) at (202) 317–6901 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and a notice of public hearing that appeared in the **Federal Register** on March 25, 2024 (89 FR 20569) announced that a public hearing being held in person and by teleconference was scheduled for July 11, 2024, at 10 a.m. ET. The subject of the public hearing is under 26 CFR part 1.

The public comment period for these regulations expired on May 24, 2024. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to testify and an outline of the topics to be addressed. We did not receive a request to testify at the Public Hearing. Therefore, the public hearing scheduled for July 11, 2024, at 10 a.m. ET is cancelled.

Oluwafunmilayo A. Taylor,

Section Chief, Publications and Regulations Section, Associate Chief Counsel, (Procedure & Administration).

[FR Doc. 2024–13456 Filed 6–18–24; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[WT Docket No.23–65, IB Docket No. 22–271; Report No. 3214; FR ID 226250]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

SUMMARY: Petition for Reconsideration (Petition) has been filed in the Commission's proceeding by David Goldman on behalf of Space Exploration Holdings, LLC.

DATES: Oppositions to the Petition must be filed on or before July 5, 2024. Replies to oppositions to the Petition must be filed on or before July 15, 2024.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Melissa Conway of the Mobility Division, Wireless Telecommunications Bureau, at *Melissa.Conway@fcc.gov* or (202) 418–2887, or Stephanie Neville of the Space Bureau Satellite Programs and Policy Division, at *Stephanie.Neville@fcc.gov* or (202) 418–1671.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3214, released June 14, 2024. The full text of the Petition can be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: Single Network Future: Supplemental Coverage from Space; Space Innovation (GN Docket No. 23–65, IB Docket No. 22–271).

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–13407 Filed 6–18–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FXES1111090FEDR–245–FF09E21000]

Endangered and Threatened Wildlife and Plants; Three Species Not Warranted for Listing as Endangered or Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of findings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce findings that three species are not warranted for listing as endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). After a thorough review of the best available scientific and commercial information, we find that it is not warranted at this time to list the Kiamichi crayfish (*Faxonius saxatilis*), Rio Grande chub (*Gila pandora*), and Rio Grande sucker (*Pantosteus plebeius,* formerly *Catostomus plebeius*). However, we ask the public to submit to us at any time any new information relevant to the status of any of the species mentioned above or their habitats.

DATES: The findings in this document were made on June 20, 2024.

ADDRESSES: Detailed descriptions of the bases for these findings are available on the internet at *https://www.regulations.gov* under the following docket numbers:

Species	Docket No.
Kiamichi crayfish	FWS–ES–R2–2023–0258
Rio Grande chub	FWS–ES–R2–2024–0081
Rio Grande sucker	FWS–ES–R2–2024–0082

Those descriptions are also available by contacting the appropriate person as specified under **FOR FURTHER INFORMATION CONTACT**. Please submit any new information, materials, comments, or questions concerning this finding to the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Species	Contact information
Kiamichi crayfish	Ken Collins, Field Office Supervisor, Oklahoma Ecological Services Field Office, 918–382–4504, *ken_collins@fws.gov.*
Rio Grande chub and Rio Grande sucker.	Shawn Sartorius, Field Supervisor, New Mexico Ecological Services Office, 505–346–2525, *shawn_sartorius@fws.gov.*

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

Under section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*), we are required to make a finding on whether or not a petitioned action is warranted within 12 months after receiving any petition that we have determined contains substantial scientific or commercial information indicating that the petitioned action may be warranted (''12-month finding''). We must make a finding that the petitioned action is: (1) Not warranted; (2) warranted; or (3) warranted, but precluded by other listing activity. We must publish a notification of these 12-month findings in the **Federal Register**.

Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations at part 424 of title 50 of the Code of Federal Regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Lists of Endangered and Threatened Wildlife and Plants (Lists). The Act defines ''species'' as including any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature. The Act defines ''endangered species'' as any species that is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)), and ''threatened species'' as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). Under section 4(a)(1) of the Act, a species may be determined to be an endangered

species or a threatened species because of any of the following five factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term ''threat'' to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term ''threat'' may encompass—either together or separately—the source of the action or condition or the action or condition itself. However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an ''endangered species'' or a ''threatened species.'' In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary of the Interior determines whether the species meets the Act's definition of an ''endangered species'' or a ''threatened species'' only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term ''foreseeable future,'' which appears in the statutory definition of ''threatened species.'' Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; ''M-Opinion,'' available online at *https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf*). The foreseeable future extends as far into the future as the U.S. Fish and Wildlife Service and National Marine Fisheries Service can make reasonably reliable predictions about the threats to the species and the species' responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species' life-history characteristics, threat projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. ''Reliable'' does not mean ''certain''; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

In conducting our evaluation of the five factors provided in section 4(a)(1) of the Act to determine whether the Kiamichi crayfish, Rio Grande chub, and Rio Grande sucker meet the Act's definition of ''endangered species'' or ''threatened species,'' we considered and thoroughly evaluated the best scientific and commercial information available regarding the past, present, and future stressors and threats. We reviewed the petitions, information available in our files, and other available published and unpublished information for all of these species. Our evaluation may include information from recognized experts; Federal, State, and Tribal governments; academic institutions; foreign governments; private entities; and other members of the public.

In accordance with the regulations at 50 CFR 424.14(h)(2)(i), this document announces the not-warranted findings on petitions to list three species. We have also elected to include brief summaries of the analyses on which these findings are based. We provide the full analyses, including the reasons and data on which the findings are based, in the decisional file for each of the three actions included in this document. The following is a description of the documents containing these analyses:

The species assessment forms for the Kiamichi crayfish, Rio Grande chub, and Rio Grande sucker contain more detailed biological information, a thorough analysis of the listing factors, a list of literature cited, and an explanation of why we determined that these species do not meet the Act's definition of an ''endangered species'' or a ''threatened species.'' To inform our status reviews, we completed species status assessment (SSA) reports for these three species. Each SSA report contains a thorough review of the taxonomy, life history, ecology, current status, and projected future status for each species. This supporting information can be found on the internet at *https://www.regulations.gov* under the appropriate docket number (see **ADDRESSES**, above).

Kiamichi Crayfish

Previous Federal Actions

On June 18, 2007, we received a petition from Forest Guardians (now WildEarth Guardians) to list 475 species, including the Kiamichi crayfish (*Faxonius saxatilis;* petitioned as *Orconectes saxatilis*), as an endangered or threatened species under the Act. On December 16, 2009, we published a 90-day finding (74 FR 66866) that the petition contained substantial information indicating that listing may be warranted for the Kiamichi crayfish. This document constitutes our 12-month finding on the June 18, 2007, petition to list the Kiamichi crayfish under the Act.

Summary of Finding

The Kiamichi crayfish is a small crayfish, olive-brown to reddish-brown dorsally and mostly whitish ventrally. It is distinguished morphologically from other crayfish species by details of its coloration and by structural features of sexually mature males. It also has been confirmed to be a distinct species through genetic analysis. The species was first described as *Orconectes saxatilis,* but, based on phylogenetic analyses, the genus name was changed in 2017 to *Faxonius* and that remains the currently accepted genus. The Kiamichi crayfish historically and currently inhabits the headwaters and larger tributaries of the upper Kiamichi River in southeastern Oklahoma. The species has been found only upstream of the community of Whitesboro in Le Flore County, Oklahoma.

The Kiamichi crayfish occurs in streams with substrate that is

predominantly cobble, boulders, gravel, and other coarse rock. The species prefers riffle habitats but will shift to pool habitats during dry periods. The species needs stable riffles and pools, sufficient water quality, and sufficient water availability.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Kiamichi crayfish, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these threats. The primary threats to the Kiamichi crayfish include water quality degradation and increases in water temperatures. Water quality degradation caused by low pH levels and elevated levels of heavy metals may be partially natural, and conditions may be improving based on current trends. Currently, water temperatures are within suitable temperature ranges for stream crayfish species (26–27 degrees Celsius (°C) [78.8–80.6 degrees Fahrenheit (°F)] and support all life stages of the Kiamichi crayfish with no negative effects. However, future climate projections used in concert with established relationships between air temperature and water temperature indicate that water temperatures are likely to increase progressively in the future.

Currently, the species occupies four analysis units and the entire historical range. In general, streamflow does not differ significantly from historical conditions, and the majority of the Kiamichi crayfish range is on protected lands and is in a condition that supports resiliency of the species. The species has tolerated impaired water quality conditions for multiple decades, including lower pH levels and elevated heavy metals that may be at least partially natural. Currently, three analysis units are moderately resilient, and one is highly resilient, which we consider sufficient to provide redundancy for the species. In addition, the Kiamichi crayfish has sufficient representation because it has survived through periods of intensive logging and drought, has adapted to tolerate drought conditions, and has had no change in its range. Therefore, the threats appear to have low imminence and magnitude such that they are not currently having a significant effect on the species' current viability. Thus, after assessing the best available information, we conclude that the Kiamichi crayfish is not in danger of extinction throughout all of its range (*i.e.,* endangered).

Thus, we proceed with determining whether the species is likely to become endangered within the foreseeable future throughout all of its range (*i.e.,* threatened). In our projected timeframe of 50 years (2070), streamflow, landscape condition, pH and heavy metal levels are not expected to change significantly from the current condition in either of two scenarios that we evaluated. In fact, pH and heavy metal levels may improve for the Kiamichi crayfish in the future.

The primary threat considered to have a potentially significant effect on the Kiamichi crayfish is increased water temperatures due to climate change. Using processes set forth by the Intergovernmental Panel on Climate Change, we evaluated the Kiamichi crayfish under two future Representative Concentration Pathway (RCP) scenarios: Under scenario 1 (RCP 4.5), water temperatures do not rise to a level that would be negative for the species; under scenario 2 (RCP 8.5), summer water temperatures rise to levels that may negatively affect the Kiamichi crayfish periodically. However, potentially suboptimal water temperatures are projected to be periodic during summer months only, and the species is adapted to periods of drought and higher temperatures. Because the Kiamichi crayfish has the ability to tolerate drought and higher temperatures by burrowing and moving to pools, the species is expected to be able to tolerate these times of higher projected water temperatures. Overall increasing water temperatures may affect the species in the future, but each analysis unit will remain in the same overall resiliency condition as the current condition because of the species' ability to modify behavior. Therefore, we anticipate redundancy and representation to remain similar to current conditions into the future. After assessing the best available information, we conclude that the Kiamichi crayfish is not likely to become endangered within the foreseeable future throughout all of its range.

We also evaluated whether the Kiamichi crayfish is endangered or threatened in a significant portion of its range. We did not find any portions of the Kiamichi crayfish's range for which both (1) the portion is significant, and (2) the species is in danger of extinction in that portion, either now or within the foreseeable future. Thus, after assessing the best available information, we conclude that the Kiamichi crayfish is not in danger of extinction in a significant portion of its range now, or within the foreseeable future.

After assessing the best available information, we conclude that the Kiamichi crayfish is not in danger of extinction or likely to become in danger of extinction throughout all of its range or in any significant portion of its range. Therefore, we find that listing the Kiamichi crayfish as an endangered species or threatened species under the Act is not warranted. A detailed discussion of the basis for this finding can be found in the species assessment form and other supporting documents, which are available on *https://www.regulations.gov* under docket number FWS–R2–ES–2023–0258.

Peer Review

In accordance with our July 1, 1994, peer review policy (59 FR 34270; July 1, 1994) and the Service's August 22, 2016, Director's Memo on the Peer Review Process, we solicited independent scientific reviews of the information contained in the Kiamichi crayfish SSA report. The Service sent the SSA report to six independent peer reviewers and received three responses. Results of this structured peer review process can be found at *https://www.regulations.gov* under docket number FWS–R2–ES–2023–0258. We incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this finding.

Rio Grande Chub

Previous Federal Actions

On September 27, 2013, we received a petition from WildEarth Guardians to list the Rio Grande chub (*Gila Pandora*) as an endangered or threatened species under the Act and designate critical habitat. On March 6, 2016, we published a 90-day finding (81 FR 14058) that the petition contained substantial information indicating that listing may be warranted for the Rio Grande chub. This document constitutes our 12-month finding on the September 27, 2013, petition to list the Rio Grande chub under the Act.

Summary of Finding

The Rio Grande chub is a small freshwater fish found predominantly in montane stream environments in the upper Rio Grande basin in north-central New Mexico and south-central Colorado. Its range also includes portions of the Canadian River basin in New Mexico and the Pecos River basin in New Mexico and Texas. Another population may exist in the State of Coahuila, Mexico. The Rio Grande chub now occupies a small portion of its historical range in fragmented populations.

Found in a variety of aquatic habitats, the Rio Grande chub is associated with low gradient streams that may

experience substantial variation in annual environmental conditions. Streams occupied by this species tend to have low to moderate water flow, low water depths, and a large temperature range. Like other chub species, the Rio Grande chub is often associated with instream structures. As omnivorous mid-water column feeders, the Rio Grande chub consumes drifting invertebrates, fish, and occasional vegetation.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Rio Grande chub, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these threats. The primary threats affecting the Rio Grande chub's biological status include predation and competition from nonnative species, habitat loss and fragmentation caused by altered hydrology, catastrophic wildfire, and changes in environmental conditions due to climate change.

We estimated the risk of extirpation for each Rio Grande chub population over several time frames. The threats we considered include catastrophic wildfire, nonnative species, and water withdrawal due to surface water diversion and/or groundwater pumping. There were three categories of risk: high, medium, and low. These categories were defined by the likelihood of the threat occurring and the magnitude of its impact on the population. High risk meant the threat was likely (*i.e.,* greater than 50 percent) to occur over the given timeframe and the magnitude to the population was severe, potentially resulting in extirpation. Low risk meant a threat had a remote probability (*i.e.,* less than 10 percent) of occurring and the magnitude would be minimal. For medium risk populations, either the threat was unlikely (*i.e.,* less than 50 percent) to occur or the magnitude of impact was projected to be moderate, meaning there could be population declines but total extirpation was unlikely. First, we assessed the risk of extirpation for each population over the next 10 years based on the current habitat and demographic characteristics of each population. Since conditions are expected to change in the future, we next considered two future time steps: mid-century (*i.e.,* 2050) and late-century (*i.e.,* 2099). These projections incorporated the effects of changes in environmental conditions under two climate change scenarios.

There are 53 populations of Rio Grande chub in the United States, which combined occupy 844 kilometers (km) (524.4 miles (mi)) of stream length. About 34 percent of these populations are at high risk of extirpation over the next 10 years. Most populations (57 percent) are at a medium risk of extirpation, with only 9 percent of populations at low risk. This risk of extirpation was primarily driven by nonnative species. No populations were at risk of extirpation due to stream dewatering and none were at high risk of extirpation due to wildfire over the next 10 years. Threats appear to have low imminence and magnitude such that they are not currently having a significant effect on the species' current viability. These 53 populations are distributed across a wide geographic area, providing redundancy from catastrophic events. They also occur across a range of environmental gradients, indicating the retention of adaptive capacity (*i.e.,* representation). Thus, after assessing the best available information, we conclude that the Rio Grande chub is not in danger of extinction throughout all of its range (*i.e.,* endangered).

We then assessed whether extirpation risk as well as resiliency, redundancy, and representation would change over time. For resiliency, we modelled future changes in habitat suitability under two future Representative Concentration Pathway (RCP) scenarios: RCP4.5 and RCP8.5. Then we incorporated these changes in our estimation of future risk of extirpation for each population. Although the general trend was a decrease in habitat suitability over time, most populations (75 percent) are projected to have no changes in resiliency. There was little projected change in extirpation risk by mid- and late-century. Most populations continue to be at medium risk of extirpation, although the risks posed by wildfire did increase over time for some populations. Although changes in redundancy and representation are anticipated should high risk populations be extirpated, the low and moderate risk populations will continue to be distributed across the species range, conferring redundancy and representation. After assessing the best available information, we conclude that the species is not likely to become endangered within the foreseeable future throughout all of its range.

We also evaluated whether the Rio Grande chub is endangered or threatened in a significant portion of its range. We did not find any portions of the Rio Grande chub's range for which both (1) the portion is significant, and (2) the species is in danger of extinction in that portion, either now or within the foreseeable future. Thus, after assessing the best available information, we conclude that the Rio Grande chub is not in danger of extinction in a significant portion of its range now, or within the foreseeable future. After assessing the best available information, we conclude that the Rio Grande chub is not in danger of extinction or likely to become in danger of extinction throughout all of its range or in any significant portion of its range. Therefore, we find that listing the Rio Grande chub as an endangered species or threatened species under the Act is not warranted. A detailed discussion of the basis for this finding can be found in the Rio Grande chub species assessment form and other supporting documents on *https://www.regulations.gov* under Docket No. FWS–R2–ES–2024–0081 (see **ADDRESSES**, above).

Peer Review

In accordance with our July 1, 1994, peer review policy (59 FR 34270; July 1, 1994) and the Service's August 22, 2016, Director's Memo on the Peer Review Process, we solicited independent scientific reviews of the information contained in the Rio Grande chub SSA report. The Service sent the SSA report to four independent peer reviewers and received four responses. Results of this structured peer review process can be found at *https://www.regulations.gov* under Docket No. FWS–R2–ES–2024–0081. We incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this finding.

Rio Grande Sucker

Previous Federal Actions

On October 3, 2014, we received a petition from WildEarth Guardians to list the Rio Grande sucker (*Pantosteus plebeius;* petitioned as *Catostomus plebeius*) as an endangered or threatened species under the Act and designate critical habitat. The species was originally described under the genus *Catostomus,* but has since been reclassified under the genus *Pantosteus.* On March 16, 2016, we published a 90-day finding (81 FR 14058) that the petition contained substantial information indicating that listing may be warranted for the Rio Grande sucker. This document constitutes our 12-month finding on the October 3, 2014 petition to list the Rio Grande sucker under the Act.

Summary of Finding

The Rio Grande sucker is a small freshwater fish found predominantly in montane stream environments in the upper Rio Grande basin in north-central

New Mexico and south-central Colorado. Its historical range in the United States also includes portions of the Gila, Pecos, and Mimbres Rivers basins. The described range of the Rio Grande sucker also extends into several drainage basins in northern Chihuahua, Mexico.

Found in a variety of aquatic habitats, the Rio Grande sucker is associated with low gradient streams that may experience substantial variation in environmental conditions annually. Streams occupied by this species tend to have low to moderate water flow, low water depths, and a large temperature range. As a benthic feeder, this species is often found in areas with cobble and gravel substrates that support algal growth.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Rio Grande sucker, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these threats. The primary threats affecting the Rio Grande sucker's biological status include predation and competition from nonnative species, habitat loss and fragmentation caused by altered hydrology, catastrophic wildfire, and changes in environmental conditions due to climate change.

We estimated the risk of extirpation for each Rio Grande sucker population over several time frames. The threats we considered include catastrophic wildfire, nonnative species, and water withdrawal due to surface water diversion and/or groundwater pumping. We first assessed the risk of extirpation for each population over the next 10 years based on the current demographic and habitat conditions of each population. Since conditions are expected to change in the future, we next considered two future time steps: mid-century (*i.e.,* 2050) and late-century (*i.e.,* 2099). These projections incorporated the effects of changes in environmental conditions under two climate change scenarios.

There are currently 32 populations of Rio Grande sucker in the United States, which combined occupy 605.7 km (376.4 mi) of stream length. About 38 percent of these populations are at high risk of extirpation over the next 10 years. Most populations (56 percent) are at a medium risk of extirpation, with 6 percent at low risk. The risk of extirpation was primarily driven by nonnative species. Over the next 10 years, two populations were at risk of extirpation due to stream dewatering and none were at high risk of extirpation due to wildfire. There was little projected change in risk by mid- and late-century. Most populations continue to be at medium risk of extirpation, although the risks posed by wildfire did increase over time for some populations. Levels of risk were mostly consistent across the range of the species: across drainages basins, most populations were at an overall medium risk of extirpation across time steps and scenarios. Threats appear to have low imminence and magnitude such that they are not currently having a significant effect on the species' current viability. These 32 populations are distributed across a wide geographic area, providing redundancy from catastrophic events. They also occur across a range of environmental gradients, indicating the retention of adaptive capacity (*i.e.,* representation). Populations also occur in Mexico and there is suitable habitat present in basins where it has been found. Thus, after assessing the best available information, we conclude that the Rio Grande sucker is not in danger of extinction throughout all of its range (*i.e.,* endangered).

We then assessed whether extirpation risk as well as resiliency, redundancy, and representation would change over time. To inform future resiliency, we modelled future changes in habitat suitability under two future RCP scenarios: RCP4.5 and RCP8.5. Then we incorporated these changes in our estimation of future risk of extirpation for each population. Although the general trend was a decrease in habitat suitability over time, most populations (69 percent) are projected to have no changes in resiliency. Similar patterns of habitat change were projected for portions of the range in Mexico. Although changes in redundancy and representation are anticipated should high risk populations be extirpated, the low and moderate risk populations will continue to be distributed across the species range, conferring redundancy and representation. After assessing the best available information, we conclude that the species is not likely to become endangered within the foreseeable future throughout all of its range.

We also evaluated whether the Rio Grande sucker is endangered or threatened in a significant portion of its range. We did not find any portions of the Rio Grande sucker's range for which both (1) the portion is significant, and (2) the species is in danger of extinction in that portion, either now or within the foreseeable future. Thus, after assessing the best available information, we conclude that the Rio Grande sucker is not in danger of extinction in a significant portion of its range now, or within the foreseeable future.

After assessing the best available information, we concluded that the Rio Grande sucker is not in danger of extinction or likely to become in danger of extinction throughout all of its range or in any significant portion of its range. Therefore, we find that listing the Rio Grande sucker as an endangered species or threatened species under the Act is not warranted. A detailed discussion of the basis for this finding can be found in the Rio Grande sucker species assessment form and other supporting documents on *https://www.regulations.gov* under Docket No. FWS–R2–ES–2024–0082 (see **ADDRESSES**, above).

Peer Review

In accordance with our July 1, 1994, peer review policy (59 FR 34270; July 1, 1994) and the Service's August 22, 2016, Director's Memo on the Peer Review Process we solicited independent scientific reviews of the information contained in the Rio Grande sucker SSA report. The Service sent the SSA report to four independent peer reviewers and received four responses. Results of this structured peer review process can be found at *https://www.regulations.gov* under Docket No. FWS–R2–ES–2024–0082. We incorporated the results of these reviews, as appropriate, into the SSA Report, which is the foundation for this finding.

New Information

We request that you submit any new information concerning the taxonomy of, biology of, ecology of, status of, or stressors to the Kiamichi crayfish, Rio Grande chub, or Rio Grande sucker to the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**, whenever it becomes available. New information will help us monitor these species and make appropriate decisions about their conservation and status. We encourage local agencies and stakeholders to continue cooperative monitoring and conservation efforts.

References

A complete list of the references used in these petition findings is available in the relevant species assessment form, which is available on the internet at *https://www.regulations.gov* in the appropriate docket (see **ADDRESSES**, above) and upon request from the appropriate person (see **FOR FURTHER INFORMATION CONTACT**, above).

Authors

The primary authors of this document are the staff members of the Species Assessment Team, Ecological Services Program.

Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq*.).

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2024–13617 Filed 6–18–24; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 89, No. 119
Thursday, June 20, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2024–0009]

National Advisory Committee on Meat and Poultry Inspection; Charter Renewal

AGENCY: Food Safety and Inspection Service, Department of Agriculture (USDA).

ACTION: Notice of the intent to renew the USDA's National Advisory Committee on Meat and Poultry Inspection charter.

SUMMARY: The USDA intends to renew the National Advisory Committee on Meat and Poultry Inspection (NACMPI) charter. The purpose of the Committee is to provide advice to the Secretary of Agriculture concerning State and Federal programs with respect to meat and poultry inspection, food safety, and other matters that fall within the scope of the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA).

FOR FURTHER INFORMATION CONTACT: Ms. Katrina Green, Designated Federal Officer, Director, Resource and Administrative Management Staff, Office of Policy and Program Development, Food Safety and Inspection Service, by telephone at (202) 205–0495 or by email: *katrina.green@usda.gov,* regarding specific questions about the Committee. General information about the Committee can also be found at: *https://www.fsis.usda.gov/nacmpi.*

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. 10), notice is hereby given that the Secretary of Agriculture intends to renew the charter and the NACMPI for two years. The Committee provides advice and recommendations to the Secretary on meat and poultry inspection programs, pursuant to sections 7(c), 24, 301(a)(3), and 301(c) of the Federal Meat Inspection Act, 21 U.S.C. 607(c), 624, 645, 661(a)(3), and 661(c), and to sections 5(a)(3), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act, 21 U.S.C. 454(a)(3), 454(c), 457(b), and 460(e).

The following sections of the NACMPI charter have been updated: Objectives and Scope of Activities; Estimated Annual Operating Costs and Staff Years; Membership and Designation; and Subcommittees. A copy of the charter and other information about the committee can be found at *https://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/advisory-committees/nacmpi.*

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS web page located at: *https://www.fsis.usda.gov/federal-register.*

FSIS also will announce and provide a link to it through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *https://www.fsis.usda.gov/subscribe.*

Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY).

To file a program discrimination complaint, a complainant should complete a Form AD–3027, USDA Program Discrimination Complaint Form, which can be obtained online at *https://www.usda.gov/forms/electronicforms,* from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities,

cultures, and beliefs of the American people, including underserved communities. USDA is an equal opportunity provider, employer, and lender.

USDA is an equal opportunity provider, employer, and lender.

Dated: June 14, 2024.

Cikena Reid,

Committee Management Officer, USDA.

[FR Doc. 2024–13458 Filed 6–18–24; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Foreign Agricultural Service to request approval to revise the currently approved information collection for the USDA's Trade Missions and Trade Shows programs.

DATES: Comments on this notice must be received by August 19, 2024.

ADDRESSES: You may send comments, identified by the Office of Management and Budget (OMB) Control number 0551–0050, by any of the following methods:

- *Federal eRulemaking Portal: http://www/regulations.gov.* This portal enables respondents to enter short comments or attach a file containing lengthier comments.
- *Email: TMSAdmin@usda.gov.* Include OMB Control Number 0551–0050 in the subject line of the message.
- *Mail, Courier, or Hand Delivery:* Ryan Brewster, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 6085, Washington, DC 20250.

Instructions: All submissions must be identified by the OMB Control Number 0551–0050 and include the name of the agency, the Foreign Agricultural Service.

FOR FURTHER INFORMATION CONTACT: Ryan Brewster, 202–720–9084, *TMSAdmin@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: USDA Trade Missions and Trade Shows.

OMB Number: 0551–0050.

Expiration Date of Approval: August 31, 2025.

Type of Request: Revision of a currently approved information collection.

Abstract: USDA Trade Missions and Trade Shows is revising previously approved surveys in order to gather more useful information to further program objectives. The updated surveys have more focused questions to prompt responses that will be used to implement effective trade promotion events and ensure that program objectives are met. For example, the updated surveys will now ask fewer qualitative questions about how participants felt during the event and more questions relating to the type of organizations participating in the program (*e.g.,* whether an organization is a member of a USDA Cooperator or State and Region Trade Group). The surveys will collect relevant data on each organization and their connection to USDA initiatives and programs.

Two of the five surveys undergoing revision are applications to gather essential information from respondents desiring to participate in USDA trade missions or virtual trade events to determine their eligibility to take part in the event. The remaining three are voluntary post-event digital surveys for participants to fill out after a USDA-endorsed trade show, trade mission, or virtual trade event to report their satisfaction with the event and actual on-site and projected sales data as a direct result of their participation in the program. Trade and sales data supplied on this form is strictly confidential and will not be shared with outside sources. Submitted information from these post-event surveys is used to measure the benefits of these activities for participants, participant satisfaction with the activities, and how activities can be improved. All revised surveys are expected to positively contribute to FAS' strategic goals related to promoting U.S. agricultural exports.

Estimate of Burden: The total number of questions in each revised survey have decreased, resulting in the public reporting burden for each respondent participating in USDA Trade Mission and Shows Events to be approximately 15 minutes for each survey.

Trade Missions Application

Type of Respondents: Government agencies, State Regional Trade Groups, State Departments of Agriculture, private companies, agricultural cooperatives, and export trade associations.

Estimated Number of Respondents: 500 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 125 hours per annum.

Trade Missions (Post-Event) Survey

Type of Respondents: Government agencies, State Regional Trade Groups, State Departments of Agriculture, private companies, agricultural cooperatives, and export trade associations.

Estimated Number of Respondents: 130 per annum.

Estimated Number of Responses per Respondent: 2 per annum.

Estimated Total Annual Burden of Respondents: 65 hours per annum.

USDA-Endorsed Trade Shows (Post-Event) Survey

Type of Respondents: Government agencies, State Regional Trade Groups, State Departments of Agriculture, private companies, agricultural cooperatives, and export trade associations.

Estimated Number of Respondents: 1,000.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 250 hours.

Virtual Trade Event Application

Type of Respondents: private companies, agricultural cooperatives, and export trade associations.

Estimated Number of Respondents: 100 per annum.

Estimated Number of Responses per Respondent: 1 per annum.

Estimated Total Annual Burden of Respondents: 25 hours per annum.

Virtual Trade Events (Post-Event) Survey

Type of Respondents: private companies agricultural cooperatives, and export trade associations.

Estimated Number of Respondents: 60 per annum.

Estimated Number of Responses per Respondent: 2 per annum.

Estimated Total Annual Burden of Respondents: 30 hours per annum.

Copies of this information collection may be obtained from Kenneth Vernon, the Agency Information Collection Coordinator, at *Kenneth.Vernon@usda.gov.*

Requests for Comments: Send comments regarding (a) whether the information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including validity of the methodology and assumption used; (c)

ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at *http://www.regulations.gov* and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for OMB approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact *RARequest@usda.gov.*

Daniel Whitley,

Administrator, Foreign Agricultural Service.

[FR Doc. 2024–13502 Filed 6–18–24; 8:45 am]

BILLING CODE 3410–10–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nebraska Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a series of public business meetings via web conference. The purpose of the meetings will be to discuss their project on to the effects of the COVID–19 Pandemic on K–12 Education in the state.

DATES:

- Wednesday, July 10, 2024 at 4:00 p.m.–5:00 p.m. Central Time.
- Tuesday, July 23, 2024 at 4:00 p.m.–5:00 p.m. Central Time.

ADDRESSES: The meetings will be held via Zoom.

July 10th Business Meeting

Registration Link

(Audio/Visual): https://www.zoomgov.com/webinar/register/WN_ii4pG3WdR9qu0zGgcATDLA.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Meeting ID: 161 949 0812.

July 23rd Business Meeing

Registration Link

(Audio/Visual): https://www.zoomgov.com/webinar/register/WN_oNSAR_aMTzOYSHPaG_HB3w.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Meeting ID: 160 964 3737.

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, DFO, at *vmoreno@usccr.gov* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussions through the above call-in numbers (audio only) or online registration links (audio/visual). An open comment period at each meeting will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind, and/or hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and meeting ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meetings. Written comments may be emailed to Victoria at *vmoreno@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meetings. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Nebraska Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome and Roll Call
II. Chair's Comments
III. Committee Business
IV. Public Comment
V. Adjournment

Dated: June 14, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–13496 Filed 6–18–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

Public Combined Board and Board Committees Meeting

AGENCY: First Responder Network Authority (FirstNet Authority), National Telecommunications and Information Administration (NTIA), Department of Commerce.

ACTION: Announcement of meeting.

SUMMARY: The FirstNet Authority Board will convene an open public meeting of the Board and Board Committees.

DATES: June 24, 2024; 10:00 a.m. to 11:30 a.m. Central Standard Time (CST); Chicago, Illinois.

ADDRESSES: The meeting will be held at the Fairmont Chicago—Millenium Park, 200 N Columbus Dr, Chicago, IL 60601. Members of the public are not able to attend in-person but may listen to the meeting and view the presentation by visiting the URL: Join from the WebEx meeting link: *https://firstnet.webex.com/firstnet/j.php?MTID=m7907917ee404feec8342641d16715b58.*

Meeting number (access code): 2822 309 1247.

Meeting password: AEqHTXFP584.

If you experience technical difficulty, contact the FirstNet Authority Customer Support Service Desk at *CCSD@FirstNet.gov.* Webex information can also be found on the FirstNet Authority website (*FirstNet.gov*).

FOR FURTHER INFORMATION CONTACT:

General information: Jennifer Watts, (571) 665–6178, *Jennifer.Watts@FirstNet.gov.*

Media inquiries: Ryan Oremland, (571) 665–6186, *Ryan.Oremland@FirstNet.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Middle-Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1401 *et seq.*) (Act) established the FirstNet Authority as an independent authority within NTIA. The Act directs the FirstNet Authority to ensure the building, deployment, and

operation of a nationwide interoperable public safety broadband network. The FirstNet Authority Board is responsible for making strategic decisions regarding the operations of the FirstNet Authority.

Matters to be Considered: The FirstNet Authority will post a detailed agenda for the Combined Board and Board Committees Meeting on *FirstNet.gov* prior to the meeting. The agenda topics are subject to change. Please note that the subjects discussed by the Board and Board Committees may involve commercial or financial information that is privileged or confidential, or other legal matters affecting the FirstNet Authority. As such, the Board may, by majority vote, close the meeting only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Other Information: The public Combined Board and Board Committees Meeting is accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Jennifer Watts at (571) 665–6178 or email: *Jennifer.Watts@FirstNet.gov* before the meeting.

Records: The FirstNet Authority maintains records of all Board proceedings. Minutes of the Combined Board and Board Committees Meeting will be available on *FirstNet.gov.*

Dated: June 14, 2024.

Jennifer Watts,

Board Secretary, First Responder Network Authority.

[FR Doc. 2024–13499 Filed 6–18–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–33–2024]

Foreign-Trade Zone 75; Application for Expansion of Subzone 75C; Intel Corporation; Phoenix, Arizona

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of Phoenix, grantee of FTZ 75, requesting an expansion of Subzone 75C on behalf of Intel Corporation. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on June 13, 2024.

The applicant is requesting authority to expand the subzone to include a new site located at 3929 West Lower Buckeye Road, Phoenix (Site 6—1.7 acres).

In accordance with the FTZ Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 30, 2024. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 14, 2024.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Qahira El-Amin at *Qahira.El-Amin@trade.gov.*

Dated: June 14, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–13451 Filed 6–18–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–31–2024]

Foreign-Trade Zone (FTZ) 230, Notification of Proposed Production Activity; Patheon Softgels; (Pharmaceutical Products); High Point, North Carolina

The Piedmont Triad Partnership, grantee of FTZ 230, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Patheon Softgels (Patheon), for Patheon's facility in High Point, North Carolina within Subzone 230C. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on June 12, 2024.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished products include CU06–1004 and northenindrone acetate (duty-free).

The proposed foreign-status materials/components include: CU06–1004(active pharmaceutical ingredient); titanium dioxide (35%); mono diglycerides; surfactants; glycerol monolinoneate; red iron oxide; yellow iron oxide; medium chain triglycerides; vitamin E; sesame oil nf; linoleoyl polyoxyl-6 glycerides; ethinylestradiol micronized; glycerin and northenindrone acetate (active pharmaceutical ingredient) (duty rate ranges from duty-free to 6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 30, 2024.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Kolade Osho at *Kolade.Osho@trade.gov.*

Dated: June 13, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–13449 Filed 6–18–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–HA–0068]

Proposed Collection; Comment Request

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

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency (DHA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and

clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 19, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Health Agency, 7700 Arlington Blvd., Falls Church, VA 22042, Amanda Grifka, 703–681–1771.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense (DoD) Patient Safety Culture Survey; OMB Control Number 0720–0034.

Needs and Uses: The 2001 National Defense Authorization Act contains specific sections addressing patient safety in military and veterans' health care systems. This legislation states that the Secretary of Defense shall establish a patient care error reporting and management system to study occurrences of errors in patient care and that one purpose of the system should be to ''identify systemic factors that are associated with such occurrences'' and ''to provide for action to be taken to correct the identified systemic factors'' (sec. 754, items b2 and b3). In addition, the legislation states that the Secretary shall ''continue research and development investments to improve communication, coordination, and teamwork in the provision of health care'' (Sec. 754, item d4). In its ongoing response to this legislation and in support of its mission to ''promote a culture of safety to eliminate preventable patient harm by engaging, educating and equipping patient-care teams to institutionalize evidence-based safe practices,'' the DoD Patient Safety Program plans to field the DoD Patient Safety Culture Survey. The Culture Survey is based on the Department of Health and Human Services' Agency for Healthcare Research and Quality's validated survey instrument. The survey obtains Military Health System staff opinions on patient safety issues such as teamwork, communications, medical error occurrence and response, error reporting, and overall perceptions of patient safety.

Affected Public: Federal government; individuals or households.

Annual Burden Hours: 1,228.

Number of Respondents: 7,370.

Responses per Respondent: 1.

Annual Responses: 7,370.

Average Burden per Response: 10 minutes.

Frequency: As required.

Dated: June 12, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–13462 Filed 6–18–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0069]

Proposed Collection; Comment Request

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

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Under Secretary of Defense for Personnel and Readiness announces the proposed public information collections and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collections of information are necessary for the proper performance of the functions of the agencies, including whether the information shall have practical utility; the accuracy of the agencies' estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 19, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

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

FOR FURTHER INFORMATION CONTACT: To request more information on these proposed information collections or to obtain a copy of the proposal and associated collection instruments, please write to DoD, Physical Disability Board of Review (PDBR), 3351 Celmers Lane, Joint Base Andrews 20762, Phyllis M. Joyner, 240–612–4392.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Review by the PDBR; DD Form 294; OMB Control Number 0704–0453.

Needs and Uses: The Fiscal Year 2008 National Defense Authorization Act amended Title 10, United States Code by adding Section 1554a. That provision of law directs the Secretary of Defense to establish a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. Covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009, were (1) separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and (2) are found to be not eligible for retirement. On June 27, 2008, The Department of Defense published DoDI 6040.44, which provides the guidance for this process.

The DD Form 294, ''Application for Review by the PDBR of the Rating Awarded Accompanying a Medical

Separation from the Armed Forces of the United States,'' is designed to collect the information necessary to retrieve the medical separation and Department of Veterans Affairs records and correct military personnel and pay records.

Affected Public: Individuals or households.

Annual Burden Hours: 180.

Number of Respondents: 240.

Responses per Respondent: 1.

Annual Responses: 240.

Average Burden per Response: 45 minutes.

Frequency: On occasion.

Dated: June 12, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–13461 Filed 6–18–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0067]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Finance and Accounting Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 19, 2024.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Enterprise Standards and Solutions, Disbursing, Defense Finance and Accounting Services (DFAS), 8899 E 56th Street, Indianapolis, IN 46249–0201, POC: Kellen Stout (DFAS IMCO), (317) 212–1801.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Waiver/Remission of Indebtedness Application; DD Form 2789; OMB Control Number 0730–0009.

Needs and Uses: The information collected on this form will be used by the DFAS to determine whether there is indication of fraud, misrepresentation, fault, or lack of good faith, and whether it is in the best interest of the United States to forgive the debt. It will also be used to determine if a debtor should have been reasonably aware of the overpayment when it occurred. If a request for waiver is denied, the debt collection office (DCO) (usually the payroll office) will continue or resume collection if collection action was previously suspended. If a request for waiver is approved, then the DCO must cancel any outstanding portion of the debt and refund any portion of the debt that may have been collected prior to waiver approval.

Affected Public: Individuals or households.

Number of Respondents: 4,500.

Responses per Respondent: 1.

Annual Responses: 4,500.

Average Burden per Response: 80 minutes.

Annual Burden Hours: 6,000.

Frequency: On occasion.

Dated: June 12, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–13459 Filed 6–18–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Supplemental Environmental Impact Statement to the Revised Programmatic Environmental Impact Statement (RPEIS) for the Morganza to the Gulf of Mexico, Louisiana, Hurricane and Storm Damage Risk Reduction Project (MTG)

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Mississippi Valley Division, New Orleans District (CEMVN), is announcing its intent to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate design changes to the authorized MTG project to meet the one percent Annual Exceedance Probability (AEP) Storm Surge Risk Reduction (100-year level of risk reduction (LORR)). This EIS supplements the Revised Programmatic EIS (RPEIS), MTG, Louisiana, that was integrated with the 2013 Final Post Authorization Change Report (PACR). The 2013 Integrated RPEIS and PACR was approved in the Chief's Report that was signed July 8, 2013. The Record of Decision (ROD) was signed on December 9, 2013.

DATES: All comments and suggestions must be submitted by July 22, 2024.

ADDRESSES: To ensure the Corps has sufficient time to consider public input in the preparation of the Draft EIS, scoping comments should be submitted by email at *mvnenvironmental@usace.army.mil,* by surface mail to U.S. Army Corps of Engineers, U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN–PDC–C, 7400 Leake Avenue, New Orleans, Louisiana 70118, or at the Scoping Meeting(s).

FOR FURTHER INFORMATION CONTACT: Questions and scoping comments regarding the proposed action should be directed to Ms. Sandra Stiles at U.S. Army Corps of Engineers, New Orleans District, Attn: CEMVN–PDS, 7400 Leake Avenue, New Orleans, Louisiana 70118, by phone (504) 862–2862, or by email at *Sandra.E.Stiles@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

Background: The MTG hurricane and storm damage risk reduction project is a levee system located approximately 60 miles southwest of New Orleans, Louisiana and includes most of Terrebonne Parish and a portion of Lafourche Parish between the Terrebonne Parish eastern boundary and

Bayou Lafourche. The purpose of this project is to reduce the risk of damage caused by hurricane storm surges. A review of the project is needed because of the increasing susceptibility of coastal communities to storm surge due to wetland loss, sea level rise, and subsidence. The MTG Project was initially authorized by Section 1001(24) of the Water Resources Development Act (WRDA) of 2007 (Pub. L. 110–114) in accordance with the Reports of the Chief of Engineers dated 23 August 2002 and 22 July 2003, at a total cost of $886.7 million. The project was redesigned in the 2013 Integrated RPEIS and PACR Report, both to address the project cost increase beyond the statutory limitation in accordance with Section 902 of the WRDA of 1986, as amended, and to meet updated post-Hurricane Katrina design guidelines. The MTG Project was subsequently re-authorized by Section 7002(3)5 of the WRRDA of 2014 (Pub. L. 113–121) in accordance with the Report of the Chief of Engineers dated 8 July 2013, at an updated total cost of $10,265,100,000. The MTG project was authorized to provide the 1% AEP level of hurricane and storm damage risk reduction while maintaining navigational passage and tidal exchange. The project consists of approximately 98 miles of levee including associated navigation, roadway, pump station fronting protection, and environmental control structures. The 2013 RPEIS provided an assessment for both programmatic and constructible features for the MTG project. Constructible features consisted of those project features that were determined to have sufficient design details to be constructed. Constructible features included levee reaches F1, F2, G1; the HNC Lock; and the Bayou Grand Caillou Floodgate. The remaining features were designed to a programmatic design level that would require supplemental National Environmental Policy Act (NEPA) documentation prior to construction. The mitigation plan for the constructible features included restoration of 427 acres of intermediate marsh, 358 acres of brackish marsh and 975 acres of saline marsh.

This SEIS will disclose the context and intensity of environmental impacts, including indirect and cumulative effects, for the final array of levee alignments and associated features. Any required mitigation will also be discussed.

Alternatives: The SEIS will evaluate the PACR alignment as identified in the 2013 Integrated RPEIS and PACR Report to include a reasonable range of alignment modifications that considers existing levee alignments, the least environmental damaging preferred alignment maximizing avoidance and minimization measures to sensitive habitats as well as the no action alternative. Major Features of the project include: (1) Approximately 98 miles of earthen levee, with final levee elevations ranging from 15 feet to 26.0 feet North American Vertical Datum 1988 (NAVD88) plus overbuild and final levee widths from approximately 146 to 446 feet; (2) The Houma Navigation Canal lock complex (HNC Lock) with lock sill depth of −18 feet; (3) Construction on navigable waterways of 21 other floodgates such as stop log gates, barge gates, and sector gates; (4) Environmental water control structures at numerous locations within the levee system. Each control structure would consist of one or more culverts with gates that allow for tidal exchange; (5) Measures to offset the potential for increased water levels on the existing Larose to Golden Meadow project.

Summary of Expected Effects: The SEIS will analyze the potential impacts on the human and natural environment resulting from the proposed actions for the Project. The scoping, public involvement, and interagency coordination processes are requesting data and information to help identify and define the range of potential significant issues that will be considered. Resources and issues that may be significantly impacted may include tidal wetlands and other waters of the U.S.; aquatic resources; essential fish habitat; threatened and endangered species and their critical habitats; cultural resources; soils; navigation and navigable waters; transportation and traffic; hydrology and hydraulics; induced flooding; environmental justice; and cumulative effects of related projects in the regional area.

Environmental Reviews and Consultation Requirements: The alternatives are being coordinated with federal, state, regional, and local agencies. In accordance with relevant environmental laws and regulations, USACE will consult with the following agencies some of which may also serve as cooperating or participating agencies in the EIS preparation: Department of Interior's U.S. Fish and Wildlife Service (USFWS) under the Fish and Wildlife Coordination Act; USFWS and National Oceanic and Atmospheric Administration's (NOAA) under the Endangered Species Act; National Marine Fisheries Service (NMFS) under the Magnuson-Stevens Fishery Conservation and Management Act; Louisiana's Department of Natural Resources (LDNR) under the Coastal Zone Management Act; and Louisiana Department of Environmental Quality (LDEQ) under the Clean Water Act, Section 401 Water Quality Certification; and, the Advisory Council on Historic Preservation (ACHP), Louisiana's Historic Preservation Office (SHPO), and appropriate Tribal Historic Preservation Officers under the National Historic Preservation Act (NHPA) using an integrated NHPA Section 106/NEPA EIS process.

NEPA Schedule: The draft SEIS is presently scheduled to be available for public review and comment in June 2025. A 45-day public review period will be provided for interested parties and agencies to review and comment on this draft document. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the Draft EIS circulation. A Record of Decision would be approved and signed no earlier than 30 days after the Final EIS is published.

Public Involvement and Scoping: The following agencies are being invited as Cooperating Agencies on the SEIS: Environmental Protection Agency (EPA), USFWS, NMFS, U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), ACHP, Louisiana's SHPO, LDNR, Louisiana's Department of Wildlife and Fisheries (LDWF), and Louisiana's Coastal Protection and Restoration Authority.

USACE invites all affected federal, state, and local agencies, affected Federally recognized Indian Tribes, other interested parties, and the general public to participate in the National Environmental Policy Act (NEPA) process during development of the DEIS. Besides providing information, this notice requests input on alternatives and issues of concern.

To ensure that public comments are considered in the DEIS preparation process, members of the public, interested persons and entities must submit their comments to USACE by mail, email, or at the Scoping Meeting(s). All comments and suggestions must be submitted by July 22, 2024. All personally identifiable information (for example, name, address, etc.) voluntarily submitted by a commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Scoping meeting(s) could be held during the scoping period which extends to July 22, 2024, to present information and receive comments from the public. Notification of the meeting(s) will be publicly announced in advance by USACE through press releases, special public notices, USACE social

media platforms, and the project website *http://www.mvn.usace.army.mil/About/Projects/Morganza-to-the-Gulf/.*

James A. Bodron,

Programs Director, Mississippi Valley Division.

[FR Doc. 2024–13480 Filed 6–18–24; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

President's Board of Advisors on Historically Black Colleges and Universities

AGENCY: President's Board of Advisors on Historically Black Colleges and Universities, Office of Secretary, Department of Education.

ACTION: Notice. Cancelled open public meeting.

SUMMARY: This notice is to advise members of the public of the cancellation of the open meeting of the President's Board of Advisors on Historically Black Colleges and Universities scheduled to be held on June 20, 2024 at 10:30 p.m. (EDT). The open meeting was announced in the **Federal Register** on Monday, May 20, 2023, in FR Doc. 2024–10920 page 43840–43841.

FOR FURTHER INFORMATION CONTACT: Sedika Franklin, Associate Director/ Designated Federal Official, U.S. Department of Education, White House Initiative on Historically Black Colleges and Universities, 400 Maryland Avenue SW, Washington, DC 20204; telephone: (202) 453–5634 or (202) 453–5630, or email *sedika.franklin@ed.gov.*

Alexis Barrett,

Chief of Staff, Office of the Secretary.

[FR Doc. 2024–13484 Filed 6–18–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Tests Determined To Be Suitable for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces tests, test forms, and delivery formats that the Secretary determines to be suitable for use in the National Reporting System for Adult Education (NRS). This notice relates to the approved information collections under OMB control numbers 1830–0027 and 1830–0567.

FOR FURTHER INFORMATION CONTACT: John LeMaster, Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–987–0903. Email: *John.LeMaster@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: On January 14, 2008, we published in the **Federal Register** final regulations for 34 CFR part 462, Measuring Educational Gain in the National Reporting System for Adult Education (73 FR 2305, January 14, 2008, as amended at 81 FR 55552, August 19, 2016) (NRS regulations). The NRS regulations established the process the Secretary uses to determine the suitability of tests for use in the NRS by States and local eligible providers. We annually publish in the **Federal Register**, and post on the internet at *www.nrsweb.org,* a list of the names of tests and the educational functioning levels the tests are suitable to measure in the NRS as required by § 462.12(c)(2).

On August 7, 2020, the Secretary published in the **Federal Register** (85 FR 47952) an annual notice consolidating information from previous notices that announced tests determined to be suitable for use in the NRS, in accordance with § 462.13 (August 2020 annual notice). Also, in the August 2020 annual notice, the Secretary announced that English as a Second Language (ESL) tests and test forms approved for an extended period through February 2, 2021, are approved for an additional extended period through February 2, 2023, and that an Adult Basic Education (ABE) test and test forms previously approved for a three-year period through March 7, 2021, are approved for an extended period through March 7, 2023.

On December 6, 2021, the Secretary published in the **Federal Register** (86 FR 69021), an annual notice with the same list of approved tests and test forms as was published in the August 2020 annual notice.

On September 23, 2022, the Secretary published in the **Federal Register** (87 FR 58078) an annual notice announcing that ESL tests and test forms previously approved for an extended period through February 2, 2023, were approved for an additional extended period through February 2, 2024, and that an ABE test and test forms previously approved for an extended period through March 7, 2023, were approved for an additional extended period through March 7, 2024.

On July 13, 2023, the Secretary published in the **Federal Register** (88 FR 44784) an annual notice announcing new tests that were determined to be suitable for use in the NRS, in accordance with § 462.13 (July 2023 annual notice). Three tests measured the NRS educational functioning levels for ABE at the ABE levels specified in the July 2023 annual notice, and four tests measured the new NRS educational functioning levels for ESL at the ESL levels specified in the July 2023 annual notice. With the Secretary's approval of the new ESL tests in the July 2023 annual notice, the new educational functioning levels for ESL described in Appendix A of Measures and Methods for the National Reporting System for Adult Education (OMB Control Number: 1830–0027) were implemented. In the July 2023 annual notice, the Secretary announced that ESL tests with NRS approvals expiring on February 2, 2024, may be used in the NRS during a sunset period ending on June 30, 2024.

On August 24, 2023, the Secretary published a notice in the **Federal Register** (88 FR 57949) correcting the name of one test listed in the July 2023 annual notice. All other information in the July 2023 annual notice remained the same.

On March 18, 2024, the Secretary published in the **Federal Register** (89 FR 19307) a notice announcing that the sunset period for ESL tests scheduled to sunset on June 30, 2024, is extended through June 30, 2025. This extension of the sunset period will allow States sufficient time for the operational activities required for the transition to the new ESL assessments identified in the July 2023 annual notice.

The ESL educational functioning level descriptors to which the ESL tests with expiring NRS approvals are aligned and that were scheduled to be retired on June 30, 2024, are extended through June 30, 2025. Until that time, both the current ESL educational functioning level descriptors and the new ESL educational functioning level descriptors will be in effect. States must use an ESL assessment that is aligned to the appropriate ESL educational functioning level descriptors.

In this notice, the Secretary announces two new tests and test forms that have been determined to be suitable for use in the NRS, in accordance with § 462.13. The tests measure the NRS educational functioning levels at all ABE and ESL levels, as described in Appendix A of Measures and Methods for the National Reporting System for Adult Education (OMB Control Number

1830–0027). These tests and their test forms are approved for a period of three years from the publication date of this notice. A three-year approval is issued with a set of conditions that must be met by the completion of the three-year time period. If these conditions are met, the test would be approved for continued use in the NRS.

This notice also updates the delivery formats available for two tests with a three-year approval announced in the July 2023 annual notice and approved for use until July 13, 2026.

Under the transition rules in § 462.4, the Secretary also announces in this notice a test with NRS approval expiring on September 7, 2024, which States and local eligible providers may continue to use during a sunset period ending on June 30, 2025.

Adult education programs must use only the forms and computer-based delivery formats for the tests approved in this notice. If a particular test form or computer delivery format is not explicitly specified for a test in this notice, it is not approved to measure educational gain in the NRS.

Tests Determined To Be Suitable for Use in the NRS for a Three-Year Period From the Publication Date of This Notice

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts and Mathematics at all ABE levels of the NRS for a period of three years from the publication date of this notice:

Tests of Adult Basic Education (TABE 13/14). Forms 13 and 14 are approved for use on paper and through a computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: 800–538–9547. Internet: *www.tabetest.com.*

The Secretary has determined that the following tests are suitable for use at all ESL levels of the NRS for a period of three years from the publication date of this notice:

Tests of Adult Basic Education Complete Language Assessment System-English (TABE/CLAS–E). Forms C and D are approved for use on paper and through a computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: (800) 538–9547. Internet: *www.tabetest.com.*

Tests Determined To Be Suitable for Use in the NRS for a Three-Year Period From the Publication Date of the Original Notice in Which They Were Announced

The Secretary has determined that the following test is suitable for use in Mathematics at all ABE levels of the NRS until July 13, 2026:

ACT WorkKeys Applied Math. Forms 014, 015, 016, and 017 are approved for use through a computer-based delivery format. Publisher: ACT, 500 ACT Drive, Iowa City, Iowa 52243–0168. Telephone: (319) 337–1270. Internet: *www.act.org.*

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts at ABE levels 2 through 6 of the NRS until July 13, 2026:

ACT WorkKeys Workplace Documents. Forms 018, 019, 020, and 021 are approved for use through a computer-based delivery format. Publisher: ACT, 500 ACT Drive, Iowa City, Iowa 52243–0168. Telephone: (319) 337–1270. Internet: *www.act.org.*

Test With NRS Approval Expiring on September 7, 2024, That May Be Used in the NRS During a Sunset Period Ending on June 30, 2025

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts and Mathematics at all ABE levels of the NRS during a sunset period ending on June 30, 2025:

Tests of Adult Basic Education (*TABE 11/12*). Forms 11 and 12 are approved for use on paper and through a computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: 800–538–9547. Internet: *www.tabetest.com.*

Revocation of Tests

Under certain circumstances—*i.e.,* a determination by the Secretary either that the information the publisher submitted as a basis for the Secretary's review of the test was inaccurate or that a test has been substantially revised—the Secretary may revoke the determination that a test is suitable after following the procedures in § 462.12(e). If the Secretary revokes the determination of suitability, the Secretary announces the revocation, as well as the date by which States and local eligible providers must stop using the revoked test, through a notice published in the **Federal Register** and posted on the internet at *www.nrsweb.org.*

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, 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.

Program Authority: 29 U.S.C. 3292.

Amy Loyd,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2024–13426 Filed 6–18–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2024–OPE–0072]

Request for Information on Identifying and Tracking Data Related to Early Childhood Education Providers

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Request for information.

SUMMARY: This notice is a request for information in the form of written comments that include information, research, and suggestions regarding operational aspects of the possible inclusion of for-profit early childhood education providers as eligible employers for the purpose of Public Service Loan Forgiveness.

DATES: We must receive your comments by July 22, 2024.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *regulations.gov.* However, if you require an accommodation or cannot otherwise submit your comments via *regulations.gov,* please

contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments by email or by fax. To ensure that the Department does not receive duplicate copies, please submit your comments only once. Additionally, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov,* including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''FAQ'' tab.

Privacy Note: The Department's policy for comments received from members of the public is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available. We encourage, but do not require, that each respondent include their name, title, institution or affiliation, and the name, title, mailing and email addresses, and telephone number of a contact person for the institution or affiliation, if any.

FOR FURTHER INFORMATION CONTACT: Greg Marak. Telephone: (202) 401–6250. You may also email your questions to *greg.marak@ed.gov,* but as described above, comments must be submitted via the Federal eRulemaking Portal at *regulations.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:

Background:

Congress created the Public Service Loan Forgiveness (PSLF) Program in 2007 as part of the College Cost Reduction and Access Act, Public Law 110–84, to encourage individuals to enter into and remain employed in public service professions. The program alleviates financial burdens associated with Federal Direct Loans for borrowers working for certain public service providers by forgiving all remaining loan balances following 10 years of public service while the borrower makes qualifying student loan payments. Since its creation in 2007, PSLF has been available to borrowers working for government at all levels, non-profit organizations that are tax-exempt under section 501(c)(3) of the Internal Revenue Code, and other non-profits that provide at least one of the specific services listed in the statute. This includes early care educators who work in the public sector or for non-profit organizations.

A significant share of early care educators, however, are not considered public sector or non-profit employees and current regulations do not provide a pathway for their eligibility for PSLF. Data from the National Survey of Early Care and Education, conducted by the Department of Health and Human Service's Office of Planning, Research, and Evaluation, estimates that extending PSLF eligibility to early childhood education (ECE) workers regardless of the tax status of their employer would allow more than 450,000 additional ECE workers to earn credit toward PSLF—about 68,000 who work in home-based settings and 390,000 who work in center-based settings—if they have student loans.[1] This reflects roughly one-third of the overall ECE workforce.

On July 13, 2022, the Department published a notice of proposed rulemaking (NPRM) in the **Federal Register** (87 FR 41878).[2] In the NPRM, the Department proposed improvements to PSLF that reduce regulatory and administrative barriers that have historically made it more difficult for borrowers to make progress toward forgiveness under PSLF. This included simplifying criteria to help borrowers certify employment, helping borrowers earn progress toward PSLF for months that did not count before, and providing borrowers with more opportunities to correct problems with PSLF.

Additionally, in the NPRM, the Department asked directed questions about the possibility of allowing ECE providers who are private for-profit businesses to be considered eligible employers for the purposes of PSLF. In response, the Department received many detailed comments about early childhood education as well as a range of comments in support of making other for-profit employers eligible to serve as qualifying employers for PSLF for individuals in certain occupations.

On November 1, 2022, the Secretary published final regulations[3] in the **Federal Register**. Those final regulations did not include regulations regarding whether, and under what circumstances, private for-profit ECE providers employing borrowers working as early childhood educators, should be treated as qualifying employers for PSLF.[4]

Solicitation of Comments:

Early care educators are among the lowest-paid workers in the country; and the Administration has committed through Executive Order 14095, to better supporting the care workforce.[5] The E.O. states that investments in the care workforce are foundational to helping to retain care workers and improving health and educational outcomes for those in their care. The purpose of this Request for Information (RFI) is to gather information about ECE providers. This RFI and the comments received in response to this RFI will not be considered as part the Affordability and Student Loans proposed rule (87 FR 41878) and any subsequent related final rules. The comments received in response to this RFI will not be used as part of the rulemaking related to the treatment of for-profit employers, including ECE providers, and eligibility for PSLF. Instead, the feedback from this RFI will help inform the Department's understanding of different approaches that might be considered when implementing non-rulemaking solutions related to this issue.

Given the operational and implementation hurdles associated with PSLF, the Department is interested in understanding whether there are ways that eligibility could be streamlined if all ECEs became eligible. The Department is soliciting information and data from the public on how the Department could determine employer eligibility and related considerations if for-profit ECE employers were to be considered eligible employers if they provided one of the services listed in the statute. The Department encourages

[1] These estimates are from the Administration for Children and Families' National Survey of Early Care and Education, both the 2019 Home-Based NSECE chartbook and the 2019 Center-Based NSECE chartbook. These data show that approximately three-fourths of home-based providers had at least some college, and 72 percent of for-profit ECE workers had some college or higher.

[2] *https://www.federalregister.gov/documents/2022/07/13/2022-14631/student-assistance-general-provisions-federal-perkins-loan-program-federal-family-education-loan.*

[3] *https://www.federalregister.gov/documents/2022/11/01/2022-23447/institutional-eligibility-under-the-higher-education-act-of-1965-as-amended-student-assistance.*

[4] Section 103(8) of the Higher Education Act contains a definition of ''early childhood education program'' that includes public preschool, Head Start, and State licensed and regulated child care programs. It does not speak to the tax-status of providers. Unlike the public Kindergarten through 12th grade system, which provides free access to education for all age-eligible children and youth, there is no parallel system for our country's youngest children. As a result, ECE is delivered through a system of mixed delivery that includes public programs, non-profit settings, and for-profit settings. *https://www.acf.hhs.gov/ecd/policy-guidance/dear-colleague-letter-mixed-delivery.* The vast majority of ECE settings are home-based, and do not carry non-profit tax designations. Compensation across settings is low generally, regardless of the tax-status of the ECE provider. *https://www.bls.gov/oes/current/oes_va.htm.*

[5] **Federal Register**: Increasing Access to High-Quality Care and Supporting Caregivers.

comments from researchers, academics, policy experts, and other individuals familiar with ECE employer data; organizations that work directly with ECE workers; State and Tribal government officials who oversee and administer ECE programs; ECE practitioners; and other members of the public. The Department will review all comments received, but does not intend to respond to comments.

The Department seeks feedback on the following questions:

(1) The Department has always relied upon employer identification numbers (EINs) to identify whether an employer is a non-profit under IRC 501(c)(3). This approach has allowed the Department to create a comprehensive list of eligible employers and use a consistent identifier system. However, some for-profit businesses may be sole proprietors or other providers that do not have an EIN. Are there other uniform sources that the Department might consider using for determinations of qualifying employers?

(2) If there are not other uniform sources, how should the Department address eligibility determinations of a for-profit ECE employer?

(3) If in consultation with the Department, the U.S. Department of Health & Human Services (HHS), issued a voluntary Public Records Act request from the States to create a nationwide registry of EINs of ECE providers, are State and Tribal agencies that oversee and administer ECE programs in a position to collect this information? Do commenters believe that all States would provide this information? Are there any additional considerations the Department should be aware of should HHS issue this request?

(4) What feedback can be provided concerning the time it would take a State or Tribe to undertake the collection of EINs for licensed and regulated providers, including the process, privacy, administrative, or other considerations that the Department should take into account?

(5) Should the Department consider a process that relies on unique identifiers associated with licensure as opposed to EINs to identify eligible employers?

This is a request for information only. This RFI is not a request for proposals and does not commit the Department to take any future administrative, contractual, regulatory, or other action. The Department will not pay for any information or costs that you may incur in responding to this RFI. Any documents and information submitted in response to this RFI become the property of the U.S. Government and will not be returned.

Accessible Format: By request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Nasser Paydar,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2024–13446 Filed 6–18–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket Number: DOE–HQ–2024–0018]

Notice of Request for Information Related to the Department of Energy's Environmental Justice Strategic Plan

AGENCY: Office of Energy Justice and Equity, Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: Pursuant to the Executive order (E.O.), *Revitalizing our Nation's Commitment to Environmental Justice for All,* the Department of the Energy (DOE) is drafting its Environmental Justice Strategic Plan and soliciting feedback on its draft environmental justice goals (included in the **SUPPLEMENTARY INFORMATION** section).

DATES: Interested persons are invited to provide oral feedback on DOE's draft environmental justice goals DOE should evaluate to advance the draft environmental justice vision, goals, and objectives during one of three public virtual listening sessions. For the latest information on the dates and registration, please go to: *https://www.energy.gov/justice/calendar-events.*

Tentative Dates: Tuesday, July 9, 2024 3–5 p.m. ET.

Wednesday, July 10, 2024 11–1 p.m. ET.

Thursday, July 11, 2024 5–7 p.m. ET.

Comments are being collected both orally and written. Written comments are requested on or before July 31, 2024, and must be received no later than 11:59 p.m. eastern time (ET) on July 31, 2024. Written submissions received after that date may not be considered. DOE will not reply individually to responders but will consider all comments submitted by the deadline.

ADDRESSES: Comments may be submitted by any of the following methods:

Oral submission: Participate in one of the scheduled virtual listening sessions where you have an opportunity to share your comments. Sessions will be recorded but engagement tools like Mentimeter and Slido will also be used to collect feedback. Register at *https://www.energy.gov/justice/calendar-events* to attend a listening session.

Listening sessions will be 90 minutes and they will be recorded. The sessions will start with an overview and then interested persons will have the opportunity to provide feedback using a variety of engagement tools.

If you require a reasonable accommodation to attend a listening session, please email *energyjustice@hq.doe.gov* at least ten days prior to the session you are interested in attending.

Electronic submission: Submit electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov* and enter DOE–2024–0018 in the search field,

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

Email: Electronic submissions may also be sent as an attachment to *energyjustice@hq.doe.gov* with ''DOE EJ Strategic Plan RFI'' in the subject line in any of the following unlocked formats: HTML; ASCII; Word; RTF; Unicode, or PDF.

Mail: Written comments may also be submitted by mail to: Department of Energy, Office of Energy Justice and Equity, 1000 Independence Avenue SW, Washington, DC 20585.

Response to this RFI is voluntary. Submissions must not exceed ten (10) pages (when printed) in 12-point or larger font, with a page number provided on each page. Please include your name, organization's name (if any),

and cite ''DOE EJ Strategic Plan RFI'' in all correspondence.

Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. All comments and submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Relevant comments will generally be available on the Federal eRulemaking Portal at *www.regulations.gov.* DOE will not accept comments accompanied by a request where part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. Therefore, do not submit confidential business information or otherwise sensitive, protected, or personal information, such as account numbers, Social Security numbers, or names of other individuals.

FOR FURTHER INFORMATION CONTACT: For questions about this RFI contact: email *energyjustice@hq.doe.gov,* call Kelly Crawford, Senior Advisor for Energy & Environmental Justice, Department of Energy, Office of Energy Justice and Equity at (202) 586–2533 or submit via mail to Department of Energy, Office of Energy Justice and Equity, 1000 Independence Avenue SW, Washington, DC 20585. Direct media inquiries to DOE's Office of Public Affairs at (202) 586–4940. Users of telecommunication devices for the deaf, or a text telephone, may call the Federal Relay Service toll free at 1–800–877–8339.

Accessible Format: DOE will make the RFI available in alternate formats, such as Braille or large print, upon request by persons with disabilities.

SUPPLEMENTARY INFORMATION: Through the development of this Strategic Plan, DOE will:

Conceptualize the unique way in which equity intersects with the energy system and to develop the concept of energy justice.

- Explore objectives and initiatives towards strategic goal by examining internal and external perspectives through the lens of these widely held pillars of energy justice: Procedural Justice, Recognition Justice, Distributive Justice, and Restorative Justice
- Acknowledge DOE's history, recognizing the opportunities to redress these unique historical environmental harms.
- Discuss the role of equity in the context of energy systems and address the evolution of language and definitions in the space.
- Clarify terminology for reference and to orient the relationship of this plan to the Equity Action Plan.
- Discuss the Role of Justice 40 as a tool to implement Energy Justice and Environmental Justice at DOE.
- The information provided in response to this Request for Information will inform the preparation of that plan.

The Department of Energy is seeking public input to assist in carrying out certain of its responsibilities under sections 3(a)(vii) and (xi) of E.O. 14096, issued on April 21, 2023 (88 FR 25251). This RFI addresses the specific responsibilities cited as follows. Other topics in E.O. 14096 are being addressed separately by DOE and other agencies. This request for information pertains solely to collecting feedback on the proposed strategic goals. The public is encouraged to provide input in response to the questions listed to help the Department understand the potential environmental justice impact of its Strategic Plan.

E.O. 14096 section 4(b) directs Federal agencies to ''set forth the agency's vision, goals, priority actions, and metrics to address and advance environmental justice.'' The Environmental Justice Strategic Plan ''shall . . . identify and address opportunities through regulations, policies, permits, or other means to improve accountability and compliance with any statute the agency administers that affects the health and environment of communities with environmental justice concerns.'' Among those actions, section 4(a) directs DOE to create an Environmental Justice Strategic Plan no later than 18 months after the date of the E.O. and every four years thereafter. The Strategic Plan shall be submitted to the Chair of the White House Council on Environmental Quality and made available to the public online.

DOE seeks to establish new goals and objectives to support resilient communities and provide meaningful public participation for all persons in DOE decision-making processes that may affect human health or the environment. DOE's environmental justice program must evolve as the environmental justice landscape evolves due to climate change, new scientific developments, and an increased policy focus on environmental justice and equity throughout the Federal Government. In brief, new and more ambitious approaches are essential, with concrete, meaningful steps needed to advance energy and environmental justice.

To help guide input, DOE would appreciate feedback on the following suggested questions:

1. Do the draft environmental justice strategic goals provided as follows address your interests and concerns about the advancement of environmental justice by the Department of Energy? Why or why not?

Goal 1: Build cultural & technical capacity of Department of Energy staff and leadership.

Goal 2: Respect and honor cultural implications of our energy system.

Goal 3: Recognize and repair harms to communities and to the environment.

Goal 4: Enhance public participation in agency decision making.

Goal 5: Substantively address unique harms of the energy system such as energy insecurity, energy democracy and energy poverty.

2. What actions should the Department of Energy undertake to advance environmental justice?

3. What performance measures or metrics should the Department of Energy establish to monitor progress towards advancing environmental justice?

4. What are examples of successful collaborations between Federal agencies and Tribal, Territorial, local, and State governments or communities with environmental justice concerns?

5. How can DOE better engage and collaborate effectively with Tribes, both federally and non-federally recognized, Native Hawaiian organizations, and Indigenous Peoples, including Indigenous migrant communities?

6. How can DOE better assist communities, local governments, and community benefit organizations with drafting and developing CBPs as they apply for DOE grants?

7. How can DOE assist communities that are beneficiaries of Community Benefits Plans?

8. How can DOE ensure successful implementation, compliance or enforcement of Community Benefit Plans?

9. What are examples of regional approaches to building community capacity supporting energy democracy?

Any information obtained from this RFI is intended for Government planning and strategy development. Response to this RFI is voluntary. Respondents may answer as many or as few questions as they wish. Comments of ten (10) pages or fewer are requested.

Confidential Business Information: Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted.

Submit these documents via email to *energyjustice@hq.doe.gov.* DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Signing Authority

This document of the Department of Energy was signed on June 5, 2024, by Shalanda H. Baker, Director, Office of Energy Justice and Equity, 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 14, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–13467 Filed 6–18–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, July 17, 2024; 4–9 p.m. PDT; The opportunity for public comment is at 4:10 p.m. PDT. This time is subject to change; please contact the Nevada Site Specific Advisory Board (NSSAB) Administrator (below) for confirmation of time prior to the meeting.

ADDRESSES: Molasky Corporate Center, 15th Floor Conference Room, 100 North City Parkway, Las Vegas, Nevada 89106. This meeting will be open to the public in-person at the Molasky Corporate Center or virtually via Microsoft Teams. To attend virtually, please contact Barbara Ulmer, NSSAB Administrator, by email *nssab@emcbc.doe.gov* or phone (702) 523–0894, no later than 4 p.m. PDT on Monday, July 15, 2024.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, NSSAB Administrator, by phone: (702) 523–0894 or email: *nssab@emcbc.doe.gov* or visit the Board's internet homepage at *www.nnss.gov/NSSAB/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on any EM program components.

Tentative Agenda

1. Public Comment Period
2. Update from Deputy Designated Federal Officer
3. Update from National Nuclear Security Administration/Nevada Field Office
4. Updates from NSSAB Liaisons
5. Presentation
6. Planning for Fall EM SSAB National Chairs' Meeting

Public Participation: The in-person/online virtual hybrid meeting is open to the public either in-person at the Molasky Corporate Center or via Microsoft Teams. To sign-up for public comment, please contact the NSSAB Administrator (above) no later than 4 p.m. PDT on Monday, July 15, 2024. In addition to participation in the live public comment session identified above, written statements may be filed with the Board either before or within seven days after the meeting by sending them to the NSSAB Administrator at the aforementioned email address. Written public comment received prior to the meeting will be read into the record. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so in 2-minute segments for the 15 minutes allotted for public comments.

Minutes: Minutes will be available by writing or calling Barbara Ulmer, NSSAB Administrator, U.S. Department of Energy, EM Nevada Program, 100 North City Parkway, Suite 1750, Las Vegas, NV 89106; Phone: (702) 523–0894. Minutes will also be available at the following website: *https://www.nnss.gov/nssab/nssab-meetings/.*

Signing Authority: This document of the Department of Energy was signed on June 14, 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 14, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–13488 Filed 6–18–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Proposed New Survey

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: EIA invites public comment on the proposed collection of information in the *Residential Utility Disconnections Survey,* as required under the Paperwork Reduction Act of 1995. Form EIA–112 is an annual survey that collects information on the number of monthly natural gas and electric service final notices, disconnections, and reconnections for bill nonpayment across residential customers.

DATES: EIA must receive all comments on this proposed information collection no later than August 19, 2024. If you anticipate any difficulties in submitting your comments by the deadline, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice as soon as possible.

ADDRESSES: Send comments to Marc Harnish by email to *EIA112@eia.gov.*

FOR FURTHER INFORMATION CONTACT: If you need additional information, contact Marc Harnish at (202) 586–5309 or by email at *EIA112@eia.gov.* The form and instructions are available on EIA's website at *www.eia.gov/survey/.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* New;

(2) *Information Collection Request Title:* Residential Utility Disconnections Survey;

(3) *Type of Request:* New;

(4) *Purpose:* Form EIA–112 is an annual form that will collect 12 months of data from electric and natural gas providers about final termination notices sent to residential customers due to bill nonpayment, service disconnections of residential customers due to bill nonpayment, and service reconnections of residential customers who were disconnected due to bill nonpayment.

No national data is currently collected on this information. Some states collect some of the data described above, but the data are inconsistent, and publication is not uniform. Form EIA–112 aims to better inform state and federal policymakers on utility disconnections by providing reliable data that can help inform appropriate levels of budgetary support for various assistance programs across the United States. The results of the survey will be published on the EIA website at the aggregated national and state level, as well as at the utility level for respondents.

EIA will conduct periodic censuses of all natural gas and electric utilities above a certain size threshold. These censuses will cover respondents that complete Form EIA–176 and Form EIA–861, excluding the small electric utilities receiving Form EIA–861S. To reduce the respondent burden of this proposed data collection, while also considering data quality, for the years in between censuses, EIA will use cut-off samples from Form EIA–857 and Form EIA–861M, based on utility size and state coverage. This strategy will allow EIA to reduce respondent burden on smaller utilities, while also producing population estimates at the state level by modeling data for the utilities on the frames that were subjected to sampling but not selected.

(5) *Annual Estimated Number of Respondents:* 1,130;

(6) *Annual Estimated Number of Total Responses:* 1,130;

(7) *Annual Estimated Number of Burden Hours:* 2,260;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates no capital and start-up costs associated with this data collection. The information is maintained during the normal course of business. The cost of the burden hours is estimated to be $206,021.60 (2,260 burden hours times $91.16 per hour). Other than the cost of burden hours, EIA estimates no additional costs for generating, maintaining, and providing this information.

Comments are invited on whether or not: (a) The proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility; (b) EIA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, is accurate; (c) EIA can improve the quality, utility, and clarity of the information it will collect; and (d) EIA can minimize the burden of the collection of information on respondents, such as automated collection techniques or other forms of information technology.

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on June 13, 2024.

Samson A. Adeshiyan,

Director, Office of Statistical Methods and Research, U.S. Energy Information Administration.

[FR Doc. 2024–13457 Filed 6–18–24; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11994–01–R6]

Clean Water Act Section 303(d): Availability of List Decisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Clean Water Act (CWA) requires that states periodically submit, and the Environmental Protection Agency (EPA) approve or disapprove, lists of waters (called ''Section 303(d) lists'') for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards and for which total maximum daily loads (TMDLs) must be prepared. Waters identified on Section 303(d) lists are called ''water quality-limited segments.'' This notice describes the EPA's Decision Document, which identified certain additional water quality-limited segments for the Arkansas 2020 Section 303(d) list, and requests public comment on those additions.

DATES: Comments must be received on or before August 26, 2024.

ADDRESSES: You may send written comments to Mr. Richard Wooster by the following methods:

Electronic mail: wooster.richard@epa.gov. Include 'FRL–comment' in the subject line of the message.

Mail: Mr. Richard Wooster, Mail Code R6WDPQ, U.S. Environmental Protection Agency Region 6, 1201 Elm St., Dallas, TX 75270.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Wooster, Water Division Water Quality Protection Section, R6WDPQ, Environmental Protection Agency at *wooster.richard@epa.gov* or (214) 665–6473. Additional information regarding the basis for this EPA action is available at *https://www.epa.gov/publicnotices.*

SUPPLEMENTARY INFORMATION: Section 303(d) of the Clean Water Act requires that each state identify those water quality-limited segments for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared. For each water quality-limited segment on the list, the state identifies the pollutant causing the impairment, when known. In addition, the state assigns a priority ranking for development of TMDLs based on the severity of the pollution and the uses to be made of the waters, among other factors (40 CFR 130.7(b)(4)).

The EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require states to assemble and evaluate all existing and readily-available water quality data and to use that data to identify water quality-limited segments still requiring TMDLs every two years. Where a state does not use certain data, it must provide a rationale. The list of waters still needing TMDL development must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7).

The EPA received Arkansas's submittal of its listing decisions under Section 303(d)(2) on June 2, 2022. On September 28, 2023, the EPA partially approved and partially disapproved Arkansas's 2020 Section 303(d) list of water quality-limited segments based upon the Agency's finding that Arkansas did not use certain water quality information and therefore did not identify certain water quality-limited segments based upon existing data and public input. The EPA analyzed the information and identified seven additional water quality-limited segments for inclusion on Arkansas's 2020 Section 303(d) list.

The EPA is providing the public an opportunity to review and comment on its identification of these water quality-limited segments for Arkansas's 2020 Section 303(d) list as required by 40 CFR 130.7(d)(2). The EPA will consider public comments and make any appropriate revisions before transmitting the list of water quality-limited segments to the State.

Troy C. Hill,

Director, Water Division.

[FR Doc. 2024–13414 Filed 6–18–24; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than July 3, 2024.

A. Federal Reserve Bank of Dallas (Karen Smith, Director, Mergers & Acquisitions) 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to *Comments.applications@dal.frb.org:*

1. *Rodney Bass, as trustee of The Lonnie Ken Pilgrim 2003 GST Trust, The Lonnie Ken Pilgrim 1999 Issue Trust, The LKP 2012 GST Trust, The Greta Pilgrim Owens 2003 GST Trust, The Greta Pilgrim Owens 1999 Issue Trust, and The GPO 2012 Trust, Sulphur Springs, Texas;* to join the Pilgrim/Henson/Simpson Family Group, a group acting in concert, to retain shares of Pilgrim Bancorporation, Mount Pleasant, Texas, and thereby indirectly retain shares of Pilgrim Bank, Pittsburg, Texas.

B. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *Daniel J. Smerchek; the Daniel J. Smerchek Pecuniary GST Trust, Daniel J. Smerchek, trustee; and Sonja C. Smerchek, all of Waterville, Kansas; and the Haley M. Johnson GST Trust dated September 26, 2018, Haley M. Johnson, trustee, Grand Prairie, Texas;* to join the Smerchek Family Control Group and Daniel J. Smerchek to become the largest individual controlling shareholder, to acquire voting shares of First Commerce Financial Corporation, and thereby indirectly acquire voting shares of First Commerce Bank, both of Marysville, Kansas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–13406 Filed 6–18–24; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') requests that the Office of Management and Budget (''OMB'') extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements contained in the Commission's rules and regulations under the Fur Products Labeling Act (''Fur Rules'' or ''Rules''). That clearance expires on October 31, 2024.

DATES: Comments must be filed by July 22, 2024.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. 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: Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Title of Collection: Rules and Regulations under the Fur Products Labeling Act, 16 CFR part 301.

OMB Control Number: 3084–0099.

Type of Review: Extension without change of currently approved collection.

Abstract: The Fur Products Labeling Act (''Fur Act'')[1] prohibits the misbranding and false advertising of fur products. The Fur Rules establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing the Rules. The Rules also provide a procedure for exemption from certain disclosure provisions under the Fur Act.

Likely Respondents: Retailers, manufacturers, processors, and importers of furs and fur products.

Frequency of Response: Third party disclosure; recordkeeping requirement.

Estimated Annual Burden Hours: 180,639 hours (45,720 hours for recordkeeping + 134,919 hours for disclosure).

Estimated Annual Cost Burden: $3,750,855 (roundest to the nearest whole dollar amount).[2]

Estimated Annual Non-Labor Costs: $0 or *de minimis.*

[1] 15 U.S.C. 69 *et seq.*

[2] The hourly wage rates are updated from the 60-Day **Federal Register** Notice, which was published in the **Federal Register** on March 26, 2024 (89 FR 20970), and now are based on data through May 2023 from the Bureau of Labor Statistics Occupational Employment Statistics Survey at *https://www.bls.gov/news.release/ocwage.htm* (released on Apr. 3, 2024).

Request for Comment:

On March 26, 2024, the FTC sought public comment on the information collection requirements associated with the Rules. 89 FR 20970 (Mar. 26, 2024). No relevant comments were received during the public comment period. Pursuant to OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rules. For more details about the Fur Rules' requirements and the basis for the calculations summarized above, see 89 FR 20970.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for ensuring that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential''—as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including, in particular, competitively sensitive information, such as costs, sales statistics, inventories, formulas, patterns devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2024–13486 Filed 6–18–24; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Federal Trade Commission (FTC or Commission) is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget clearance for information collection requirements pertaining to the Commission's administrative activities, consisting of: (a) responding to applications to the Commission pursuant to the Commission's Rules of Practice (Parts 1, 4 and 6); (b) the FTC's consumer reporting systems; and (c) the FTC's program evaluation activities. The current clearance expires on June 30, 2024.

DATES: Comments must be filed by July 22, 2024.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. 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. The *reginfo.gov* web link is a United States Government website produced by the Office of Management and Budget (OMB) and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT: G. Richard Gold, Attorney, Office of the General Counsel, Federal Trade Commission, (202) 326–3355, *rgold@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: FTC Administrative Activities.

OMB Control Number: 3084–0169.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Businesses and other for-profit entities.

Estimated Annual Burden Hours: 1,414,080 hours.

Estimated Annual Labor Costs: $21,600.

Abstract: The FTC collects information to carry out its administrative responsibilities pursuant to its Rules of Practice. Any person, partnership, or corporation may request advice from the Commission or FTC staff regarding a course of action the requester contemplates. The Commission's rules require requesters to provide the information necessary to facilitate resolution of the requests, including information on the question to be resolved, the identity of the companies or persons involved, and other material facts. See FTC Rule 1.2, 16 CFR 1.2. In addition, the FTC's ethics regulations require former employees who are seeking ethical clearance to participate in FTC matters to submit screening affidavits to facilitate resolution of their requests. See FTC Rule 4.1(b), 16 CFR 4.1(b). These requirements prevent the improper use of confidential nonpublic information acquired while working at the FTC. The Commission's Rules of Practice also authorize outside parties to request employee testimony, through compulsory process or otherwise, and to request documentary material through compulsory process in cases or matters to which the agency is not a party. See FTC Rule 4.11(e), 16 CFR 4.11(e). These rules require persons seeking testimony or material from the Commission to submit a statement in support of the request setting forth the party's interest in the case or matter, the relevance of the desired testimony or material, and a discussion of whether it is reasonably available from other sources.

The FTC also allows consumers to report fraud, identity theft, National Do Not Call Registry violations, and other violations of law through telephone hotlines and three online consumer report forms. Consumers may call a hotline phone number or log on to the FTC's website to report violations using the applicable reporting forms. The provision of this information is voluntary. The FTC also conducts customer satisfaction surveys regarding the support that the Commission's Consumer Response Center provides to consumers to obtain information about the overall effectiveness of the call center and online complaint intake forms. This information assists Bureau of Consumer Protection staff in carrying out the agency's consumer protection mission. The FTC is also mandated by Congress under the Identity Theft and Assumption Deterrence Act of 1998, 18 U.S.C. 1001 *et seq.,* to serve as the central clearinghouse for identity theft complaints.

The FTC also conducts evaluations of the effectiveness of its merger divestiture orders. Following an order of divestiture in a merger matter, the FTC's Bureau of Competition's Compliance Division conducts brief calls with acquirers of divested assets to assess the effectiveness of these divestitures.

Request for Comment

On March 26, 2024, the FTC sought public comment on the information collection requirements pertaining to the Commission's administrative activities. 89 FR 20972. No germane comments were received. Pursuant to

the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for these information collection requirements.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2024–13476 Filed 6–18–24; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Federal Trade Commission (FTC or Commission) is seeking public comment on its proposal to extend for an additional three years the current Paperwork Reduction Act (PRA) clearance for its rule governing Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended (''Care Labeling Rule''). This clearance expires on June 30, 2024.

DATES: Comments must be filed by July 22, 2024.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. 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. The reginfo.gov web link is a United States Government website produced by the Office of Management and Budget (OMB) and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT: Jock Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, (202) 326–2984, *jchung@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Title: The Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended (Care Labeling Rule), 16 CFR part 423.

OMB Control Number: 3084–0103.

Type of Review: Extension of a currently approved collection.

Estimated Annual Hours Burden: 27,489,476 hours.

Likely Respondents: Manufacturers or importers of textile apparel.

Frequency of Response: Third party disclosure.

Estimated Annual Cost Burden: $219,678,246 (solely relating to labor costs).[1]

Abstract: The Care Labeling Rule requires manufacturers and importers to attach a permanent care label to all covered textile clothing in order to assist consumers in making purchase decisions and in determining what method to use to clean their apparel. Also, manufacturers and importers of piece goods used to make textile clothing must provide the same care information on the end of each bolt or roll of fabric.

On April 10, 2024, the Commission sought comment on the information collection requirements in the Care Labeling Rule. 89 FR 25266. No germane comments were received.[2] As required by OMB regulations, 5 CFR part 1320, the FTC is providing this second opportunity for public comment.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2024–13487 Filed 6–18–24; 8:45 am]

BILLING CODE 6750–01–P

[1] This is a slight increase over the estimate of $217,189,935.52 set out within the prior 60-Day **Federal Register** notice. The current estimate relies upon Bureau of Labor Statistics information released on April 3, 2024, which can be found at *https://www.bls.gov/news.release/ocwage.htm.*

[2] The American Apparel & Footwear Association submitted a comment proposing amendments to the Rule. This comment was not germane because it did not address the current estimates of annual hours of burden or costs imposed by the Rule.

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') requests that the Office of Management and Budget (''OMB'') extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements contained in the Commission's rules and regulations under the Textile Fiber Products Identification Act (''Textile Rules''). That clearance expires on June 30, 2024.

DATES: Comments must be filed by July 22, 2024.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. 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: Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION: *Title of Collection:* Rules and Regulations under the Textile Fiber Products Identification Act, 16 CFR part 303.

OMB Control Number: 3084–0101.

Type of Review: Extension without change of currently approved collection.

Abstract: The Textile Fiber Products Identification Act (''Textile Act'') [1] prohibits the misbranding and false advertising of textile fiber products. The Textile Rules establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing the Rules. The Rules also contain a petition procedure for requesting the establishment of generic names for textile fibers.

Likely Respondents: Manufacturers, importers, processors, and marketers of textile fiber products.

Frequency of Response: Third party disclosure; recordkeeping requirement.

Estimated Annual Burden Hours: 43,234,317 hours (1,180,725 recordkeeping hours + 42,053,592 disclosure hours).

Estimated Annual Cost Burden: $329,576,903.84.[2]

Estimated Annual Non-Labor Costs: $0 or *de minimis.*

Request for Comment:

On January 19, 2024, the FTC sought public comment on the information collection requirements associated with the Rules. 89 FR 3659 (Jan. 19, 2024). No relevant comments were received during the public comment period. Pursuant to OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rules. For more details about the Textile Rules' requirements and the basis for the calculations summarized above, see 89 FR 3659.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for ensuring that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential''—as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including, in particular, competitively sensitive information, such as costs, sales statistics, inventories, formulas, patterns devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2024–13489 Filed 6–18–24; 8:45 am]

BILLING CODE 6750–01–P

[1] 15 U.S.C. 70 *et seq.*

[2] The hourly wage rates are updated from the 60-Day **Federal Register** Notice, which was published in the **Federal Register** on January 19, 2024 (89 FR 3659), and now are based on data through May 2023 from the Bureau of Labor Statistics Occupational Employment Statistics Survey at *https://www.bls.gov/news.release/ocwage.htm* (released on Apr. 3, 2024).

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') requests that the Office of Management and Budget (''OMB'') extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements contained in the Commission's rules and regulations under the Wool Products Labeling Act of 1939 (''Wool Rules''). That clearance expires on June 30, 2024.

DATES: Comments must be filed by July 22, 2024.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. 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: Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Title of Collection: Rules and Regulations under the Wool Products Labeling Act of 1939, 16 CFR part 300.

OMB Control Number: 3084–0100.

Type of Review: Extension without change of currently approved collection.

Abstract: The Wool Products Labeling Act of 1939 (''Wool Act'') prohibits the misbranding of wool products. The Wool Rules establish disclosure requirements that assist consumers in making informed purchasing decisions and recordkeeping requirements that assist the Commission in enforcing the Rules.

Likely Respondents: Manufacturers, importers, processors, and marketers of wool products.

Frequency of Response: Third party disclosure; recordkeeping requirement.

Estimated Annual Burden Hours: 2,046,667 hours (160,000 recordkeeping hours + 1,886,667 disclosure hours).

Estimated Annual Cost Burden: $29,969,068.84.[1]

Estimated Annual Non-Labor Costs: $0 or *de minimis.*

Request for Comment:

On January 19, 2024, the FTC sought public comment on the information collection requirements associated with the Rules. 89 FR 3655 (Jan. 19, 2024). No relevant comments were received during the public comment period. Pursuant to OMB regulations, 5 CFR part 1320, that implement the PRA, 44

[1] The hourly wage rates are updated from the 60-Day **Federal Register** Notice, which was published in the **Federal Register** on January 19, 2024 (89 FR 3655), and now are based on data through May 2023 from the Bureau of Labor Statistics Occupational Employment Statistics Survey at *https://www.bls.gov/news.release/ocwage.htm* (released on Apr. 3, 2024).

U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rules. For more details about the Wool Rules' requirements and the basis for the calculations summarized above, see 89 FR 3655.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for ensuring that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential''—as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including, in particular, competitively sensitive information, such as costs, sales statistics, inventories, formulas, patterns devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2024–13485 Filed 6–18–24; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Pre-testing Administration for Children and Families Data Collection Activities (Office of Management and Budget #: 0970–0355)

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) proposes revisions to the existing overarching generic clearance for Pre-testing of ACF Data Collection Activities (Previously titled Pre-testing of Evaluation Data Collection Activities; Office of Management and Budget (OMB) #0970–0355). Revisions are proposed to broaden the scope of the generic to include pretesting of data elements used on information collections that are not specifically for research and evaluation. This includes updates to the title of the request, overarching description, and burden estimates. We are also requesting an extension for currently approved information collections under this generic.

DATES: Comments due August 19, 2024. In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *OPREinfocollection@acf.hhs.gov*. Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ACF intends to request approval from OMB for an extension with revisions for a generic clearance to pre-test data collections with more than nine participants to identify and resolve any questions or problems that may arise, and to assess potential data quality, prior to full-scale administration.

This generic is available for use by ACF program offices but is most often used by the ACF Office of Planning, Research, and Evaluation (OPRE). OPRE studies ACF programs and the populations they serve, through rigorous research and evaluation projects. These include evaluations of existing programs, evaluations of innovative approaches to helping low-income children and families, research syntheses, and descriptive and exploratory studies.

ACF program offices could benefit from use of this pretesting generic for similar purposes outlined above, as well as to inform the development of data collection activities such as grant recipient forms, forms used by programs on ACF's behalf, and other data collection efforts driven by ACF. This could be used to inform a variety of data collection efforts in ACF to allow for consistent data requests across program offices that are high quality and appropriate to respondents who represent ACF program populations. For example, ACF envisions using this mechanism to pre-test sexual orientation and gender identity questions with youth. This is an area with minimal research and would benefit ACF program offices that serve youth. Program offices are also considering use of this generic for efforts to support language access for data collections, which a priority as detailed in Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.''

To improve the development of its data collection activities, ACF will use the pre-testing generic clearance to employ a variety of techniques including cognitive and usability laboratory and field techniques, behavior coding, exploratory interviews, respondent debriefing questionnaires, split sample experiments, focus groups, and pilot studies/pre-tests. These activities allow ACF to identify if and when a data collection may be simplified for respondents, respondent burden may be reduced, data elements could be improved, and other possible improvements.

Following standard OMB requirements, ACF will submit directly to OMB, a request specific to each individual proposed data collection activity under this generic clearance. Each request will include the individual instrument(s), a justification specific to the individual information collection, and any supplementary documents. ACF requests OMB review within 10 days of receiving an individual request.

Results of these methodological studies may be made public through methodological appendices or footnotes, reports on instrument development, instrument user guides, descriptions of respondent behavior, and other publications or presentations describing findings of methodological interest. The results of these pre-testing activities may be prepared for presentation at professional meetings or publication in professional journals. When necessary, results will be labeled as exploratory in nature and any limitations will be described.

Respondents: Participants in ACF programs being evaluated; participants in ACF demonstrations; recipients of ACF grants and individuals served by ACF grant recipients; comparison group members; and other relevant populations, such as individuals at risk of needing ACF services.

Annual Burden Estimates

Burden estimates have been updated to reflect the broadened scope from primarily used by OPRE for research and evaluation to include ACF program office pretesting of data elements used on information collections that are not specifically for research and evaluation. Estimates have been informed by program office input and are consistent with estimates for other ACF-wide

umbrella generics (for example, OMB #s 0970–0531 and 0970–0630).

Instrument or activity type	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)
Interviews/Focus Groups/Cognitive Testing/Debriefings	10,000	1.5	1.5	22,500
Questionnaires/Surveys	6,500	1.5	.5	4,875
Iterative Testing	1,500	5	.75	5,625
Usability Tests	5,000	5	.25	6,250
Totals	23,000			39,250

This request will also include a request to extend approval for the following currently approved information collections. For more information, see *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202403-0970-019.*

Title of approved collection	Number of respondents (total over request period)	Total burden (in hours)
Measuring Self- and Co-Regulation in Sexual Risk Avoidance Education Programs Phase 1	450	153
Supporting and Strengthening the Home Visiting Workforce (SAS–HV): Testing and Validation of a Draft Measure of Reflective Supervision for Home Visiting	785	809.6
Totals	1,235	962.6

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Social Security Act, Sec. 1110 [42 U.S.C. 1310].

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–13450 Filed 6–18–24; 8:45 am]

BILLING CODE 4184–88–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Children's Bureau Regional Partnership Grants Final Report Outline (NEW)

AGENCY: Children's Bureau, Administration on Children, Youth and Families, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Children's Bureau (CB) is requesting a new collection effort for the Regional Partnership Grant (RPG) program, for the use of a Regional Partnership Grants Final Report Outline to collect cumulative project information. Information from the report will aid grant recipients in meeting grant management requirements as well as to support CB in gathering information on the projects to better monitor the project's use of funds, implementation successes and challenges and program and service effectiveness.

DATES: *Comments due* August 19, 2024. In compliance with the requirements of the Paperwork Reduction Act of 1995, The Administration for Children and Families (ACF) is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Information from the proposed collection will aid grant recipients in meeting grant management requirements as well as support CB in gathering information on the projects to monitor the project's use of funds, implementation successes and challenges, and program and service effectiveness. The Regional Partnership Grants Final Report Outline will provide a clear and consistent way for CB to gather information on the projects to better monitor the project's use of funds, implementation successes and challenges, and program and service effectiveness.

The Regional Partnership Grants program is in its 7th Round of funding, providing a consistent clear template for the project's final reports will assist CB to ensure appropriate program monitoring and to build the evidence of effective programing and practice for RPG sites and other CB efforts to support families impacted by substance use.

Respondents: Regional Partnership Grants recipients. There are currently two active cohorts (Round 6 and Round 7) of RPG recipients. There are 8 grant recipients in Round 6 and 18 grant recipients in Round 7. Regional Partnership Grants recipients, include state agencies, a judicial court state agency, and community-based organizations (mental health and healthcare community service providers).

Total Burden Estimates

The Round 6 cohort will complete projects by September 2024, with a Final Report due in fiscal year (FY)25. The Round 7 cohort will continue work through September 2027, with a Final Report due in FY28. There are 8 grant recipients in Round 6 and 18 grant recipients in Round 7. This request includes burden estimates for both cohorts. If needed, ACF will request an extension to allow for FY28 reporting in 2027. Estimated burden for Round 6 grant recipients is 480 hours in FY 2025. Estimated burden for Round 7 grant recipients is 1080 hours in FY 2028.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours
Regional partnership grants final report outline	RPG Round 6 (FY25 Reporting).	1	60	480
	RPG Round 7 (FY28 Reporting).	1	60	1080
Estimated total burden for both cohorts (FY25–FY28)				1,560

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Title IV, part B, subpart 2—Promoting Safe and Stable Families, Section 437(f) of the Social Security Act (42 U.S.C. 629g(f)).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–13479 Filed 6–18–24; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Development of Medical Countermeasures for Biodefense and Emerging Infectious Diseases, Research Area 002—Therapeutic Candidates (N01).

Date: July 31–August 2, 2024.

Time: 10:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G13B, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G13B, Rockville, MD 20892–7616, (240) 669–5048, *gaoL2@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 14, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13465 Filed 6–18–24; 8:45 am]

BILLING CODE 4140–01–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 PAR Panel; Maximizing Investigators Research Award (MIRA).

Date: July 16–17, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Heidi B Friedman, Ph.D., Senior Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 907–H, Bethesda, MD 20892, (301) 379–5632, *hfriedman@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Disease and Immunology A.

Date: July 16–17, 2024.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maria Chiara G. Monaco-Kushner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 555–1212, *monaco@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: July 16–17, 2024.

Time: 9:30 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: Mufeng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–5653, *limuf@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: HIV/AIDS Biological Review Panel.

Date: July 16, 2024.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jonathan Michael Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *jonathan.peterson@nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Analytics and Statistics for Population Research Panel B Study Section.

Date: July 16–17, 2024.

Time: 10:00 a.m. to 8:00 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).

Contact Person: Victoriya Volkova, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594–7781, *volkovav2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering, Biodata, and Biomodelling Technologies.

Date: July 16, 2024.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David R Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Reproduction.

Date: July 16, 2024.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Heather Marie Brockway, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 813H, Bethesda, MD 20892, (301) 594–5228, *brockwayhm@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 13, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13432 Filed 6–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Environmental Health Sciences Special Emphasis Panel, June 21, 2024, 11:00 a.m. to June 21, 2024, 05:30 p.m., NIEHS, Keystone, 530 Davis Drive, Durham, NC 27709 which was published in the **Federal Register** on May 8, 2024, 89 FR 38909.

This notice is being amended to change the Scientific Review Officer and Contact Person from Alfonso Latoni, Ph.D., to Varsha Shukla, Ph.D., Scientific Review Branch, National Institute of Environmental Sciences, National Institutes of Health, 530 Davis Drive, Keystone Building, Durham, NC 27713, (984) 287–3288, *varsha.shukla@nih.gov*. The meeting location, date, and time will remain the same. The meeting is closed to the public.

Dated: June 13, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13433 Filed 6–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Development of Medical Countermeasures for Biodefense and Emerging Infectious Diseases, Research Area 001—Vaccine Candidates (N01).

Date: July 15–30, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 903 S 4th Street, Hamilton, MT 59840 (Video Assisted Meeting).

Contact Person: Dylan P. Flather, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 903 S 4th Street, Hamilton, MT 59840, (406) 802–6209, *dylan.flather@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 14, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13466 Filed 6–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; NIEHS Review of U/R24 Applications.

Date: July 16, 2024.

Time: 10:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Durham, NC 27709 (Virtual Meeting).

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD, EC–30/Room 3171, Research Triangle Park, NC 27709, (984) 287–3340, *worth@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 13, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13431 Filed 6–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting.

The event is free and open to the public, however, registration is required. Please use this link to register: *https://nih.zoomgov.com/webinar/register/WN_otFJ3BJ6TZKuU5yghL59GQ*.

Name of Committee: Sleep Disorders Research Advisory Board.

Date: August 1, 2024.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: The purpose of this meeting is to update the Advisory Board and stakeholders on the progress of sleep and circadian research activities across NIH.

Place: National Institutes of Health, Rockledge Centre I, 6705 Rockledge Drive, Bethesda, Maryland 20892 (Virtual Meeting).

Contact Person: Marishka Brown, Ph.D., SDRAB, Executive Secretary, Director, National Center on Sleep Disorders Research, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Dr., RKL1/407–B, Bethesda, MD 20814–7952, 301.435.0199, *ncsdr@nih.gov*.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Sleep Disorders Research Advisory Board's home page: *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/sleep-disorders-research* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 13, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–13430 Filed 6–18–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2024–0016]

Agency Information Collection Activities: National Initiative for Cybersecurity Careers and Studies Cybersecurity Education and Training Catalog Collection

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; revised information collection request: 1670–0030.

SUMMARY: NICCS within CISA will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance.

DATES: Comments are encouraged and will be accepted until August 19, 2024. Submissions received after the deadline for receiving comments may not be considered.

ADDRESSES: You may submit comments, identified by docket number CISA–2024–0016, at: Federal eRulemaking Portal: *http://www.regulations.gov.* Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number CISA–2024–0016. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Shannon Nguyen, 703–705–6246, *shannon.nguyen@cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Cybersecurity and Infrastructure Security Agency (CISA) Office of the Chief Learning Officer (OCLO) National Initiative for Cybersecurity Careers and Studies (NICCS) Training Catalog Batch Data seeks to collect information from organizations and academic institutions regarding their course specific technical information to NICCS regarding how their training courses map to the National Initiative for Cybersecurity (NICE) Workforce Framework for Cybersecurity (NICE Framework) Specialty Areas.

The NICCS website is a national online resource for cybersecurity awareness, education, talent management, and professional

development and training. Its mission is to provide comprehensive cybersecurity resources to the public.

To promote cybersecurity education, and to provide a comprehensive resource for the Nation, NICCS developed the Cybersecurity Training and Education Catalog. The NICCS Education and Training Catalog is a central location to help cybersecurity professionals of all skill levels find cybersecurity-related courses online and in person across the nation. All of the courses are aligned to the specialty areas of The Workforce Framework for Cybersecurity (NICE Framework). Organizations and or academic institution interested in listing courses with NICCS are requested to complete a vendor vetting process in order to be considered for inclusion in the NICCS education and Training Catalog. Once approved, organizations and academic institutions are asked to provide technical information (''training catalog batch data'') to NICCS regarding how their training courses map to the National Initiative for Cybersecurity Education (NICE) Workforce Framework for Cybersecurity (NICE Framework) Specialty Areas. Course mapping to these Specialty Areas allows users to tailor their individual coursework and is dependent upon the training catalog batch data to do so. The training catalog batch data is technical in nature, is not privacy sensitive, and does not include personally identifiable information. The training catalog batch data is submitted to the CISA NICCS Supervisory Office (SO) for review. Then upon further review and approval, the organization/academic institution's course is listed in the NICCS Education and Training Catalog.

The cyber-specific authorities to receive such information support the Department's general authority to receive information from any federal or non-federal entity in support of the mission responsibilities of the Department. Section 201 of the Homeland Security Act authorizes the Secretary ''[t]o access, receive, and analyze law enforcement information, intelligence information, and other information from agencies of the Federal Government, State and local government agencies (including law enforcement agencies), and private sector entities, and to integrate such information, in support of the mission responsibilities of the Department.'' 6 U.S.C. 121(d)(1); see also 6 U.S.C. 121(d)(12). The following authorities also permit DHS to collect this information: Federal Information Security Management Act of 2002 (FISMA), 44 U.S.C. 3546; Presidential Policy Directive (PPD)–21, Critical Infrastructure Identification, Prioritization, and Protection (2003); and National Security Presidential Directive (NSPD)–54/HSPD–23, Cybersecurity Policy (2009).

Note: Any information received from the public in support of the NICCS Cybersecurity Training and Education Catalog is completely voluntary. Organizations and individuals who do not provide information can still utilize the NICCS website and Catalog without restriction or penalty. An organization or individual who wants their information removed from the NICCS website and/or Cybersecurity Training and Education Catalog can email the NICCS Supervisory Office. There are no requirements for a provider to fill out a specific form for their information to be removed; standard email requests will be honored.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

CISA OCLO seeks to utilize four separate forms in order to collect the requested information from organizations and academic institutions. CISA OCLO will use the NICCS Cybersecurity Training Course Form and the NICCS Cybersecurity Certification Form to collect information via a publicly accessible website called the National Initiative for Cybersecurity Careers and Studies (NICCS) website (*https://niccs.cisa.gov*). Collected information from these two forms will be included in the Cybersecurity Training and Education Catalog that is hosted on the NICCS website. Requested information categories in these forms include the training providers name, course title, course description, course length, course modality, among other course information useful for users.

The NICCS Supervisory Office will use information collected from the NICCS Vendor Vetting Form to primarily manage communications with the training/workforce development providers; this collected information will not be shared with the public and is intended for internal use only. Additionally, this information will be used to validate training providers before uploading their training and certification information to the Training Catalog. Requested information in the NICCS Vendor Vetting form include vendor name, address, points of contact and a few multiple-choice questions to ensure they are a legitimate business.

The NICCS Supervisory Office will use information collected from the NICCS Mapping Tool Form to provide an end user with information of how their position or job title aligns to the new Cybersecurity Framework 1.1. This collection of inputs and output (in the form of a report) will be savable by the end user on their computer to be uploaded at a later time for further use if required. This collected information will not be shared with the public and is intended for internal use only. Requested information in the NICCS Mapping form include: Selecting various work roles (based on the NICE Framework), selecting tasks required for that work role, and including job description details.

The information will be collected via fully electronic web forms or partially electronic via email. Collection will be coordinated between the public and NICCS via email.

The following forms are fully electronic:

- NICCS Vendor Vetting Web Form
- NICCS Cybersecurity Training Course Web Form
- NICCS Mapping Tool Web Form

The following forms are partially electronic:

- NICCS Certification Course Form

All information collected from the NICCS Cybersecurity Training Course Web Form, and the NICCS Certification Course Form will be stored in the public accessible NICCS Cybersecurity Training and Education Catalog (*https://niccs.cisa.gov/education-training/catalog*).

The NICCS Supervisory Office will electronically store information collected via the NICCS Vendor Vetting Form. This information collected will not be publicly accessible. Information collected for the NICCS Certification Course Form is collected via email in a

CSV format, and then compiled by the NICCS staff for upload to the NICCS Education and Training Catalog.

Information collected by the NICCS Mapping Tool is not being stored by NICCS. The information collected will not be publicly accessible. Users have the option of saving their input and results to be used at a later time, and the information would only be stored the user's device.

Analysis

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title: National Initiative for Cybersecurity Careers and Studies Cybersecurity Education and Training Catalog Collection.

OMB Number: 1670–0030.

Frequency: Annually.

Affected Public: General Public.

Number of Respondents: 500.

Estimated Time per Respondent: 0.775 Hours.

Total Burden Hours: 387.5.

Annualized Respondent Cost: $24,482.

Total Annualized Respondent Out-of-Pocket Cost: $0.

Total Annualized Government Cost: $161,490.

Robert J. Costello,

Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2024–13471 Filed 6–18–24; 8:45 am]

BILLING CODE 9111–LF–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Reinstatement of Agency Information Collection Activity Under OMB Review: Aircraft Operator Security

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0003, abstracted below, to OMB to review and approve the reinstatement of this previously approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. Aircraft operators must provide certain information to TSA and adopt and implement a TSA-approved security program. These programs require aircraft operators to maintain and update records to ensure compliance with security provisions set forth in 49 CFR part 1544.

DATES: Send your comments by July 22, 2024. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' and by using the find function.

FOR FURTHER INFORMATION CONTACT: Nicole Raymond, TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011; telephone (571) 227–2526; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on July 20, 2023, 88 FR 46805.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), 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. The ICR documentation will be available at *https://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Aircraft Operator Security, 49 CFR part 1544.

Type of Request: Reinstatement of a previously approved collection.

OMB Control Number: 1652–0003.

Forms(s): N/A.

Affected Public: Aircraft Operators.

Abstract: TSA's aircraft operator security standards regulations, codified at 49 CFR part 1544, require aircraft operators to adopt, maintain, update, and comply with TSA-approved comprehensive security programs to ensure the safety of persons and property traveling on their flights against acts of criminal violence and air piracy, and the introduction of explosives, incendiaries, or weapons aboard an aircraft. In addition, part 1544 requires the affected aircraft operators to submit information on aircraft operators' flight crews and other employees, passengers, and cargo. The information collection includes information regarding security program, amendments, fingerprint based criminal history records check (CHRC) applications; recordkeeping requirements for security program, CHRCs, and training. These programs and related records are subject to TSA inspection.

Number of Respondents: 634.

Estimated Annual Burden Hours: An estimated 542,632 hours annually.

Dated: June 14, 2024.

Nicole Raymond,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2024–13483 Filed 6–18–24; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7080–N–27]

30-Day Notice of Proposed Information Collection: Submission Requirements for the Capital Advance Program Section 202/811, OMB Control No.: 2502–0470

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* July 22, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 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. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000; telephone (202) 402–3400 (this is not a toll-free number) or email: *PaperworkReductionActOffice@hud.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit: *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs*.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 26, 2024 at 89 FR 20995.

A. Overview of Information Collection

Title of Information Collection: Submission Requirements for the Capital Advance Program Section 202/811.

OMB Approval Number: 2502–0470.

OMB Expiration Date: May 31, 2020.

Type of Request: Reinstatement with change of previously approved collection for which approval has expired.

Form Number: HUD-: 2453.1–CA; 2554; 90163–CA; 90163.1–CA; 90164–CA; 90165–CA; 90166–CA; 90166a–CA; 90167–CA; 90169–CA; 90169.1–CA; 90170–CA; 90171–CA; 90172–A–CA; 90172–B–CA; 90173–A–CA; 90173–B–CA; 90173–C–CA; 90173–D–CA; 90176–CA; 90177–CA; 90178–CA; 90179–CA; 91732–A–CA; 92329; 92412–CA; 92433–CA; 92434–CA; 92435–CA; 92450–CA; 92466–CA; 92466.1–CA; 92476–A; 92476–A–CA; 92580–CA; 93432–CA; 93566–CA; 93566.1–CA; and 50080–CAH.

Description of the need for the information and proposed use: This submission covers documents that will permit the continued processing of all Sections 202 and 811 capital advance projects that have not yet reached final closing. For example this submission includes documents for processing of the application for firm commitment to final closing of the capital advance. These documents are needed to assist HUD in determining the Owner's eligibility and capacity to finalize the development of a housing project under the Section 202 and Section 811 Capital Advance Programs. The Office of the Inspector General had also requested additional required certification language. HUD is also adding a new standard form HUD–90173–D to facilitate the renewal of project rental assistance contracts (PRACs). The form HUD–90173–D will reflect long-standing contract amendment language with updates to accommodate availability of both 5-year and annual terms for Section 202 PRACs. The number of annual contract renewal amendments is expected to decrease for each of the next three years as additional properties switch from annual to five-year contracts. The Department also notes that PRAC contract renewal amendments may be executed utilizing DocuSign to obtain owner and HUD staff signatures. Finally, HUD has revised the form HUD–2554 to update contract provisions for Davis-Bacon prevailing wage requirements consistent with changes the Department of Labor (DOL) recently made to regulations at 29 CFR 5.5.

Respondents: Private non-profit 202 and 811 Capital Advance Sponsors, Private non-profit 202 and 811 Capital Advance Owners, and developers of Section 202 and 811 Capital Advance properties.

Estimated Number of Respondents: 5,860. (60 for new projects/5,800 renewing projects).

Estimated Number of Responses: 7,912. (2,112 for new projects/5,800 for renewing projects).

Frequency of Response: Occasion or Annual.

Average Hours per Response: 0.95.

Total Estimated Burden: 7,516.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) ways to minimize the burden of the collection of information on those who are respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2024–13454 Filed 6–18–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_AZ_FRN_MO# 4500179710]

Notice of BLM Arizona Resource Advisory Council Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, as amended, and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Arizona Resource Advisory Council (Council) will meet as follows.

DATES: The Council will meet July 16, from 12 p.m. to 2 p.m. Mountain Standard Time (MST); October 29–30, from 8:00 a.m. to 4:30 p.m. MST both days; and December 11–12, 2024, from 8:00 to 4:30 p.m. MST both days.

ADDRESSES: The July 16 meeting will be held virtually. The October and December meetings will be held in-person at the BLM Arizona State Office, One North Central Avenue, Suite 800, Phoenix, AZ 85004–4427, and a virtual participation option will be available. Virtual participation instructions and final agendas will be confirmed for the public via BLM news release, social media, on the Council's web page at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/arizona,* and through personal contact at least 2 weeks prior to the meeting.

Written comments for the Council may be sent electronically in advance of the scheduled meeting to Dolores Garcia, Public Affairs Specialist, at *dagarcia@blm.gov,* or in writing to BLM Arizona State Office/AZ–912, One North Central Avenue, Suite 800, Phoenix, Arizona 85004–4427. All comments will be provided to the Council.

FOR FURTHER INFORMATION CONTACT: Dolores Garcia, Public Affairs Specialist, BLM Arizona State Office, telephone: (602) 417–9241, email: *dagarcia@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services to contact Ms. Garcia. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please request sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations at least 7 days before the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests will be managed on a case-by-case basis.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Arizona.

Agenda items for the July meeting will include revisiting a recreation fee proposal for the U.S. Forest Service's Tonto National Forest, for which follow-up was recommended at the April 2024 meeting.

Agenda items for the October and December meetings will include updates on BLM project work in compliance with Department of the Interior priorities; resource management updates, including the latest initiatives; and a presentation and recommendations on recreation business plan updates and fee amendment proposals. BLM Arizona is developing recreation business plans that would modernize the way recreation fee sites are managed. Further information on the business plans that may be presented to the Council can be viewed at *https://www.blm.gov/programs/recreation/permits-and-fees/business-plans.*

The July, October, and December meetings are open to the public, and public comment periods will be offered each day. Specific times will be noted on the agenda. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Detailed minutes for Council meetings will be maintained in the BLM Arizona State Office. Minutes will also be posted to the Council's web page at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/arizona.*

(Authority: 43 CFR 1784.4–2)

Raymond Suazo,

Arizona State Director.

[FR Doc. 2024–13423 Filed 6–18–24; 8:45 am]

BILLING CODE 4331–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_OR_FRN_MO4500179519]

Public Meetings for the John Day-Snake Resource Advisory Council, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) John Day-Snake Resource Advisory Council (RAC) and Planning Subcommittee will meet as follows.

DATES: The John Day-Snake RAC's Planning Subcommittee will meet virtually on Wednesday, September 4, 2024, from 5:30 p.m. to 7:00 p.m. Pacific Time (PT) via the Zoom-for-Government platform. The John Day-Snake RAC will meet on Wednesday, September 25 in Enterprise, Oregon from 9 a.m. to 4:30 p.m. PT and participate in a field tour on Thursday, September 26, 2024, to the Wallowa Lake Dam from 9 a.m. to noon PT. A virtual participation option will be available for the September 25 meeting.

Thirty-minute public comment periods will be held on Wednesday, September 4 at 6:30 p.m. PT; and on Wednesday, September 25 at noon PT.

ADDRESSES: The September 25 meeting will be held, and the field tour will commence, at the Wallowa County Fairgrounds, 668 NW 1st St., Enterprise, OR 97828. Final agendas for each meeting and contact information regarding Zoom participation details will be published on the RAC web page at least 10 days in advance of the meetings at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac.*

Comments to the RAC can be mailed to: BLM Vale District, Attn. Shane DeForest, 100 Oregon St., Vale, OR 97918.

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Specialist, 3100 H. St., Baker City, OR 97814; telephone: 541–523–1407; email: *lbogardus@blm.gov.* Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their countries to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The 15-member RAC is chartered and members are appointed by the Secretary of the Interior. Its diverse perspectives are represented in commodity, conservation, and local interests. The RAC provides advice to BLM and, as needed, to U.S. Forest Service resource managers regarding management plans and proposed resource actions on public lands in the John Day-Snake area. All meetings are open to the public in their entirety. Information to be distributed to the RAC must be provided to its members prior to the start of each meeting.

The September 4 Subcommittee meeting will focus on compiling information, conducting research, and preparing findings to present to the RAC for its consideration and for the formation of formal recommendations on the proposed business plan and fee proposal for Prineville BLM's Priest Hole Recreation Area.

The September 25 meeting will include a presentation on the Subcommittee's research, findings, and recommendations on the proposed business plan and fee proposal. Standing agenda items include management of energy and minerals, timber, rangeland and grazing, commercial and dispersed recreation, wildland fire and fuels, wild horses and burros; agency updates from the Vale and Prineville BLM Districts and the Wallowa-Whitman, Umatilla, Malheur, Ochoco, and Deschutes National Forests; and any other business that may reasonably come before the RAC. The meetings are open to the public, and public comments will be held on Wednesday, September 4 at 6:30 p.m. and Wednesday, September 25 at noon PT. Depending on the number of persons wishing to comment and the time available, time allotted for individual oral comments may be limited.

The September 26 field tour is to the Wallowa Lake Irrigation District's Wallowa Lake Dam. Members of the public who wish to participate in the field tour must provide their own transportation and meals. The Designated Federal Officer will attend the meeting, take minutes, and publish the minutes on the RAC web page at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/john-day-rac*.

For sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section 7 business days before the meeting to ensure there is sufficient time to process the request. The Department of the Interior manages accommodation requests on a case-by-case basis.

The public may send written comments to the RAC in response to material presented (see **ADDRESSES**).

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.

(Authority: 43 CFR 1784.4)

Shane DeForest,

Vale District Manager.

[FR Doc. 2024–13435 Filed 6–18–24; 8:45 am]

BILLING CODE 4331–24–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–MAMC–37998; PX.XNACEFACA.00.1]

Mary McLeod Bethune Council House National Historic Site Advisory Commission Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, as amended, the National Park Service (NPS) is hereby giving notice that the Mary McLeod Bethune Council House National Historic Site Advisory Commission (Commission) will meet as indicated below.

DATES: The in-person meeting will take place from 10:00 a.m. to 4:30 p.m. or until business is completed on Monday, July 15, 2024 (EASTERN).

ADDRESSES: The meeting will be held in the National Council of Negro Women Headquarters, 633 Pennsylvania Avenue NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Anyone interested in attending should contact Tara Morrison, Superintendent and Designated Federal Officer, National Capital Parks-East, 1900 Anacostia Drive SE, Washington, DC 20020, by telephone (771) 208–1450, or by email *nace_superintendent@nps.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Commission is established by section 4 of Public Law 102–211 (54 U.S.C. 320101 formerly 16 U.S.C. 461 note). The purpose of the Commission is to fully participate in an advisory capacity with the Secretary of the Interior in the development of a General Management Plan for the historic site. The Commission will also, as often as necessary, but at least semiannually, meet and consult with the Secretary on matters relating to the management and development of the historic site.

Purpose of the Meeting: The purpose of the meeting is to discuss the following:

- Welcome, Agenda Review, and Superintendent Updates.
- NPS Program Updates (Visitor Services, Resource Management, Facilities).
- Enhanced Interpretation Subcommittee Report.
- Communications and Community Engagement Subcommittee Report.
- Archives Subcommittee Report.
- Commission Discussion and Actions.
- Establishment of New Subcommittees, if needed.

The proposed agenda may change to accommodate commission business. The final agenda for this meeting will be provided on the Park website at *https://www.nps.gov/mamc/learn/management/federal-advisory-commission.htm.* The meeting is open to the public. Interested persons may present, either orally or through written comments, information for the Commission to consider during the public meeting. Written comments will be accepted prior to, during, or after the meeting. Members of the public may submit written comments to the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Due to time constraints during the meeting, the Commission is not able to read written public comments submitted into the record. Individuals or groups requesting to make oral comments at the public Commission meeting will be limited to no more than three minutes per speaker. All comments will be made part of the public record and will be electronically distributed to all Commission members. Detailed minutes of the meeting will be available for public inspection within 90 days of the meeting.

Requests for Accommodations: The meeting is open to the public. Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: Before including your address, phone

number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. ch. 10.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2024–13494 Filed 6–18–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–MAMC–37965; PPNCNACEN0, PPMPSAS1Z.Y00000]

Second Call for Nominations for the Mary McLeod Bethune Council House National Historic Site Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of second call for nominations.

SUMMARY: The National Park Service (NPS), U.S. Department of the Interior, is requesting nominations for qualified persons to serve as members of the Mary McLeod Bethune Council House National Historic Site Advisory Commission (Commission).

DATES: The deadline for submissions for the notice published on April 2, 2024, at 89 FR 22740 has been extended. All nominations must be postmarked by July 22, 2024.

ADDRESSES: Nominations should be sent to Tara Morrison, Superintendent and Designated Federal Officer, National Capital Parks—East, 1900 Anacostia Drive SE, Washington, DC 20020, or by email *nace_superintendent@nps.gov* with *MAMC Nomination* in the subject line.

FOR FURTHER INFORMATION CONTACT: Tara Morrison, via telephone (771) 208–1450, or by email *nace_superintendent@nps.gov.*

SUPPLEMENTARY INFORMATION: The Commission was authorized on December 11, 1991, by Public Law 102–211 (54 U.S.C. 320101 formerly 16 U.S.C. 461 note), for the purpose of advising the Secretary of the Interior in the implementation of a general management plan for the Mary McLeod Bethune Council House National Historic Site. The Commission is to fully participate in an advisory capacity with the Secretary of the Interior in the development of the General Management Plan for the historic site. The Commission will also, as often as necessary, but at least semiannually, meet and consult with the Secretary on matters relating to the management and development of the historic site.

The Commission shall be composed of 15 members appointed by the Secretary of the Interior for 4-year terms, as follows: (1) three members appointed from recommendations submitted by the National Council of Negro Women, Inc.; (2) two members appointed from recommendations submitted by other national organizations in which Mary McLeod Bethune played a leadership role; (3) two members who shall have professional expertise in the history of African American women; (4) three members who shall have professional expertise in archival management; (5) three members who shall represent the general public; and (6) two members who shall have professional expertise in historic preservation. We are currently seeking nominees from recommendations submitted by other national organizations in which Mary McLeod Bethune played a leadership role.

Nominations should be typed and include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Commission and permit the Department to contact a potential member. All documentation, including letters of recommendation, must be compiled and submitted in one complete package. All those interested in membership, including current members whose terms are expiring, must follow the same nomination process. Members may not appoint deputies or alternates.

Members of the Commission serve without compensation. However, while away from their homes or regular places of business in the performance of services for the Commission as approved by the NPS, members will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed such expenses under section 5703 of title 5 of the United States Code.

Authority: 5 U.S.C. ch. 10.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2024–13495 Filed 6–18–24; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–D–COS–POL–37729; PPWODIREP0][PPMPSPD1Y.YM0000]

Advisory Committee on Reconciliation in Place Names Request for Nominations

AGENCY: National Park Service, Interior.

ACTION: Request for nominations notice.

SUMMARY: The U.S. Department of the Interior (Department) is requesting nominations for qualified persons to serve as members of the Advisory Committee on Reconciliation in Place Names (Committee).

DATES: Nominations for the Committee must be submitted by July 22, 2024.

ADDRESSES: Nominations should be emailed to Alma Ripps, Designated Federal Officer, Office of Policy, National Park Service, at *alma_ripps@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Alma Ripps, via telephone (202) 354–3950, or by email *alma_ripps@nps.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established under the authority of the Secretary and is regulated by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. ch. 10). The Committee's duties are strictly advisory and consist of providing recommendations for implementation of Secretary's Order No. 3405—Addressing Derogatory Geographic Names.

Duties shall include, but are not limited to (1) recommending to the Secretary changes to existing Federal land unit names and additional terms that may be considered derogatory and identifying resources required to implement any resulting name changes; (2) recommending to the Secretary a process to solicit, encourage, and assist proposals to change derogatory geographic names; and (3) soliciting proposals to replace derogatory geographic features and Federal land unit names from Indian Tribes, appropriate State and local governments, affected Federal agencies and departments, and members of the public.

The term ''Federal land unit'' includes (1) National Forest System

land; (2) a unit of the National Park System; (3) a component of the National Wilderness Preservation System; (4) any part of the National Landscape Conservation System; and (5) a unit of the National Wildlife Refuge System.

The Committee will meet approximately two to four times per year. The Committee will consist of no more than 17 discretionary members to be appointed by the Secretary of whom, to the extent practicable:

1. At least four will be members of an Indian Tribe;

2. At least one will represent a Tribal organization;

3. At least one will represent a Native Hawaiian organization;

4. At least four will have backgrounds in civil rights or race relations;

5. At least four will have expertise in anthropology, cultural studies, geography, or history; and

6. At least three will represent the general public.

Appointments will be on a staggered term basis for a term not to exceed 3 years.

Nominations must include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Committee and permit the Department to contact a potential member. All those interested in membership, including current members whose terms are expiring, must follow the same nomination process. Members may not appoint deputies or alternates.

Members who are appointed to the Committee in their official capacity as Federal employees are subject to applicable Federal ethics statutes and regulations, to include applicable exceptions and exemptions.

As appropriate, certain Committee members may be appointed as special Government employees (SGEs). Please be aware that applicants selected to serve as SGEs will be required, prior to appointment, to file a Confidential Financial Disclosure Report in order to avoid involvement in real or apparent conflicts of interest. You may find a copy of the Confidential Financial Disclosure Report at the following website: OGE Form 450 | U.S. Department of the Interior (*doi.gov*). Additionally, after appointment, members appointed as SGEs will be required to meet applicable financial disclosure and ethics training requirements. Please contact (202) 202–208–7960 or *DOI_Ethics@sol.doi.gov* with any questions about the ethics requirements for members appointed as SGEs.

Non-Federal members of the Committee and subcommittees appointed as representatives are not subject to Federal ethics statutes and regulations. However, no non-Federal Committee or subcommittee members willparticipate in any Committee or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation, in which the member or the entity the member represents has a direct financial interest.

Members serve without compensation. However, while away from their homes or regular places of business in the performance of services for the Committee as approved by the Designated Federal Officer, members may be allowed travel expenses, including per diem in lieu of subsistence.

In addition, the Committee will have non-voting ex-officio members including, but not limited to a Department of the Interior representative; a Department of Agriculture representative; a Department of Defense representative; and a Department of Commerce representative.

Authority: 5 U.S.C. ch. 10.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2024–13493 Filed 6–18–24; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1405]

Certain WI-FI Access Points, Routers, Range Extenders, Controllers and Components Thereof; Notice of Institution of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 7, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of TP-Link USA Corporation of Irvine, California and TP-Link Corporation PTE Ltd. of Singapore. A supplement was filed on May 15, 2024. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wi-fi access points, routers, range extenders, controllers and components thereof by reason of the infringement of certain claims of U.S. Patent No. 7,636,550 (''the '550 patent''); U.S. Patent No. 8,176,148 (''the '148 patent''); U.S. Patent No. 8,229,357 (''the '357 patent''); U.S. Patent No. 7,672,268 (''the '268 patent''); and U.S. Patent No. 8,774,008 (''the '008 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established in the United States as required by the applicable Federal Statute. On June 10, 2024, counsel for respondent Netgear Inc. filed a Supplemental Submission on the Public Interest and Request for Leave to File Out of Time. On June 12, 2024, an Opposition to Netgear's Motion to Submit a Supplemental Submission on the Public Interest was filed on behalf of complainants. The Commission has determined to accept both filings. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION: *Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2024).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 13, 2024, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted

to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–12 of the '550 patent; claims 1–17 of the '148 patent; claims 1, 5–7, and 10–12 of the '357 patent; claims 1–18 of the '268 patent; and claims 1–17 of the '008 patent, and whether an industry in the United States exists or is in the process of being established in the United States as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''WiFi access points, routers, range extenders, and controllers and circuit boards for use in WiFi access points, routers and range extenders'';

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

TP-Link USA Corporation, 10 Mauchly, Irvine, CA 92618

TP-Link Corporation PTE Ltd., 7 Temasek Boulevard, #29–03 Suntec Tower One, Singapore 038987

(b) The respondents are the following entities alleged to be in violation of section 337, and are the party upon which the complaint is to be served:

Netgear Inc., 350 East Plumeria Drive, San Jose, CA 95134

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 14, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–13497 Filed 6–18–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1381]

Certain Disposable Vaporizer Devices and Components and Packaging Thereof; Notice of a Commission Determination Not To Review Initial Determination Amending the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 27) issued by the chief administrative law judge (''CALJ'') granting the complainants' motion to amend the complaint and notice of investigation (''NOI'') to add four entities as respondents in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2043. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. For help accessing EDIS, please email *EDIS3Help@usitc.gov*. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On December 20, 2023, the Commission instituted this investigation based on a complaint filed on behalf of complainants R.J. Reynolds Tobacco Company and R.J. Reynolds Vapor Company (collectively, ''Complainants''). 88 FR 88111–12 (Dec. 20, 2023). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, and the sale of certain disposable vaporizer devices and components and packaging thereof by reason false advertising, false designation of origin, and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission's NOI named the following twenty-five (25) respondents: Affiliated Imports, LLC of Pflugerville, TX; American Vape Company, LLC a/k/a American Vapor Company, LLC of Pflugerville, TX; Breeze Smoke, LLC of West Bloomfield, MI; Dongguan (Shenzhen) Shikai Technology Co., Ltd. of Guangdong, China; EVO Brands, LLC of Wilmington, DE; Flawless Vape Shop Inc. of Anaheim, CA; Flawless Vape Wholesale & Distribution Inc. of Anaheim, CA; Guangdong Qisitech Co., Ltd. of Dongguan City, China; iMiracle (Shenzhen) Technology Co. Ltd. of Shenzhen, China; Magellan Technology Inc. of Buffalo, NY; Pastel Cartel, LLC of Pflugerville, TX; Price Point Distributors Inc. d/b/a Prince Point NY of Farmingdale, NY; PVG2, LLC of Wilmington, DE; Shenzhen Daosen Vaping Technology Co., Ltd. of Shenzhen, China; Shenzhen Fumot Technology Co., Ltd. of Shenzhen, China; Shenzhen Funyin Electronic Co., Ltd. of Guangdong, China; Shenzhen Han Technology Co., Ltd. of Shenzhen, China; Shenzhen Innokin Technology Co., Ltd. of Shenzhen, China; Shenzhen

IVPS Technology Co., Ltd. of Shenzhen, China; Shenzhen Noriyang of Shenzhen, China; Shenzhen Weiboli Technology Co. Ltd. of Shenzhen, China; SV3 LLC d/b/a Mi-One Brands of Phoenix, AZ; Thesy, LLC d/b/a Element Vape of El Monte, CA; Vapeonly Technology Co. Ltd. of Shenzhen, China; and VICA of Tustin, CA. *Id.* The Office of Unfair Import Investigations (''OUII'') was also named as a party in this investigation. *Id.*

On April 10, 2024, Complainants filed an unopposed motion to amend the complaint and NOI (''Motion to Amend'') to add the following five entities as respondents in this investigation: (1) Capital Sales Company (''Capital Sales''); (2) Ecto World, LLC d/b/a Demand Vape (''Demand Vape''); (3) Hong Kong IVPS International Ltd. (''Hong Kong IVPS''); (4) KMT Services LLC d/b/a KMT Distribution (''KMT Distribution''); and (5) Heaven Gifts International Ltd. (''Heaven Gifts''). ID at 1.

On April 26, 2024, the CALJ denied Complainants' Motion to Amend without prejudice because they had not demonstrated that the motion had been served on the five proposed respondents. *Id.* On April 30, 2024, Complainants filed proof of service indicating that the following four proposed respondents were served with the Motion to Amend on April 19, 2024: (1) Capital Sales; (2) Demand Vape; (3) Hong Kong IVPS; and (4) KMT Distribution (collectively the ''Proposed Respondents''). ID at 2. Complainants did not provide proof that Heaven Gifts had been properly served.

On May 9, 2024, Complainants, OUII, and 17 of the named respondents (*see* ID at 2 n.2) (collectively, the ''parties'') filed a joint submission regarding Complainants' Motion to Amend. *Id.* In the joint submission, the parties represented, *inter alia,* that they do not oppose or take no position on adding the four Proposed Respondents to this investigation. *Id.* at 2–3. In the joint submission, Complainants also withdrew their request to add Heaven Gifts as a fifth respondent. *Id.* at 2.

On May 20, 2024, the CALJ issued the subject ID (Order No. 27) pursuant to Commission Rule 210.14(b) (19 CFR 210.14(b)), granting Complainants' Motion to Amend with respect to adding the four Proposed Respondents to this investigation. The ID notes that the Proposed Respondents were served with a copy of the Motion to Amend ''but none filed an opposition to [the] motion.'' *Id.* at 7. The ID also finds that Complainants have established good cause to amend the complaint and notice of investigation to add allegations that Proposed Respondents have violated section 337. *Id.* at 8. In addition, the ID finds that ''the amendments will not prejudice respondents, the proposed respondents, OUII, or the public interest.'' *Id.*

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID (Order No. 27). The following four entities are hereby added as respondents in this investigation: (1) Capital Sales; (2) Demand Vape; (3) Hong Kong IVPS; and (4) KMT Distribution.

The Commission vote for this determination took place on Issued: June 13, 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 13, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–13427 Filed 6–18–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint *Certain Storage Containers and Toolboxes, Organizers, Components Boxes, Coolers and Accessories Used Therewith, DN 3755;* 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 Milwaukee Electric Tool Corporation and Keter Home and Garden Products Ltd. on June 13, 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 storage containers and toolboxes, organizers, components boxes, coolers and accessories used therewith. The complaint names as a respondent: Klein Tools, Inc. of Lincolnshire, IL. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third

party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3755'') 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 14, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–13491 Filed 6–18–24; 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.*

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Civil Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Civil Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Civil Rules will hold a meeting in a hybrid format with remote attendance options on October 10, 2024 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: October 10, 2024.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(*Authority:* 28 U.S.C. 2073.)

Dated: June 13, 2024.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2024–13413 Filed 6–18–24; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Bankruptcy Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Bankruptcy Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Bankruptcy Rules will hold a meeting in a hybrid format with remote attendance options on September 12, 2024 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: September 12, 2024.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: June 13, 2024.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2024–13412 Filed 6–18–24; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; notice of open meeting.

SUMMARY: The Advisory Committee on Appellate Rules will hold a meeting in a hybrid format with remote attendance options on October 9, 2024 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *https://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: October 9, 2024.

FOR FURTHER INFORMATION CONTACT: H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: June 13, 2024.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2024–13410 Filed 6–18–24; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act, the Clean Water Act, and the Washington Model Toxics Control Act and Notice of Availability of Draft Restoration Plan/Environmental Assessment of Restoration Project Incorporated Into Proposed Consent Decree

On June 13, 2024, the Department of Justice lodged a proposed consent decree with the United States District Court for the Western District of Washington in the lawsuit entitled *United States of America, State of Washington, Jamestown S'Klallam Tribe, Lower Elwha Klallam Tribe, Port Gamble S'Klallam Tribe, Skokomish Indian Tribe, and Suquamish Indian Tribe of the Port Madison Reservation* v. *Pope Resources, OPG Properties LLC, and OPG Port Gamble LLC,* Civil Action No. 3:24-cv-05470, Docket No. 2–1.

The complaint asserts claims against Pope Resources, a Delaware Limited Partnership; OPG Properties LLC; and OPG Port Gamble LLC (Defendants) for natural resource damages by the United States on behalf of the Department of the Interior, the State of Washington through the Washington Department of Ecology, the Jamestown S'Klallam Tribe, the Lower Elwha Klallam Tribe, the Port Gamble S'Klallam Tribe, the Skokomish Indian Tribe, and the Suquamish Indian Tribe of the Port Madison Reservation (collectively, the Trustees), pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a); section 311 of the Clean Water Act (CWA), 33 U.S.C. 1321; and the Washington Model Toxics Control Act (MTCA), RCW 70A.305.

The proposed consent decree resolves claims alleged against Defendants for natural resource damages caused by releases of hazardous substances from the former Pope & Talbot sawmill facility, currently owned by OPG Port Gamble LLC and previously owned and operated by Pope Resources and OPG Properties LLC, to Port Gamble Bay in Kitsap County, Washington. The settlement requires Defendants to construct, implement, maintain, and monitor a habitat restoration project in Port Gamble Bay that involves restoring approximately 20 acres of shoreline and intertidal habitat, placing sand cover, and planting eelgrass. The settlement also requires Defendants to fund future long-term maintenance, monitoring, and stewardship of the project, and pay the Trustees' past and estimated future costs for NRD assessment and restoration implementation and oversight. The Defendants will receive covenants not to sue under the statutes listed in the proposed consent decree for specified natural resource damages.

The Trustees have developed a Draft Restoration Plan and Environmental Assessment (''RP/EA'') for the habitat restoration project, incorporated into the proposed consent decree. The Draft RP/EA proposes to select the habitat restoration project to address injuries to natural resources in the Port Gamble Bay.

The publication of this notice opens a period for public comment on the proposed consent decree and the Draft RP/EA. Comments on the proposed consent decree should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, and should refer to *United States of America, et al.* v. *Pope Resources, et al.,* D.J. Ref. No. 90–11–3–11025. 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 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.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the proposed consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

The publication of this notice also opens a period for public comment on the Draft RP/EA. The Trustees will receive comments relating to the Draft RP/EA for a period of thirty (30) days from the date of this publication. A copy of the Draft RP/EA is available electronically at *https://www.fws.gov/media/port-gamble-bay-draft-restoration-plan-and-enviromental-assessment.*

Comments on the draft RP/EA may be submitted electronically to *Jeff_krausmann@fws.gov.* Additionally, written comments on the Draft RP/EA should be addressed to: Jeff Krausmann, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 1009 College St. SE, Suite 215, Lacey, Washington 98503.

Kathryn C. Macdonald,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024–13428 Filed 6–18–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; DOL-Only Performance Accountability, Information, and Reporting

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision for the authority to conduct the information collection request (ICR) titled, ''DOL-only Performance

Accountability, Information, and Reporting.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by August 19, 2024.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Kellen Grode by telephone at (202) 693–3534 (this is not a toll-free number), or by email at *grode.kellen.m@dol.gov.* For persons with a hearing or speech disability who need assistance to use the telephone system, please dial 711 to access telecommunications relay services.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Policy Development and Research, 200 Constitution Ave. NW, Room N–5641, Washington, DC 20210; by email: *grode.kellen.m@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Kellen Grode by telephone at (202) 693–3534, (this is not a toll-free number) or by email at *grode.kellen.m@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

As a part of this revision request, ETA has made changes to the Participant Individual Record Layout (ETA–9172), (Program) Performance Report (ETA–9173) that include: (1) adding new program-specific versions of the ETA–9173 Quarterly Performance Reports (QPRs)—INAP Youth, and NFJP Housing, and 508 compliant versions for each template. (2) adding data elements needed by program offices, (new elements, and checks/unchecks); and (3) revising element names, definitions/instructions, and code fields to enhance the clarity of the collection. DOL is also proposing updates in this collection to adhere to the new requirements in OMB's Statistical Policy Directive No. 15 on Race and Ethnicity. Until the Department of Education is able to update its corresponding ICRs, the Joint ICR (OMB Control No. 1205–0526) will continue to use the same categories for Race and Ethnicity as previously approved. During the transition period, DOL will combine the Race categories for ''White'' and ''Middle Eastern or North African'' into a single ''White'' category in the joint ICR for the WIOA Statewide Performance Report (ETA–9169). Similarly, DOL will continue to calculate ''More than one Race'' according to the Joint ICR for the WIOA Statewide Performance Report (ETA–9169), while using ''Multiracial and/or Multiethnic'' in the DOL-only Quarterly Performance Reports (ETA–9173).

These revisions do not add burden to the collection. The added templates accommodate data collection that has previously been collected using different approved templates associated with this collection.

Section 116 of WIOA (29 U.S.C. 3141) authorizes this information collection. The Department of Labor's (DOL)'s Employment and Training Administration (ETA) developed the (Program) Performance Report (ETA–9173) and the Pay-for-Performance Report (ETA–9174) to facilitate State performance reporting. In order to collect the participant level data that will be aggregated and displayed in the (Program) Performance Report (ETA–9173) quarterly and the Pay-for-Performance Report (ETA–9174) annual reports, States will use a standardized individual record file for program participants, called the DOL Participant Individual Record Layout (PIRL, ETA–9172). The PIRL provides a standardized set of data elements, definitions, and reporting instructions that will be used to describe the characteristics, activities, and outcomes of WIOA and DOL partner program participants. States and grantees will be required to collect participant information that corresponds with the data elements and descriptions delineated within the PIRL. Once collected, this information will then be aggregated according to the conditions outlined in the specifications found within the Program Performance Report spreadsheet. This document details the common data elements and technical specifications necessary for calculation of reporting elements under all the DOL programs listed in the paragraph below. Once aggregated, the outcomes of the PIRL data will be submitted by the States and grantees to ETA and then displayed according to the framework within the (Program) Performance Report. Each program mentioned in this supporting statement will generate a program specific report that mirrors the construct of the (Program) Performance Report. DOL requires States and grantees to certify and submit the (Program) Performance Report to ETA on a quarterly basis.

This ICR is the product of a joint effort among the DOL offices that administer the following programs: WIOA Adult, WIOA Dislocated Worker, WIOA Youth, National Dislocated Worker Grants, Dislocated Worker Projects authorized under WIOA sec. 169(c), Wagner-Peyser Employment Service, National Farmworker Jobs Program, Job Corps, YouthBuild, Indian and Native American Program, as well as non-WIOA covered programs, including Trade Adjustment Assistance (TAA), REO, H–1B discretionary grants, Senior Community Service Employment Program (SCSEP), Apprenticeship grants, and the Jobs for Veterans' State Grants Programs. While H–1B grants, TAA, SCSEP, Apprenticeship grants and the REO programs are not authorized under WIOA, these programs utilize the data element definitions and reporting templates in this ICR.

The accuracy, reliability, and comparability of program reports submitted by States and grantees using Federal funds are fundamental elements of good public administration and are necessary tools for maintaining and demonstrating system integrity. The use of a standard set of data elements, definitions, and specifications at all levels of the workforce system helps states to coordinate funding and leverage resources available to create a more efficient and effective system to improve the quality of the performance information that is received by DOL.

The set of primary indicators of performance represents the key results that ETA strives to achieve for their customers, and that ETA and Congress are interested in measuring. Using this set of primary indicators affords ETA the ability to describe, in a similar manner, the core purposes of the workforce system—through the program services received, how many people found jobs; what were their earnings; and what skill gains they achieved. They are an integral part of ETA's performance accountability system, and through the Workforce Performance Accountability, Information, and Reporting System, ETA will continue to collect from States and grantees the data on program activities, participants, and outcomes that are necessary for program management and to convey full and

accurate information on the performance of workforce programs to policymakers and stakeholders.

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 it is approved by OMB under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention DOL Only 1205–0521.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including 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).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: DOL-only Performance Accountability, Information, and Reporting System.

Forms: DOL Participant Individual Record Layout (PIRL, ETA–9172); (Program). Performance Report (ETA–9173); Pay-for Performance Report (ETA–9174).

OMB Control Number: 1205–0521.

Affected Public: State, Local, and Tribal Governments.

Estimated Number of Respondents: 22,687,331.

Frequency: Varies.

Total Estimated Annual Responses: 46,167,618.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 11,735,522.

Total Estimated Annual Other Cost Burden: $9,491,287.

Authority: 44 U.S.C. 3506(c)(2)(A).

José Javier Rodríguez,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2024–13436 Filed 6–18–24; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Worker's Compensation Programs

Proposed New Information Collection; Form CA–21, Attending Physician's Certification of Continuing Workers' Compensation Disability (OMB Control No. 1240–0NEW)

AGENCY: Office of Workers' Compensation, Division of Federal Employees' Longshore and Harbor Workers' Compensation, (OWCP/DFELHWC), Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, OWCP/DFELHWC is soliciting comments on the new information collection for Attending Physician's Certification of Continuing Workers' Compensation Disability, CA–21.

DATES: All comments must be received on or before August 19, 2024.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for WCPO–2024–0012. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are 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 your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit U.S. DOL-Office of Workers' Compensation Programs, OWCP, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210;
- OWCP will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs, OWCP, at *suggs.anjanette@dol.gov* (email); (202) 354–9660 (voice).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Worker's Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA), which provides for medical and compensation benefits for work related injuries or disease from federal employment. 5 U.S.C. 8149, Congress gives the Secretary of Labor authority to prescribe the rules and regulations necessary for the administration and enforcement of the FECA.

The relevant statutory provision 5 U.S.C. 8103, Medical services and initial medical and other benefits, which reads as follows:

(a) The United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances, and supplies prescribed or recommended by a qualified physician, which the Secretary of Labor considers

likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of the monthly compensation. These services, appliances, and supplies shall be furnished—

(1) whether or not disability has arisen;

(2) notwithstanding that the employee has accepted or is entitled to receive benefits under subchapter III of chapter 83 of this title or another retirement system for employees of the Government; and

(3) by or on the order of United States medical officers and hospitals, or, at the employee's option, by or on the order of physicians and hospitals designated or approved by the Secretary. The employee may initially select a physician to provide medical services, appliances, and supplies, in accordance with such regulations and instructions as the Secretary considers necessary, and may be furnished necessary and reasonable transportation and expenses incident to the securing of such services, appliances, and supplies. These expenses, when authorized or approved by the Secretary, shall be paid from the Employees' Compensation Fund.

(b) The Secretary, under such limitations or conditions as he considers necessary, may authorize the employing agencies to provide for the initial furnishing of medical and other benefits under this section. The Secretary may certify vouchers for these expenses out of the Employees' Compensation Fund when the immediate superior of the employee certifies that the expense was incurred in respect to an injury which was accepted by the employing agency as probably compensable under this subchapter. The Secretary shall prescribe the form and content of the certificate.

In accordance with 20 CFR 10.330, OWCP requires each employee who is receiving benefits to provide a medical report from their attending physician. Per 20 CFR 10.332, OWCP will request the attending physician to provide a report at periodic intervals in all cases requiring hospital treatment or prolonged care. The attending physician will be asked to describe the continuing need for medical treatment for the accepted condition, prognosis, description of work tolerance limitations, and the physician's opinion on causal relationship between the diagnosed condition and the employee's work factors.

Further, 20 CFR 10.501 states:

(a) The employee is responsible for providing sufficient medical evidence to justify payment of any compensation sought.

(1) To support payment of continuing compensation where an employee has been found entitled to periodic benefits, narrative medical evidence must be submitted whenever OWCP requests it but ordinarily not less than once a year and with any filing of a form CA–1032. It must contain a physician's rationalized opinion as to whether the specific period of alleged disability is causally related to the employee's accepted injury or illness.

(2) For those employees with more serious conditions not likely to improve and for employees over the age of 65, OWCP may require less frequent documentation, but ordinarily not less than once every three years.

References: 5 U.S.C. 8149, 5 U.S.C. 8103, 20 CFR 10.330, 20 CFR 10.332, and 20 CFR. 10.501.

See: https://www.dol.gov/owcp/dfec/regs/statutes/feca.htm#)

See: eCFR: 20 CFR part 10—Claims for Compensation Under the Federal Employees' Compensation Act, as Amended

II. Desired Focus of Comments

OWCP is soliciting comments concerning the proposed information collection related to the Attending Physician's Certification of Continuing Workers' Compensation Disability. OWCP is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OWCP's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection 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.

Background documents related to this information collection request are available at *https://regulations.gov* and at DOL–OWCP located at U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns Attending Physician's Certification of Continuing Workers' Compensation Disability, CA–21.

Type of Review: New collection.

Agency: DOL—Office of Workers' Compensation Programs.

OMB Number: 1240–0NEW.

Affected Public: Private Sector—Businesses or other for-profits.

Number of Respondents: 33,372.

Frequency: On Occasion.

Number of Responses: 33,372.

Annual Burden Hours: 2,670 hours.

Annual Respondent or Recordkeeper Cost: $25,029.00.

OWCP Forms: OWCP Form CA–21, Attending Physician's Certification of Continuing Workers' Compensation Disability.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Anjanette Suggs,

Certifying Officer.

[FR Doc. 2024–13437 Filed 6–18–24; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Revision of Information Collection; FECA Medical Report Forms, Claim for Compensation, OMB Control No. 1240–0046

AGENCY: Office of Workers' Compensation Programs, Division of Federal Employees' Longshore and Harbor Workers' Compensation, (OWCP/DFELHWC) Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly

understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs, Division of Federal Employees' Longshore and Harbor Workers' Compensation, (OWCP/DFELHWC) is soliciting comments on the information collection for FECA Medical Report Forms, Claim for Compensation, Authorization for Examination And/Or Treatment, CA–16.

DATES: All comments must be received on or before August 19, 2024.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for WCPO–2024–0014. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are 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 your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL—OWCP/DFELHWC, Office of Workers' Compensation Programs, Division of Federal Employees' Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210.
- OWCP/DFELHWC will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs, Division of Federal Employees' Longshore, and Harbor Workers' Compensation, OWCP/DFELHWC, at *suggs.anjanette@dol.gov@dol.gov* (email); (202) 354–9660.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Worker's Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA), which provides for continuation of pay or compensation for work related injuries or disease from federal employment. 5 U.S.C. 8149, Congress gives the Secretary of Labor authority to prescribe the rules and regulations necessary for the administration and enforcement of the FECA.

The relevant statutory provision allowing for an individual to make a claim for compensation benefits is found at 5 U.S.C. 8102, Compensation for disability or death of employee, and reads as follows:

(a) The United States shall pay compensation as specified by this subchapter for the disability or death of an employee resulting from personal injury sustained while in the performance of his duty, unless the injury or death is—

(1) caused by willful misconduct of the employee;

(2) caused by the employee's intention to bring about the injury or death of himself or of another; or

(3) proximately caused by the intoxication of the injured employee.

(b) Disability or death from a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual, suffered by an employee who is employed outside the continental United States or in Alaska or in the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979), is deemed to have resulted from personal injury sustained while in the performance of his duty, whether or not the employee was engaged in the course of employment when the disability or disability resulting in death occurred or when he was taken by the hostile force or individual. This subsection does not apply to an individual—

(1) whose residence is at or in the vicinity of the place of his employment and who was not living there solely because of the exigencies of his employment, unless he was injured or taken while engaged in the course of his employment; or

(2) who is a prisoner of war or a protected individual under the Geneva Conventions of 1949 and is detained or utilized by the United States.

The relevant statutory provision 5 U.S.C. 8103, Medical services and initial medical and other benefits, which reads as follows:

(a) The United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances, and supplies prescribed or recommended by a qualified physician, which the Secretary of Labor considers likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of the monthly compensation. These services, appliances, and supplies shall be furnished—

(1) whether or not disability has arisen;

(2) notwithstanding that the employee has accepted or is entitled to receive benefits under subchapter III of chapter 83 of this title or another retirement system for employees of the Government; and

(3) by or on the order of United States medical officers and hospitals, or, at the employee's option, by or on the order of physicians and hospitals designated or approved by the Secretary. The employee may initially select a physician to provide medical services, appliances, and supplies, in accordance with such regulations and instructions as the Secretary considers necessary, and may be furnished necessary and reasonable transportation and expenses incident to the securing of such services, appliances, and supplies. These expenses, when authorized or approved by the Secretary, shall be paid from the Employees' Compensation Fund.

(b) The Secretary, under such limitations or conditions as he considers necessary, may authorize the employing agencies to provide for the initial furnishing of medical and other benefits under this section. The Secretary may certify vouchers for these expenses out of the Employees' Compensation Fund when the immediate superior of the employee certifies that the expense was incurred in respect to an injury which was accepted by the employing agency as probably compensable under this subchapter. The Secretary shall prescribe the form and content of the certificate.

References: 5 U.S.C. 8102, 5 U.S. C. 8103, and 5 U.S.C. 8149. 20 CFR 10.102, 20 CFR 10.211, 20 CFR 10.300, 20 CFR 10.314, 20 CFR. 314, and 20 CFR. 10.506.

See: *https://www.dol.gov/owcp/dfec/regs/statutes/feca.htm*#).

See: *eCFR: 20 CFR part 10—Claims for Compensation Under the Federal Employees' Compensation Act, as Amended*

II. Desired Focus of Comments

OWCP/DFELHWC is soliciting comments concerning the proposed

information collection related to the FECA Medical Report Forms, Claim for Compensation, Authorization for Examination And/Or Treatment, CA–16. OWCP/DFELHWC is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OWCP/DFELHWC's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection 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.

Background documents related to this information collection request are available at *https://regulations.gov* and at DOL–OWCP/DFELHWC located at 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns FECA Medical Report Forms, Authorization for Examination And/Or Treatment, CA–16. OWCP/DFELHWC has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Revision of a currently approved collection.

Agency: Office of Workers' Compensation Programs, Division of Federal Employees' Longshore, and Harbor Workers' Compensation, OWCP/DFELHWC.

OMB Number: 1240–0046.

Affected Public: Private Sector—Business or other For-profits.

Number of Respondents: 248,981.

Frequency: On Occasion.

Number of Responses: 248,981.

Annual Burden Hours: 22,824 hours.

Annual Respondent or Recordkeeper Cost: $186,736.00.

OWCP/DFELHWC *1240–0046:* OWCP/DFELHWC FECA Medical Report Forms, Authorization for Examination and/or Treatment.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Anjanette Suggs,

Certifying Officer.

[FR Doc. 2024–13438 Filed 6–18–24; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Revision of Information Collection; Peace Corps Volunteer Authorization for Examination and/or Treatment, CA–15 (OMB Control No. 1240–0059)

AGENCY: Office of Workers' Compensation Programs, Division of Federal Employees' Longshore and Harbor Workers' Compensation, (OWCP/DFELHWC) Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs, Division of Federal Employees' Longshore and Harbor Workers' Compensation, (OWCP/DFELHWC) is soliciting comments on the information collection for Peace Corps Volunteer Authorization for Examination and/or Treatment, CA–15.

DATES: All comments must be received on or before August 19, 2024.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for WCPO–2024–0013. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are 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 your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–OWCP/DFELHWC, Office of Workers' Compensation Programs, Division of Federal Employees' Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210.
- OWCP/DFELHWC will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs, Division of Federal Employees' Longshore, and Harbor Workers' Compensation, OWCP/DFELHWC, at *suggs.anjanette@dol.gov* (email); (202) 354–9660.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.* The statute provides for the payment of benefits for wage loss and/or for permanent impairment to a scheduled member, arising out of a work-related injury or disease. The Act outlines the elements of pay which are to be included in an individual's pay rate, and sets forth various other criteria for determining eligibility to and the amount of benefits, including: augmentation of basic compensation for individuals with qualifying dependents; a requirement to report any earnings during a period that compensation is claimed; a prohibition against concurrent receipt of FECA benefits and benefits from the Office of Personnel Management or certain Department of Veterans Affairs benefits; a mandate that money collected from a liable third party found responsible for

the injury for which compensation has been paid is applied to benefits paid or payable.

A Peace Corps Volunteer who sustains an injury or contracts an illness overseas while in Peace Corps service may be entitled to benefits under the FECA. Peace Corps Volunteers are in the performance of duty while abroad during the period of Peace Corps service for purposes of FECA coverage. An injury sustained outside the United States during service is deemed proximately caused by such service, unless the injury or illness was proximately caused by willful misconduct, intention to bring about injury or death, or intoxication.

The Sam Farr and Nick Castle Peace Corps Reform Act of 2018 (Farr-Castle), regulates various aspects of the Peace Corps, including changes to the provision of health care to volunteers. The legislation is named in honor of former Peace Corps volunteers Sam Farr, a retired Democratic congressman, and Nick Castle, who lost his life at age 23 while serving overseas in the Peace Corps in 2013.

The Peace Corps was established on September 22, 1961, by Public Law 87–293, known as the ''Peace Corps Act.'' It authorizes the enrollment of qualified citizens and nationals of the United States as ''volunteers'' and ''volunteer leaders'' for service abroad in interested countries and areas, to help the people of such countries and areas in meeting their needs for trained workers, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

Under the provisions of the FECA, 5 U.S.C. 8142 of the FECA provides that,

(a) For the purpose of this section, ''volunteer'' means—

(1) a volunteer enrolled in the Peace Corps under section 2504 of title 22;

(2) a volunteer leader enrolled in the Peace Corps under section 2505 of title 22; and

(3) an applicant for enrollment as a volunteer or volunteer leader during a period of training under section 2507(a) of title 22 before enrollment.

Entitlement to disability compensation payments does not commence until the day after the date of termination of service as a volunteer. 5 U.S.C. 8142(b).

Farr-Castle directs the Secretary of the Department of Labor to authorize the Director of the Peace Corps to furnish medical benefits to a volunteer, who is injured during the volunteer's period of service, for a period of 120 days following the termination of such service if the Director certifies that the volunteer's injury probably meets the requirements set forth in 5 U.S.C. 8142(c)(3). The Secretary may then certify vouchers for these expenses for such volunteers out of the Employees' Compensation Fund.

OWCP and the Peace Corps collaborated on this form which authorizes medical treatment for recently terminated Peace Corps volunteers who require medical treatment for injuries/exposure sustained in the performance of their volunteer service. Issuance of this form will solely be at the discretion of the Peace Corps. This bridges the gap between the occurrence of an initial injury and/or disease exposure and the actual adjudication of a claim by OWCP by helping ensure that recently terminated volunteers receive prompt medical care, without delay, for a period of 120 days following separation from service.

References:

https://www.dol.gov/agencies/owcp/FECA/regs/statutes/feca

Sam Farr & Nick Castle Peace Corps Reform Act of 2018, Public Law 115–256, 102, 132 Stat. 3650 (2018) (codified as amended at 5 U.S.C. 8142).

https://www.congress.gov/115/plaws/publ256/PLAW-115publ256.pdf

II. Desired Focus of Comments

OWCP/DFELHWC is soliciting comments concerning the proposed information collection related to the Peace Corps Volunteer Authorization for Examination and/or Treatment, CA–15.

OWCP/DFELHWC is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OWCP/DFELHWC's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection 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.

Background documents related to this information collection request are available at *https://regulations.gov* and at DOL–OWCP/DFELHWC located at 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns Peace Corps Volunteer Authorization for Examination and/or Treatment, CA–15. OWCP/DFELHWC has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Revision of a currently approved collection.

Agency: Office of Workers' Compensation Programs, Division of Federal Employees' Longshore, and Harbor Workers' Compensation, OWCP/DFELHWC.

OMB Number: 1240–0059.

Affected Public: Private Sector—Businesses or other For-profits.

Number of Respondents: 252.

Frequency: On Occasion.

Number of Responses: 252.

Annual Burden Hours: 63 hours.

Annual Respondent or Recordkeeper Cost: $179.00.

OWCP/DFELHWC Forms: OWCP/DFELHWC Form CA–15, Peace Corps Volunteer Authorization for Examination and/or Treatment.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Anjanette Suggs,

Certifying Officer.

[FR Doc. 2024–13439 Filed 6–18–24; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL CREDIT UNION ADMINISTRATION

Renewal of Agency Information Collection of a Previously Approved Collection; Request for Comments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of submission to the Office of Management and Budget.

SUMMARY: As required by the Paperwork Reduction Act of 1995, The National Credit Union Administration (NCUA) is

submitting the following extensions and revisions of currently approved collections to the Office of Management and Budget (OMB) for renewal.

DATES: Written comments should be received on or before July 22, 2024 to be assured consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting at (703) 718–1155, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–.
Title:
Type of Review:
Abstract: Dodd Frank Act amended section 308 of the FIRREA to require NCUA, Office of the Comptroller of Currency, and the Federal Reserve Board to establish a program to comply with its goals to preserve and encourage Minority Depository Institutions (MDIs). The NCUA Board issued Interpretive Ruling and Policy Statement (IRPS) 13–1 establishing a MDI preservation program to comply with FIRREA section 308 goals. The IRPS identifies the procedure for a federally insured credit union to determine and document its ability to designate itself as a MDI, resulting in the ability to participate in the Program.
Affected Public: Private Sector: Not-for-profit institutions.
Estimated Number of Respondents: 492.
Estimated Number of Responses per Respondent: 1.
Estimated Total Annual Responses: 492.
Estimated Hours per Response: 0.745934959.
Estimated Total Annual Burden Hours: 367.
Reason for Change: The number of respondents increased and the estimated annual burden hours increased.

OMB Number: 3133–.
Title:
Type of Review:
Abstract: This collection of information is set forth in NCUA regulations at 12 CFR part 760 and is required by the National Flood Insurance Reform Act of 1994's amendments to the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (Flood Act). 42 U.S.C. 4001 *et seq.* The collection of information pertains to loans secured by buildings and mobile homes located or to be located in areas determined by the Director of the Federal Emergency Management Agency (FEMA) to have special flood hazards.
Affected Public: Private Sector: Not-for-profit institutions.
Estimated Number of Respondents: 3,229.
Estimated Number of Responses per Respondent: 522.600497.
Estimated Total Annual Responses: 1,687,477.
Estimated Hours per Response: 0.060062448.
Estimated Total Annual Burden Hours: 101,354.
Reason for Change: The number of respondents decreased, and the estimated annual burden hours decreased.

OMB Number: 3133–.
Title:
Type of Review:
Abstract: The National Credit Union Administration (NCUA) Federal Credit Union Act, 12 U.S.C. 1757(7), 1757(8), 1757(15), lists securities, deposits, and other obligations in which a Federal Credit Union (FCU) may invest. The regulations related to these areas are contained in part 703 and section 721.3 of the NCUA Rules and Regulations which set forth requirements related to maintaining an adequate investment program. The information collected is used by the NCUA to determine compliance with the appropriate sections of the NCUA Rules and Regulations and Federal Credit Union Act, which governs investment and deposit activities on the basis of safety and soundness concerns. It is used to determine the level of risk that exists within a credit union, the actions taken by the credit union to mitigate such risk, and helps prevent losses to federal credit unions and the National Credit Union Share Insurance Fund (NCUSIF).
Affected Public: Private Sector: Not-for-profit institutions.
Estimated Number of Respondents: 4,604.
Estimated Number of Responses per Respondent: 33.283666.
Estimated Total Annual Responses: 153,238.
Estimated Hours per Response: 0.326674846.
Estimated Total Annual Burden Hours: 50,059.
Reason for Change: The number of respondents increased, and the estimated annual burden hours decreased.
Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) 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) 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2024–13504 Filed 6–18–24; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: 2025–2027 IMLS National Leadership Grants for Museums and IMLS Museums for America Program Notices of Funding Opportunity

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Submission for OMB Review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be

properly assessed. The purpose of this Notice is to solicit comments about this assessment process, instructions, and data collections.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before July 20, 2024.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Institute of Museum and Library Services'' under ''Currently Under Review;'' then check ''Only Show ICR for Public Comment'' checkbox. Once you have found this information collection request, select ''Comment,'' and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: For the IMLS National Leadership for Museums Program, contact Helen Wechsler, Supervisory Grants Management Specialist, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Ms. Wechsler can be reached by telephone at 202–653–4779, or by email at *hwechsler@imls.gov.* For the IMLS Museums for America Program, contact Mark Feitl, Senior Program Officer, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Mr. Feitl can be reached by telephone at 202–653–4635, or by email at *mfeitl@imls.gov.* Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services (IMLS) is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit *www.imls.gov.*

Current Actions: The goal of IMLS National Leadership Grants for Museums is to support projects that address critical needs of the museum field and that have the potential to advance practice in the profession so that museums can improve services for the American public.

The goal of IMLS Museums for America Program is to support projects that strengthen the ability of an individual museum to serve its public. It has three project categories: Lifelong Learning, Community Engagement, and Collections Stewardship and Access.

The 60-Day Notice was published in the **Federal Register** on March 20, 2024 (89 FR 19891). No comments were received.

Agency: Institute of Museum and Library Services.

Title of Collection: 2025–2027 IMLS National Leadership Grants for Museums and IMLS Museums for America Program Notices of Funding Opportunity.

OMB Control Number: 3137–0094.

Agency Number: 3137.

Affected Public: Museum organization applicants.

Total Estimated Number of Annual Responses: 395.

Frequency of Response: Once per year.

Average Hours per Response: 45.

Total Estimated Number of Annual Burden Hours: 17,775.

Total Annual Cost Burden: $576,798.

Total Annual Federal Costs: $55.052.

Dated: June 14, 2024.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2024–13505 Filed 6–18–24; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: 2025–2027 IMLS Museum Grants for African American History and Culture Program and IMLS Native American/Native Hawaiian Museum Services Program Notices of Funding Opportunity

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB Review, comment request, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS) announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments concerning two grant programs targeting the needs of specific museums and their communities nationwide: IMLS Museum Grants for African American History and Culture Program and IMLS Native American/Native Hawaiian Museum Services Program.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before July 20, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Institute of Museum and Library Services'' under ''Currently Under Review;'' then check ''Only Show ICR for Public Comment'' checkbox. Once you have found this information collection request, select ''Comment,'' and enter or upload your comment and information.

Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

FOR FURTHER INFORMATION CONTACT: For IMLS Museum Grants for African American History and Culture Program, contact Jessica Ottley, Senior Program Officer, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Ms. Ottley can be reached by telephone at 202–653–4666, or by email at *jottley@imls.gov.* For IMLS Native American/Native Hawaiian Museum Services Program, contact Sarah Glass, Senior Program Officer, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Ms. Glass can be reached by telephone at 202–653–4668, or by email at *sglass@imls.gov.* Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION: The goals of Museum Grants for African American History and Culture (AAHC) are to build the capacity of African American museums and to support the growth and development of museum professionals at African American museums.

The goal of Native American/Native Hawaiian Museum Services (NANH) grant program is to support the capacity of Native American Tribes and Native Hawaiian organizations to provide museum services to their communities.

This action is to renew the content, forms, and instructions for each of the two Notices of Funding Opportunity for the next three years.

The 60-Day Notice was published in the **Federal Register** on March 20, 2024 (89 FR 19889). We received no comments in response to this Notice.

Agency: Institute of Museum and Library Services.

Title: 2025–2027 IMLS Museum Grants for African American History and Culture Program and IMLS Native American/Native Hawaiian Museum Services Program Notices of Funding Opportunity.

OMB Control Number: 3137–0095.

Agency Number: 3137.

Affected Public: Eligible museum organizations; Historically Black Colleges and Universities; Federally recognized Native American Tribes; non-profit organizations that primarily serve and represent Native Hawaiians.

Total Number of Respondents: 140.

Frequency of Response: Once per request.

Average Hours per Response: 35.

Total Estimated Number of Burden Hours: 4,900.

Total Annual Cost Burden: $159,005.

Total Annual Federal Costs: $22,695.

Dated: June 14, 2024.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2024–13501 Filed 6–18–24; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: 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: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays). Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

Comments: Comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents; and (d) 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 should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section. The first request for public comment was published on April 9, 2024, at 89 FR 24876.

NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: Grantee Reporting Requirements for the Graduate Research Fellowship Program.

OMB Approval Number: 3145–0223.

Type of Request: Intent to seek approval to reinstate without revision an information collection for three years.

Proposed Project: The purpose of the NSF Graduate Research Fellowship

Program is to help ensure the vitality and diversity of the scientific and engineering workforce of the United States. The program recognizes and supports outstanding graduate students who are pursuing research-based master's and doctoral degrees in science, technology, engineering, and mathematics (STEM) and in STEM education. The GRFP provides three years of support, to be used during a five-year fellowship period, for the graduate education of individuals who have demonstrated their potential for significant research achievements in STEM and STEM education.

The Graduate Research Fellowship Program uses several sources of information in assessing and documenting program performance and impact. These sources include reports from program evaluation, the GRFP Committee of Visitors, and data compiled from the applications. In addition, GRFP Fellows submit annual activity reports to NSF.

The GRFP Completion report is proposed as a continuing component of the annual reporting requirement for the program. This report, submitted by the GRFP Institution, certifies the completion status of Fellows at the institution (*e.g.,* in progress, completed, graduated, transferred, or withdrawn). The existing Completion Report, Grants Roster Report, and the Program Expense Report comprise the GRFP Annual Reporting requirements from the Grantee GRFP institution. Through submission of the Completion Report to NSF GRFP institutions certify the current status of all GRFP Fellows at the institution as either: In Progress, Graduated, Transferred, or Withdrawn. For Graduate Fellows with Graduated status, the graduation date is a required reporting element. Collection of this information allows the program to obtain information on the current status of Fellows, the number and/or percentage of Graduate Fellowship recipients who complete a science or engineering graduate degree, and an estimate of time to degree completion. The report must be certified and submitted by the institution's designated Coordinating Official (CO) annually.

Use of the Information: The completion report data provides NSF with accurate Fellow information regarding completion of the Fellows' graduate programs. The data is used by NSF in its assessment of the impact of its investments in the GRFP, and informs its program management.

Estimate of Burden: Overall average time will be 15 minutes per Fellow (8,250 Fellows) for a total of 2,063 hours for all institutions with Fellows. An estimate for institutions with 12 or fewer Fellows will be 1 hour, institutions with 12–48 fellows will be 4 hours, and institutions over 48 Fellows will be 10 hours.

Respondents: Academic institutions with NSF Graduate Fellows (GRFP Institutions).

Estimated Number of Responses per Report: One from each of the 271 current GRFP institutions.

Dated: June 14, 2024.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2024–13448 Filed 6–18–24; 8:45 am]

BILLING CODE 7555–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before August 19, 2024.

ADDRESSES: Comments should be addressed to James Olin, FOIA/Privacy Act Officer. James Olin can be contacted by email at *pcfr@peacecorps.gov* or by telephone at (202) 692–2507. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: James Olin, Peace Corps, at *pcfr@peacecorps.gov* or by telephone at (202) 692–2507.

SUPPLEMENTARY INFORMATION:

Title: Peace Corps Report of Physical Examination (PC 1790S).

OMB Control Number: 0420–0549.

Type of Request: Renewal.

Affected Public: Individuals/Physicians.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of respondents:* 5,100/5,100.

b. *Frequency of response:* One time.

c. *Completion time:* 90 minutes/45 minutes.

d. *Annual burden hours:* 7,650/3,825.

General Description of Collection: The information in this form will be used by the Peace Corps Office of Medical Services to determine whether an Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer assignment and complete a tour of service without unreasonable disruption due to health problems and, if so, to establish the level of medical and other support, if any, that may be required to reasonably accommodate the Applicant. The information in this form is also used as a baseline assessment for the Peace Corps Medical Officers overseas who are responsible for the Volunteer's medical care. Finally, the Peace Corps may use the information in this form as a point of reference in the event that, after completion of the Applicant's service as a Volunteer, he or she makes a worker's compensation claim under the Federal Employee Compensation Act (FECA).

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity 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 automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC on June 14, 2024.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2024–13440 Filed 6–18–24; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register**

preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before August 19, 2024.

ADDRESSES: Comments should be addressed to James Olin, FOIA/Privacy Act Officer. James Olin can be contacted by email at *pcfr@peacecorps.gov* or by telephone at (202) 692–2507. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: James Olin, Peace Corps, at *pcfr@peacecorps.gov* or by telephone at (202) 692–2507.

SUPPLEMENTARY INFORMATION:

Title: Report of Dental Examination.

OMB Control Number: 0420–0546.

Type of Request: Reapproval.

Affected Public: Individuals/Physicians.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of respondents:* 7,000/7,000.

b. *Frequency of response:* One time.

c. *Completion time:* 90 minutes/45 minutes.

d. *Annual burden hours:* 10,500/5,250.

General Description of Collection: The Peace Corps Office of Medical Services is responsible for the collection of Applicant dental information, using the Report of Dental Exam ''Dental Exam'' form. The Dental Exam form is completed by the Applicant's examining dentist. The results of the examinations are used to ensure that Applicants for Volunteer service will, with reasonable accommodation, be able to serve in the Peace Corps without jeopardizing their health.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity 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 automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC on June 14, 2024.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2024–13443 Filed 6–18–24; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before August 19, 2024.

ADDRESSES: Comments should be addressed to James Olin, FOIA/Privacy Act Officer. James Olin can be contacted by email at *pcfr@peacecorps.gov* or by telephone at (202) 692–2507. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: James Olin, Peace Corps, at *pcfr@peacecorps.gov* or by telephone at (202) 692–2507.

SUPPLEMENTARY INFORMATION:

Title: Health History Form.

OMB Control Number: 0420–0510.

Type of Request: Reapproval.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of respondents:* 13,350.

b. *Frequency of response:* One time.

c. *Completion time:* 45 minutes.

d. *Annual burden hours:* 10,013.

General Description of Collection: The information collected is required for consideration for Peace Corps Volunteer service. The information in the Health History Form, will be used by the Peace Corps Office of Medical Services to determine whether an Applicant will, with reasonable accommodation, be able to perform the essential functions of a Peace Corps Volunteer and complete a tour of service without undue disruption due to health problems and, if so, to establish the level of medical and programmatic support, if any, that may be required to reasonably accommodate the Applicant.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity 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 automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on June 14, 2024.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2024–13441 Filed 6–18–24; 8:45 am]

BILLING CODE 6051–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before August 19, 2024.

ADDRESSES: Comments should be addressed to James Olin, FOIA/Privacy Act Officer. James Olin can be contacted by email at *pcfr@peacecorps.gov* or by telephone at (202) 692–2507. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: James Olin, Peace Corps, at *pcfr@peacecorps.gov* or by telephone at (202) 692–2507.

SUPPLEMENTARY INFORMATION:

Title: Durable Medical Equipment (DME).

OMB Control Number: 0420–0559.

Type of Request: Reapproval.

Affected Public: Individuals/Physicians.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

a. *Number of respondents:* 77/77.

b. *Frequency of response:* One time.

c. *Completion time:* 15 minutes/10 minutes.

d. *Annual burden hours:* 19/13.

General Description of Collection: Durable Medical Equipment (DME) is any equipment that provides therapeutic benefits to a patient in need because of certain medical conditions and/or illness. They consist of items that are primarily and customarily used to serve a medical purpose; are not useful to a person in the absence of illness or injury; are ordered or prescribed by a physician; are reusable; can stand repeated use, and are appropriate for use in the home. Other devices covered in this guidance include prosthetic equipment (cardiac pacemakers), hearing aids, orthotic items (artificial devices such as braces and splints), and prostheses (artificial body parts). The information collected will assist in the determination of Peace Corps eligibility. If eligible, it will assist with ongoing care during service. All applicants to the Peace Corps must have a medical clearance that will determine their ability to serve in a particular country.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity 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 automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on June 14, 2024.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2024–13442 Filed 6–18–24; 8:45 am]

BILLING CODE 6051–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2023–125; MC2024–362 and CP2024–370; MC2024–363 and CP2024–371; MC2024–364 and CP2024–372; MC2024–365 and CP2024–373; MC2024–366 and CP2024–374]

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 24, 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

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]

[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).

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2023–125; *Filing Title:* Notice of the United States Postal Service of Filing Modification One to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 16; *Filing Acceptance Date:* June 13, 2024; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Katalin K. Clendenin; *Comments Due:* June 24, 2024.

2. *Docket No(s).:* MC2024–362 and CP2024–370; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 277 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 13, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* June 24, 2024.

3. *Docket No(s).:* MC2024–363 and CP2024–371; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 278 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 13, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* June 24, 2024.

4. *Docket No(s).:* MC2024–364 and CP2024–372; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 110 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 13, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* June 24, 2024.

5. *Docket No(s).:* MC2024–365 and CP2024–373; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage

Contract 111 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 13, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Samuel Robinson; *Comments Due:* June 24, 2024.

6. *Docket No(s).:* MC2024–366 and CP2024–374; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 112 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 13, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Samuel Robinson; *Comments Due:* June 24, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–13503 Filed 6–18–24; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100331; File No. SR–CboeBYX–2024–022]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Provide a Discount on the Purchase of Historic Short Volume and Trade Reports

June 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 12, 2024, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') proposes to amend its Fee Schedule. 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 Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to BYX Members (''Members'')[3] and non-Members that purchase $20,000 or more of U.S. Equity Short Volume and Trades Reports (''Short Volume Reports''), effective June 4, 2024 through June 30, 2024.[4]

By way of background, the Short Volume Report is an end-of-day report that summarizes certain equity trading activity on the Exchange, including trade date,[5] total volume,[6] short volume,[7] and sell short exempt volume,[8] by symbol.[9] The Short Volume Report also includes an end-of-month report that provides a record of all short sale transactions for the month, including trade date and time (in microseconds),[10] trade size,[11] trade price,[12] and type of short sale execution,[13] by symbol and exchange.[14] The Short Volume Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (''LiveVol''), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Short Volume Report available for purchase to Users on the LiveVol DataShop website (*datashop.cboe.com*). Both the end-of-day report and end-of-month report are included in the cost of the Short Volume Report and are available for purchase by both Members as well as non-Members on an annual or monthly[15] basis. The monthly fee is $750 per Internal Distributor[16] and $1,250 per External Distributor.[17] Additionally, the Exchange offers historical reports containing both the end-of-day volume and end-of-month trading activity. The fee per month of historical data is $500. The Short

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 1.5(n) (''Member''). The term ''Member'' shall mean any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.

[4] The Exchange initially filed the proposed rule change on June 4, 2024 (SR–CboeBYX–2024–020). On June 12, 2024, the Exchange withdrew that filing and submitted this filing.

[5] ''Trade date'' is the date of trading activity in yyyy–mm–dd format.

[6] ''Total volume'' is the total number of shares transacted.

[7] ''Short volume'' is the total number of shares sold short.

[8] ''Short exempt volume'' is the total number of shares sold short classified as exempt.

[9] ''Symbol'' refers to the Cboe formatted symbol in which the trading activity occurred. *See https://cdn.cboe.com/resources/membership/US_Symbology_Reference.pdf.*

[10] ''Trade date and time'' is the date and time of trading activity in yyyy–mm–dd hh:mm:ss.000000 ET format.

[11] ''Trade size'' is the number of shares transacted.

[12] ''Trade price'' is the price at which shares were transacted.

[13] ''Short type'' is a data field that will indicate whether the transaction was a short sale or short sale exempt transaction. A short sale transaction is a transaction in which a seller sells a security which the seller does not own, or the seller has borrowed for its own account (*see* 17 CFR 242.200). A short sale exempt transaction is a short sale transaction that is exempt from the short sale price test restrictions of Regulation SHO Rule 201 (*see* 17 CFR 242.201(c)).

[14] ''Exchange'' is the market identifier (Z = BZX, Y = BYX, X = EDGX, A = EDGA).

[15] The monthly fees for the Report are assessed on a rolling period based on the original subscription date. For example, if a User subscribes to the Report on October 24, 2023, the monthly fee will cover the period of October 24, 2023, through November 23, 2023. If the User cancels its subscription prior to November 23, 2023, and no refund is issued, the User will continue to receive both the end-of-day and end-of-month components of the Report for the subscription period.

[16] An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *See* Cboe BYX U.S. Equities Exchange Fee Schedule.

[17] An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *See* Cboe BYX U.S. Equities Exchange Fee Schedule.

Volume Report provided on a historical basis is only for display use redistribution (*e.g.,* the data may be provided on the User's platform). Therefore, Users of the historical data may not charge separately for data included in the Short Volume Report or incorporate such data into their product. The Exchange notes that the Short Volume Report is subject to direct competition from other exchanges, as other exchanges offer similar products for a fee.[18]

The Exchange proposes to provide a temporary pricing incentive program in which Members or Non-Members that purchase historical Short Volume Reports will receive a percentage fee discount where specific purchase thresholds are met. Specifically, the Exchange proposes to provide a 20% discount for ad-hoc purchases of historical Short Volume Reports of $20,000 or more.[19] The proposed program will apply to all market participants irrespective of whether the market participant is a new or current purchaser; however, the discount cannot be combined with any other discounts offered by the Exchange. The Exchange intends to introduce the discount program beginning June 4, 2024, with the program remaining in effect through June 30, 2024. The Exchange also notes that it previously adopted the same discount program last year and proposes to update the Fees Schedule with the new program dates accordingly.[20]

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.[21] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[22] 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)[23] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[24] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee changes will further broaden the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The Exchange believes the dissemination of historical short volume data via historical Short Volume Reports benefits investors through increased transparency and may promote better informed trading, as well as research and studies of the equities industry. Nevertheless, the Exchange notes that such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer the same type of data content through similar reports.[25]

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered equities exchanges that trade equities. Based on publicly available information, no single equities exchange has more than 16% of the equity market share.[26] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[27] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supercompetitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. equities industry as the Exchange seeks to adopt fees to attract purchasers of historical Short Volume Reports.

The Exchange believes that the proposed incentive program for any Member or non-Member who purchases historical Short Volume Reports is reasonable because such purchasers would receive a 20% discount for purchasing $20,000 or more worth of historical Short Volume Reports. The Exchange believes the proposed discount is reasonable as it will give purchasers the ability to use and test the historical Short Volume Reports at a discounted rate, prior to purchasing additional months or a monthly subscription, and will therefore encourage users to purchase historical Short Volume Reports. Further, the proposed discount is intended to promote increased use of the Exchange's historical Short Volume Reports by defraying some of the costs a purchaser would ordinarily have to expend before using the data product. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Members and non-Members who purchase historical Short Volume Reports. Lastly, the purchase of this data product is discretionary and not compulsory. Indeed, no market participant is required to purchase the historical Short Volume Reports, and the Exchange is not required to make historical Short Volume Reports available to all investors. Potential purchasers may request the data at any

[18] *See* the Nasdaq Fee Schedule, Equity 7, Section 152. *See also,* the TAQ Group Short Sales (Monthly File) and Short Volume product, offered by the New York Stock Exchange LLC (''NYSE'') and affiliated equity markets (the ''NYSE Group'') at NYSE Exchange Proprietary Market Data | TAQ NYSE Group Short Sales.

[19] The discount will apply on an order-by-order basis. The discount will apply to the total purchase price, once the $20,000 minimum purchase is satisfied (for example, a qualifying order of $25,000 would be discounted to $20,000, *i.e.,* receive a 20% discount of $5,000).

[20] *See* Securities Exchange Act Release No. 99181 (December 14, 2023), 88 FR 88176 (December 20, 2023) (SR–CboeBYX–2023–017).

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] *Id.*

[24] 15 U.S.C. 78f(b)(4).

[25] *See supra* note 17.

[26] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (June 3, 2024), available at *https://www.cboe.com/us/equities/market_/.*

[27] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

time if they believe it to be valuable or may decline to purchase such data. As noted above, the Exchange previously adopted a similar discount program last year.[28]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As discussed above, the Exchange's historical Short Volume Reports offering is subject to direct competition from several other options exchanges that offer similar data products. Moreover, purchase of historical Short Volume Reports is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule changes are grounded in the Exchange's efforts to compete more effectively. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intermarket competition, as the proposed incentive program applies uniformly to any purchaser of historical Short Volume Reports.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[29] and paragraph (f) of Rule 19b–4[30] 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–2024–022 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–2024–022. 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–2024–022 and should be submitted on or before July 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13421 Filed 6–18–24; 8:45 am]

BILLING CODE 8011–01–P

[28] *See* Securities Exchange Act Release No. 99181 (December 14, 2023), 88 FR 88176 (December 20, 2023) (SR–CboeBYX–2023–017).

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100327; File No. SR–NYSE–2024–13]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving a Proposed Rule Change Amending Rule 7.35 and Rule 7.35B

June 13, 2024.

I. Introduction

On March 1, 2024, New York Stock Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Rules 7.35 and 7.35B. The proposed rule change was published for comment in the **Federal Register** on March 18, 2024.[3] On April 4, 2024, 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 approve or disapprove the proposed rule change.[4] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

As described more fully below, the Exchange proposes to amend NYSE Rule 7.35 (General) and NYSE Rule 7.35B (DMM-Facilitated Closing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99719 (Mar. 12, 2024), 89 FR 19370 (Mar. 18, 2024) (''Notice'').

[4] *See* Securities Exchange Act Release No. 100027, 89 FR 35288 (May 1, 2024).

Auctions) to: (i) align the definition of Imbalance Reference Price for a Closing Imbalance; (ii) replace the Regulatory Closing Imbalance with an enhanced Significant Closing Imbalance; and (iii) include Closing D Orders in the Total Imbalance calculation ten minutes before the scheduled end of Core Trading Hours.

A. Background

According to the Exchange, Imbalance information on the Exchange means better-priced orders on one side of the market compared to both better-priced and at-price orders on the other side of the market. The Exchange disseminates two types of Imbalance publications: Total Imbalance and Closing Imbalance. Total Imbalance information is disseminated for all Auctions, and Closing Imbalance information is disseminated for the Closing Auction only.

The Exchange states that, beginning ten minutes before the scheduled end of Core Trading Hours, the Exchange begins disseminating through its proprietary data feed Closing Auction Imbalance Information that is calculated based on the interest eligible to participate in the Closing Auction.[5] The Closing Auction Imbalance Information includes the Continuous Book Clearing Price, which is the price at which all better-priced orders eligible to trade in the Closing Auction on the Side of the Imbalance can be traded.[6] The Closing Auction Imbalance Information also includes an Imbalance Reference Price, which is the Exchange Last Sale Price bound by the Exchange BBO.[7]

Currently, according to the Exchange, beginning five minutes before the end of Core Trading Hours, Closing D Orders are included in the Closing Auction Imbalance Information at their undisplayed discretionary price.[8] The Closing Auction Imbalance Information is updated at least every second, unless there is no change to the information, and is disseminated until the Closing Auction begins.[9] In addition, if at the Closing Auction Imbalance Freeze Time (*e.g.,* 3:50 p.m. Eastern Time) [10] the Closing Imbalance [11] is 500 round lots or more, the Exchange will disseminate a Regulatory Closing Imbalance to both the securities information processor and proprietary data feeds.[12]

B. Proposed Rule Change

1. Significant Closing Imbalance

The Exchange currently publishes a Regulatory Closing Imbalance at the Closing Auction Imbalance Freeze Time if the Closing Imbalance is 500 round lots or more. The Exchange proposes to retire the Regulatory Closing Imbalance based on a static round-lot trigger and instead publish a Significant Closing Imbalance based on a dynamic formula that would consider the notional size of the imbalance and the recent closing activity of the relevant security. As proposed, unless determined otherwise by the Exchange and announced by Trader Update, a Closing Imbalance would be considered ''Significant'' if:

- the Closing Imbalance is equal to or greater than 30 percent of the 20-day Average Closing Size for NYSE-listed securities in the S&P 500® Index; 50 percent of the 20-day Average Closing Size for securities in the S&P 400® Index and the S&P 600® Index; or 70 percent of the 20-day Average Closing Size for all other securities,[13] and
- the notional value of the Closing Imbalance, calculated as the product of the imbalance quantity and the reference price, is equal to or greater than $200,000 for S&P and all other securities.[14]

For purposes of calculating the proposed Significant Closing Imbalance, Average Closing Size would be calculated for each symbol based on the most recent 20 trading days where the security closed on a last sale eligible trade. For securities with less than the specified trading data, including but not limited to IPOs, direct listings, and transfers, the Closing Imbalance would be considered Significant if the notional value of the Closing Imbalance, calculated as the product of the imbalance quantity and the reference price, is equal to or greater than $200,000 for S&P and all other securities or an alternative specified dollar amount as determined by the Exchange and announced by Trader Update. Only trading days with an NYSE close would be considered for purposes of the Significant Closing Imbalance calculation.[15]

The Exchange states that it believes that publishing imbalance information where the imbalance is of a size that equals or exceeds a large percentage of a security's average closing size over the most recent 20 trading days and is of a high notional value imparts more valuable information to the marketplace about potential trading anomalies or opportunities than an imbalance publication based solely on an imbalance size of 500 round lots or more.[16] As a result, the Exchange states, it believes that publication of Significant Closing Imbalance information as proposed could facilitate entry of offsetting orders and the price discovery process on the Exchange, to the benefit of the marketplace and public investors.[17] In addition, the Exchange states that it believes that it would be appropriate to retain flexibility to determine the percentage amounts and notional value in the formula for what constitutes a Significant Closing Imbalance so that the Exchange may timely take into consideration market movements and the changing trading characteristics of different securities.[18]

2. Imbalance Reference Price

Currently, the Closing Auction Imbalance Information includes the Continuous Book Clearing Price, which is the price at which all better-priced orders eligible to trade in the Closing Auction on the Side of the Imbalance can be traded.[19] The Closing Auction Imbalance Information also includes an Imbalance Reference Price, which is the Exchange Last Sale Price bound by the Exchange BBO.[20] The Imbalance Reference Price for a Closing Imbalance

[5] *See* NYSE Rule 7.35B(e)(1)(A). DMM Orders, as defined in NYSE Rule 7.35(a)(9)(B), that have been entered by the DMM in advance of a Closing Auction are currently included in the Closing Auction Imbalance Information.

[6] *See* NYSE Rule 7.35(a)(4)(C). In the case of a buy Imbalance, the Continuous Book Clearing Price would be the highest potential Closing Auction Price and in the case of a sell Imbalance, the Continuous Book Clearing Price would be the lowest potential Closing Auction Price.

[7] *See* NYSE Rule 7.35B(e)(3).

[8] *See* NYSE Rule 7.35(b)(1)(C)(ii).

[9] *See* NYSE Rule 7.35(c)(1) and (2).

[10] *See* NYSE Rule 7.35(a)(8) (defining the ''Closing Auction Imbalance Freeze Time'' to be 10 minutes before the scheduled end of Core Trading Hours).

[11] As defined in NYSE Rule 7.35(a)(4)(A)(ii), a ''Closing Imbalance'' means the Imbalance of MOC and LOC Orders to buy and MOC and LOC Orders to sell. NYSE Rule 7.35(a)(4)(A)(ii) further defines a ''Regulatory Closing Imbalance'' as a Closing Imbalance disseminated at or after the Closing Auction Imbalance Freeze Time.

[12] *See* NYSE Rule 7.35B(d)(1).

[13] *See* Proposed NYSE Rule 7.35B(d)(1)(A).

[14] *See id.* at (B).

[15] *See id.* at (C).

[16] *See* Notice, *supra* note 3, 89 FR at 19372.

[17] *See id.*

[18] *See id.* The Exchange notes that the options markets operated by the Exchange's affiliates have similar flexibility in their rules to specify different parameters based on a Trader Update. *See, e.g.,* NYSE Arca, Inc., Rules 6.62P–O(a)(3)(C) (specifying the thresholds applicable to limit order price protection) & 6.64P–O(c) (specifying interval when Auction Imbalance Information is updated).

[19] *See* NYSE Rule 7.35(a)(4)(C). In the case of a buy Imbalance, the Continuous Book Clearing Price would be the highest potential Closing Auction Price and in the case of a sell Imbalance, the Continuous Book Clearing Price would be the lowest potential Closing Auction Price.

[20] *See* NYSE Rule 7.35B(e)(3).

is currently the Exchange Last Sale Price.[21]

The Exchange proposes to align the definition of Imbalance Reference Price for a Closing Imbalance in NYSE Rule 7.35B(d) with the current definition of Imbalance Reference Price for the Closing Auction Imbalance Information in NYSE Rule 7.35B(e)(3). As proposed, the Imbalance Reference Price for a Closing Imbalance would be equal to

- the BB if the Exchange Last Sale Price is lower than the BB;
- the BO if the Exchange Last Sale Price is higher than the BO; or
- the Exchange Last Sale Price if it is at or between the BBO or if the security was halted or not opened by the Closing Auction Imbalance Freeze Time.[22]

The Exchange states that it believes that the proposal will enhance the value of the imbalance publication by providing a more accurate depiction of the market interest available in a security because bounding the Imbalance Reference Price by the BBO keeps the price in line with actual trading in that security.[23]

3. Closing D Orders

Finally, the Exchange proposes to include Closing D Orders earlier in the imbalance information provided to the marketplace. The Exchange disseminates two types of Imbalance publications: Total Imbalance and Closing Imbalance. Total Imbalance information is disseminated for all Auctions, and Closing Imbalance information is disseminated for the Closing Auction only.

NYSE Rule 7.35(a)(4)(A)(i) provides that ''Total Imbalance'' means for the Core Open and Trading Halt Auctions, the Imbalance of all orders eligible to participate in an Auction and for the Closing Auction, the Imbalance of MOC, LOC, and Closing IO Orders, and beginning five minutes before the scheduled end of Core Trading Hours, Closing D Orders.

In addition, for the Closing Auction, the Exchange provides information on the ''Paired Quantity,'' which is the volume of better-priced and at-priced buy shares that can be paired with better-priced and at-priced sell shares at the Imbalance Reference Price, and ''Unpaired Quantity,'' meaning the volume of better-priced and at-priced buy shares that cannot be paired with both at-priced and better-priced sell shares at the Imbalance Reference Price. Paired and Unpaired Quantity as defined in NYSE Rule 7.35(a)(4)(B)(ii) to include MOC, LOC, and Closing IO Orders, and beginning five minutes before the scheduled end of Core Trading Hours, Closing D Orders.

Further, NYSE Rule 7.35(b) sets forth general rules for how different types of orders are ranked for purposes of how they are included in Auction Imbalance Information or for an Auction allocation. NYSE Rule 7.35(b)(1) provides that orders are ranked based on the price at which they would participate in an Auction. The price at which an order would be ranked would be used to determine whether it is a better-priced or an at-priced order. In this regard, beginning five minutes before the end of Core Trading Hours, the ranked price of a Closing D Order is the order's undisplayed discretionary price. In addition, under NYSE Rule 7.35(b)(2), the working time of a Closing D Order would be the later of its entry time or five minutes before the end of Core Trading Hours.

The Exchange proposes to amend these rules. The Exchange states that it believes that earlier inclusion of this order type in the imbalance information published by the Exchange would enhance the information available to the marketplace leading into the Closing Auction.[24] The Exchange also states that it believes that including Closing D Orders in its publicly disseminated imbalance information earlier would provide more information to the marketplace about the volume and type of orders going into the Closing Auction as well as additional time for the market to respond to any auction imbalances.[25]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[26] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[27] which requires, among other things, that the rules of a national securities 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.

The Commission believes that the proposed rule change to include Closing D Orders in the Closing Auction Imbalance Information published by the Exchange beginning ten minutes before the scheduled end of Core Trading Hours, rather than the current five minutes, is reasonably designed to enhance the information available to the marketplace leading into the Closing Auction and to provide additional time for the market to respond to auction imbalances. The Commission also believes that the proposal to publish a Significant Closing Imbalance based on a dynamic formula—rather than the current Regulatory Closing Imbalance at the Closing Auction Imbalance Freeze Time if the Closing Imbalance is 500 round lots or more—is reasonably designed to provide meaningful information to market participants about interest in a security and to assist market participants in trading in the Closing Auction in that security. Moreover, allowing the Exchange the flexibility to determine the percentage amounts and notional value in the formula for what would constitute a Significant Closing Imbalance is reasonably designed to enable the Exchange to take market movements and the characteristics of different securities into consideration and to update the metrics if needed. Finally, the Commission believes that it is reasonable for the Exchange to determine the Imbalance Reference Price for the Closing Auction in a security in the same way the Exchange currently determines the Imbalance Reference Price for the Closing Auction Imbalance Information, because this change would enhance consistency in the Exchange's rulebook and because bounding the Imbalance Reference Price by the BBO is reasonably designed to keep the Imbalance Reference Price in line with actual trading in that security.

Based on the foregoing, the Commission finds that the proposed rule change is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[28] that the

[21] *See* NYSE Rule 7.35B(d). *See* NYSE Rule 7.35(a)(12)(B)(defining ''Exchange Last Sale Price'' to mean the most recent trade on the Exchange of a round lot or more in a security during Core Trading Hours on that trading day, and if none, the Official Closing Price from the prior trading day for that security).

[22] *See* Proposed NYSE Rule 7.35B(d).

[23] *See* Notice, *supra* note 3, 89 FR at 19372.

[24] *See id.*

[25] *See id.,* at 19372–73.

[26] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[27] 15 U.S.C. 78f(b)(5).

[28] 15 U.S.C. 78s(b)(2).

proposed rule change (SR–NYSE–2024–13) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13418 Filed 6–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100328; File No. SR–NYSEARCA–2024–55]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Options Fee Schedule

June 13, 2024.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 12, 2024, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule (''Fee Schedule'') to replace the Ratio Threshold Fee with an Excessive Bandwidth Utilization Fee. The Exchange proposes to implement the fee changes effective June 12, 2024.[4] The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule to replace the Ratio Threshold Fee with an Excessive Bandwidth Utilization Fee to reflect the Exchange's migration to NYSE Pillar (''Pillar''). The Exchange proposes to implement the fee changes effective June 12, 2024.

The Exchange imposes certain fees to discourage excessive message traffic (that do not result in executions or otherwise improve market quality) that could unnecessarily tax the Exchange's resources, bandwidth, and capacity, as no system has unlimited capacity.

With the Exchange's migration to the Pillar trading platform, market participants can send both quote and order message traffic over a single connection. This functionality allows the Exchange to monitor the message traffic of each OTP Holder or OTP Firm (collectively, ''OTP Holders''), which in turn impacts how the Exchange calculates (and assess fees for) each OTP Holder's use of Exchange bandwidth and processing resources.

Currently, the Exchange assesses a Ratio Threshold Fee that is based on the number of orders entered as compared to the number of executions received in a calendar month.[5] To reflect the communication protocol available on Pillar, the Exchange proposes to replace the Ratio Threshold Fee with a ''Monthly Excessive Bandwidth Utilization Fee'' or ''EBUF''.[6] Like the Ratio Threshold Fee, the proposed EBUF is designed to strike the right balance between deterring OTP Holders from submitting an excessive number of messages (that do not result in executions or otherwise improve market quality) without discouraging OTP Holders from accessing the Exchange, except that it will include quotes. As proposed, the EBUF will only be assessed on OTP Holders that send more than 50 million messages per day on average during a calendar month.[7] For purposes of EBUF, ''messages'' include quotes, orders, order cancellations and modifications.[8]

The proposed EBUF would calculate an OTP Holder's ''Monthly Message to Execution Ratio'' (*i.e.,* the number of messages sent versus the number of executions). The Exchange has determined that, on Pillar, setting a baseline threshold for this ''Monthly Message to Execution Ratio'' at 500,000 to 1 or greater should ensure the efficient use of the Exchange's resources, bandwidth, and capacity by OTP Holders that are actively trading on the Exchange. Thus, as proposed, the Exchange will calculate the number of messages submitted by an OTP Holder, and the number of executions by the OTP Holder, and will only assess the EBUF if the Monthly Message to Execution Ratio exceeds 500,000 to 1. The proposed Fee will be assessed to further encourage efficient use of the Exchange's resources as shown here:

Monthly message to execution ratio	Monthly charge
Between 500,000 and 749,999 to 1	$5,000
Between 750,000 and 999,999 to 1	10,000
1,000,000 to 1 and greater	15,000

Like the Ratio Threshold Fee, the higher the Messages to Executions Ratio (*i.e.,* the more unexecuted message that Pillar ingests), the higher the proposed fee, which increase is designed to discourage (increasing levels of) excessive message traffic by OTP Holders. The Exchange notes that the proposed minimum thresholds for triggering the proposed EBUF are higher than the thresholds associated with the Ratio Threshold Fee (but the associated fees are substantially the same), which reflects the fact that both quotes and orders (and cancellations or modification thereof) are ''messages'' included in the calculation as well as the fact that Pillar can accommodate more message traffic than the Exchange's pre-Pillar system.[9] The

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] On May 1, 2024, the Exchange originally filed to amend the Fee Schedule (NYSEARCA–2024–38), and, on May 16, 2024, the Exchange withdrew that filing and submitted NYSEARCA–2024–41. On May 30, 2024, the Exchange withdrew NYSEARCA–2024–41 and submitted NYSEARCA–2024–48, which latter filing the Exchange withdrew on June 12, 2024.

[5] *See* Fee Schedule, Ratio Threshold Fee. *See also* Endnote 12 (regarding the ratio threshold fee).

[6] *See* proposed Fee Schedule, Monthly Excessive Bandwidth Utilization Fee.

[7] *Id.*

[8] *Id.*

[9] For example, the current Ratio Threshold Fee has minimum ''order to execution'' ratio thresholds

Continued

proposed EBUF thresholds are set at levels that an OTP Holder should not hit or exceed in the ordinary course of trading. As such, the Exchange believes that the proposed EBUF thresholds and associated fees are set at levels reasonable designed to encourage OTP Holders to efficiently use message traffic as necessary.

In addition, like the Ratio Threshold Fee, the Exchange will not assess the EBUF for an OTP Holder's first occurrence in a rolling twelve-month period (the ''Exemption'').[10] For example, an OTP Holder that exceeds the minimum EBUF threshold in October 2024 will not be assessed the EBUF as long as that OTP Holder does not exceed the minimum EBUF threshold again before October 2025. If that same OTP Holder exceeds the minimum EBUF threshold in December 2025, it will not incur the EBUF if it does not exceed the minimum EBUF before December 2026. As noted above, an OTP Holder should not exceed the EBUF in its normal course of trading. Therefore, the proposed Exemption acts as a guardrail of sorts that is designed to protect OTP Holders from incurring the EBUF when they first encounter lower than expected executions in a rolling twelve-month period, such as when they are new to the Pillar trading platform, deploying new technologies, or testing different trading strategies, thereby encouraging OTP Holders to maintain their trading activity on the Exchange by mitigating the initial impact of the EBUF.

Further, consistent with the application of the Ratio Threshold Fee, the Exchange will likewise retain discretion to exclude one or more days of data for purposes of calculating the proposed EBUF if the Exchange determines, in its sole discretion, that one or more OTP Holders or the Exchange was experiencing a bona fide systems problem.

In connection with the proposed EBUF (and associated removal of the Ratio Threshold Fee), the Exchange proposes to delete the Ratio Threshold Fee and the now-expired waiver of this fee.[11]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[13] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed EBUF is reasonable, equitable, and not unfairly discriminatory because it is designed to strike the right balance between deterring OTP Holders from submitting an excessive number of messages that do not result in an execution (or improve market quality) without discouraging OTP Holders from accessing the Exchange. To the extent that the proposed EBUF results in the efficient use of the Exchange's finite resources, all market participant stand to benefit from improved market quality.

The Exchange believes that the proposed minimum EBUF thresholds, which are higher than the thresholds associated with the Ratio Threshold Fee (but carry roughly the same incremental fees), are reasonable because, unlike the Ratio Threshold Fee, the proposed EBUF counts a broader category of ''message,'' including quotes, orders, order cancellations, and modifications. Therefore, the Exchange believes the EBUF appropriately accounts for the significantly wider category of ''messages'' now included and accounts for the increased capacity available to Exchange participants on the Pillar trading system. Given that the proposed EBUF is meant to operate as a guardrail of sorts that an OTP Holder should not ''hit'' or exceed in the ordinary course of trading, the Exchange proposes to set the EBUF thresholds at levels reasonably designed to encourage OTP Holders to efficiently use message traffic as necessary.

The Exchange believes that the proposed Exemption is reasonable, equitable, and not unfairly discriminatory because is designed to protect OTP Holders from incurring the EBUF when they first encounter lower than expected executions in a rolling twelve-month period, such as when they are new to the Pillar trading platform, deploying new technologies, or testing different trading strategies, thereby encouraging OTP Holders to maintain their trading activity on the Exchange by mitigating the initial impact of the EBUF. The Exchange believes the proposed Exemption is reasonable as it is intended to lessen the initial impact of the EBUF while affording OTP Holders an opportunity to moderate or fine tune their message rates as needed once- every-twelve-months.

The proposed EBUF is a reasonable, equitable, and not unfairly discriminatory because it neither targets nor will it have a disparate impact on any category of market participant. The proposed EBUF would impact all similarly situated OTP Holders on an equal basis; all OTP Holders would be eligible for the Exemption the first time they incur the EBUF in a rolling 12-month period.

The Exchange believes that the removal of the obsolete text from the Fee Schedule (regarding the Ratio Threshold Fee and associated stale waiver language) would further the protection of investors and the public interest by promoting clarity and transparency in Fee Schedule thereby making the Fee Schedule easier to navigate and understand.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition. The Exchange believes the proposed EBUF, including the Exemption, would not place an unfair burden on intramarket competition because it is designed to encourage efficient and rational use of the Exchange's finite resources and would apply to all market participants.

The deletion of the language relating to the Ratio Threshold Fee Waiver would remove language from the Fee Schedule no longer applicable to any OTP Holders and, accordingly, would not have any impact on intramarket competition. The proposed Exemption would apply equally to all OTP Holders; all OTP Holders would be eligible for the Exemption for the first occurrence of the Ratio Threshold Fee in a rolling 12-month period.

Intermarket Competition. The Exchange believes the proposed EBUF, including the Exemption, would not place an unfair burden on intermarket competition as it is not intended to address any competitive issues but is instead designed solely to encourage the efficient use of the Exchange's

of between 10,000 and 14,999 to 1, with an accompanying fee of $5,000; between 15,000 and 19,999 to 1, with an accompanying fee of $10,000; between 20,000 and 24,999 to 1, with an accompanying fee of $20,000; and 25,000 to 1 and greater, with an accompanying fee of $35,000.

[10] *Compare* Endnote 12 to the Fee Schedule *with* the proposed Fee Schedule, Monthly Excessive Bandwidth Utilization Fee.

[11] *See* proposed Fee Schedule, Monthly Excessive Bandwidth Utilization Fee. The Exchange notes that it proposes to delete the text of Endnote 12 regarding how the Ratio Threshold Fee is calculated and will hold Endnote 12 in Reserve. *See id.,* Endnote 12.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

resources. The Exchange believes that the proposed EBUF should deter excessive message traffic that does not improve market quality which, in turn, will sustain the Exchange's overall competitiveness.

The proposed deletion of text related to the Ratio Threshold Fee would add clarity to the Fee Schedule by removing obsolete pricing and, accordingly, would not have any impact on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [14] of the Act and subparagraph (f)(2) of Rule 19b–4 [15] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [16] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2024–55 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–NYSEARCA–2024–55. 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–NYSEARCA–2024–55 and should be submitted on or before July 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13419 Filed 6–18–24; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 15 U.S.C. 78s(b)(2)(B).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100326; File No. SR–CboeBZX–2024–046]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

June 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 3, 2024, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend its Fee Schedule. 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/BZX/*), 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''BZX Equities'') by modifying the Add Volume Tier. The Exchange proposes to implement these changes effective June 3, 2024.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 15% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity.[4] For orders in securities priced below $1.00, the Exchange does not provide a rebate for orders that add liquidity and assesses a fee of 0.30% of the total dollar value for orders that remove liquidity.[5] Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Add/Remove Volume Tiers

Under footnote 1 of the Fee Schedule, the Exchange offers various Add/Remove Volume Tiers. In particular, the Exchange offers eight Add Volume Tiers that provide enhanced rebates for orders yielding fee codes B,[6] V[7] and Y[8] where a Member reaches certain add volume-based criteria. The Exchange now proposes to introduce a new Add Volume Tier 8. The proposed criteria for the new, proposed Add Volume Tier 8 is as follows:

• Add Volume Tier 8 provides a rebate of $0.0031 per share in securities priced at or above $1.00 to qualifying orders (*i.e.,* orders yielding fee codes B, V, or Y) where a Member: (1) has an ADAV[9] as a percentage of TCV[10] ≥0.40%; and (2) Member has a Tape C ADV[11] ≥1.20% of the Tape C TCV; and (3) Member has a Remove ADV ≥0.40% of the TCV.

In conjunction with the new, proposed Add Volume Tier 8, the Exchange proposes to renumber the current Add Volume Tier 8 as Add Volume Tier 9. Additionally, the Exchange proposes to amend the third prong of criteria associated with proposed Add Volume Tier 9 (current Add Volume Tier 8) and increase the rebate associated with the tier from $0.0031 per share in securities priced at or above $1.00 to $0.0032 per share. The current criteria for proposed Add Volume Tier 9 (current Add Volume Tier 8) is as follows:

• Proposed Add Volume Tier 9 (current Add Volume Tier 8) provides a rebate of $0.0031 per share in securities priced at or above $1.00 to qualifying orders (*i.e.,* orders yielding fee codes B, V, or Y) where a Member: (1) has an ADAV as a percentage of TCV ≥0.42%; and (2) Member has a Tape B ADV ≥1.50% of the Tape B TCV; and (3) Member has a Remove ADV ≥0.30% of the TCV.

The proposed criteria for proposed Add Volume Tier 9 is as follows:

• Proposed Add Volume Tier 9 provides a rebate of $0.0032 per share in securities priced at or above $1.00 to qualifying orders (*i.e.,* orders yielding fee codes B, V, or Y) where a Member: (1) has an ADAV as a percentage of TCV ≥0.42%; and 92) Member has a Tape B ADV ≥1.50% of the Tape B TCV; and (3) Member has a Remove ADV ≥0.20% of the TCV.

The proposed, new Add Volume Tier 8 and the proposed Add Volume Tier 9 are intended to continue to provide an additional opportunity to incentivize Members to earn an enhanced rebate by increasing their order flow to the Exchange, which further contributes to a deeper, more liquid market and provides even more execution opportunities for active market participants. The Exchange believes that the proposed, new Add Volume Tier 8 and proposed Add Volume Tier 9 continue to offer an enhanced rebate that is commensurate with the proposed criteria, which is not significantly more difficult nor significantly easier than the current criteria found in the Add Volume Tiers. Incentivizing an increase in liquidity adding volume through enhanced rebate opportunities encourages liquidity-adding Members on the Exchange to increase transactions and take execution opportunities provided by such increased liquidity, together providing for overall enhanced price discovery and price improvement opportunities on the Exchange. As such, increased overall order flow benefits all Members by contributing towards a robust and well-balanced market ecosystem.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] 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

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (May 21, 2024), available at *https://www.cboe.com/us/equities/market_statistics/.*

[4] *See* BZX Equities Fee Schedule, Standard Rates.

[5] *Id.*

[6] Fee code B is appended to displayed orders that add liquidity to BZX in Tape B securities.

[7] Fee code V is appended to displayed orders that add liquidity to BZX in Tape A securities.

[8] Fee code Y is appended to displayed orders that add liquidity to BZX in Tape C securities.

[9] ''ADAV'' means average daily added volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

[10] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[11] ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day, calculated on a monthly basis.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

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) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4) [15] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to modify the Add Volume Tiers reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. Specifically, the Exchange's proposed, new Add Volume Tier 8 and proposed Add Volume Tier 9 are not a significant departure from existing criteria, are reasonably correlated to the enhanced rebate offered by the Exchange and other competing exchanges,[16] and will continue to incentivize Members to submit order flow to the Exchange. Additionally, the Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[17] including the Exchange,[18] and are reasonable, equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Competing equity exchanges offer similar tiered pricing structures, including schedules or rebates and fees that apply based upon members achieving certain volume and/or growth thresholds, as well as assess similar fees or rebates for similar types of orders, to that of the Exchange.

In particular, the Exchange believes its proposal to introduce a new Add Volume Tier 8 and renumber current Add Volume Tier 8 as proposed Add Volume Tier 9 with amended criteria is reasonable because the proposed tiers will be available to all Members and provide all Members with an opportunity to receive an enhanced rebate. The Exchange further believes its proposal to introduce a new Add Volume Tier 8 and renumber current Add Volume Tier 8 as proposed Add Volume Tier 9 with amended criteria will provide a reasonable means to encourage liquidity adding displayed orders in Members' order flow to the Exchange and to incentivize Members to continue to provide liquidity adding and liquidity removing volume to the Exchange by offering them an opportunity to receive an enhanced rebate on qualifying orders. An overall increase in activity would deepen the Exchange's liquidity pool, offer additional cost savings, support the quality of price discovery, promote market transparency and improve market quality, for all investors.

The Exchange believes that its proposal to introduce a new Add Volume Tier 8 and renumber current Add Volume Tier 8 as proposed Add Volume Tier 9 with amended criteria is reasonable as the proposed criteria does not represent a significant departure from the criteria currently offered in the Fee Schedule. The Exchange also believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members will be eligible for the proposed a new Add Volume Tier 8 and proposed Add Volume Tier 9 and have the opportunity to meet the tiers' criteria and receive the corresponding enhanced rebate if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for proposed Add Volume Tier 8 and proposed Add Volume Tier 9. While the Exchange has no way of predicting with certainty how the proposed changes will impact Member activity, based on the prior month's volume, the Exchange anticipates that at least one Member will be able to satisfy proposed Add Volume Tier 8 and at least one Member will be able to satisfy proposed Add Volume Tier 9. The Exchange also notes that proposed changes will not adversely impact any Member's ability to qualify for enhanced rebates offered under other tiers. Should a Member not meet the proposed new criteria, the Member will merely not receive that corresponding enhanced rebate.

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. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the Exchange's proposal to introduce new Add Volume Tier 8 and renumber current Add Volume Tier 8 as proposed Add Volume Tier 9 with amended criteria will apply to all Members equally in that all Members are eligible for the proposed tiers, have a reasonable opportunity to meet the proposed tiers' criteria and will receive the enhanced rebate on their qualifying orders if such criteria is met. The Exchange does not believe the proposed changes burden competition, but rather, enhance competition as they are intended to increase the competitiveness of BZX by amending existing pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange, providing for additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Next, the Exchange believes the proposed rule changes does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange

[14] *Id.*

[15] 15 U.S.C. 78f(b)(4).

[16] *See* Nasdaq Price List, Add and Remove Rates, Rebate to Add Displayed Liquidity, Shares Executed at or Above $1.00, available at *https://nasdaqtrader.com/Trader.aspx?id=PriceList Trading2.*

[17] *See e.g.,* EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

[18] *See e.g.,* BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 15% of the market share.[19] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [20] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[21] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[19] *Supra* note 3.

[20] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[21] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [22] and paragraph (f) of Rule 19b–4 [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–CboeBZX–2024–046 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–CboeBZX–2024–046. 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–CboeBZX–2024–046 and should be submitted on or before July 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13417 Filed 6–18–24; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100325; File No. SR–CboeBYX–2024–019]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule Regarding Fee Code MT

June 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 3, 2024, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 its Fee Schedule. 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 Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''BYX Equities'') by modifying the description associated with fee code MT. The Exchange proposes to implement these changes effective June 3, 2024.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 15% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Taker-Maker'' model whereby it pays credits to members that remove liquidity and assesses fees to those that add liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that remove and provide liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00200 per share for orders that remove liquidity and assesses a fee of $0.00200 per share for orders that add liquidity.[4] For orders in securities priced below $1.00, the Exchange does not assess any fees for orders that add liquidity, and provides a rebate in the amount of 0.10% of the total dollar value for orders that remove liquidity.[5] Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Fee Code MT

Fee code MT is appended to orders that remove Mid-Point Peg liquidity from BYX. A Mid-Point Peg Order is a limit order that after entry into the System,[6] the price of the order is automatically adjusted by the System in response to changes in the NBBO to be pegged to the mid-point of the NBBO, or, alternatively, pegged to the less aggressive of the midpoint of the NBBO or one minimum price variation inside the same side of the NBBO as the order.[7] Based on customer feedback, the Exchange proposes to amend the description of fee code MT in order to clarify when the fee code is appended to orders. The Exchange believes that amending the description of fee code MT to state that it will be appended to orders that remove liquidity designated as Mid-Point Peg orders more accurately captures the alternative scenario described in Rule 11.9(c)(9) where a Mid-Point Peg Order is pegged to one minimum price variation inside the same side of the NBBO as the order. This change will not affect when fee code MT is appended to an order and only serves to clarify to Members when an order may be designated with fee code MT.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] 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)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)[11] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to amend the description associated with fee code MT is reasonable, equitable, and consistent with the Act because such change is designed to provide additional clarity to Members as to which orders may be appended with fee code MT without changing how fee code MT is currently applied to orders. The Exchange further believes that the proposed amendment to the description associated with fee code MT is not unfairly discriminatory because it applies to all Members equally, in that

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (May 22, 2024), available at *https://www.cboe.com/us/equities/market_statistics/*.

[4] *See* BYX Equities Fee Schedule, Standard Rates.

[5] *Id.*

[6] *See* BYX Rule 1.5(aa). The ''System'' shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.

[7] *See* BYX Rule 11.9(c)(9).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] 15 U.S.C. 78f(b)(4).

the amended description will apply to all Members and fee code MT will be applied to all orders matching the revised description.

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. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed revised description associated with fee code MT does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed description associated with fee code MT would apply to all Members equally in that all Members would be subject to the revised definition and fee code MT will be applied to all orders matching the revised description.

Next, the Exchange believes the proposed rule changes does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 15% of the market share.[12] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [13] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [14] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 [16] 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–2024–019 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–2024–019. 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–2024–019 and should be submitted on or before July 11, 2024.

[12] *Supra* note 3.

[13] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[14] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13416 Filed 6–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100324; File No. SR–CboeBZX–2024–049]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a New Connectivity Offering Through Dedicated Cores

June 13, 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 June 6, 2024, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the 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 BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to introduce a new connectivity offering.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce a new connectivity offering relating to the use of Dedicated Cores. By way of background, all Central Processing Units (''CPU Cores'') have historically been shared by logical order entry ports (*i.e.,* multiple logical ports from multiple firms may connect to a single CPU Core). Starting June 10, 2024, the Exchange will allow Users[5] to assign a single Binary Order Entry (''BOE'') logical order entry port[6] to a single dedicated CPU Core (''Dedicated Core'').[7] Use of Dedicated Cores can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. This offering is completely voluntary and will be available to all Users.[8] Users will also continue to have the option to utilize BOE logical order entry ports on shared CPU Cores as they do today, either in lieu of, or in addition to, their use of Dedicated Core(s). As such, Users will be able to operate across a mix of shared and dedicated CPU Cores which the Exchange believes provides additional risk and capacity management, especially during times of market volatility and high message traffic. Further, Dedicated Cores are not required nor necessary to participate on the Exchange and as such Users may opt not to use Dedicated Cores at all.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposal would provide Users the option to assign a single BOE logical entry port to a single Dedicated Core. As described above, CPU Cores have historically been shared by logical order entry ports (*i.e.,* multiple logical ports from multiple firms may connect to a single CPU Core). Use of Dedicated Cores can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. The Exchange also emphasizes that the use of Dedicated Cores is not necessary for trading and as noted above, is entirely optional. Indeed, Users can continue to access the Exchange through shared CPU Cores at no additional cost. Depending on a firm's specific business needs, the proposal enables Users to choose to use Dedicated Cores in lieu of, or in addition to, shared CPU Cores (or as noted, not use Dedicated Cores at all). The Exchange also notes that its affiliated exchanges, Cboe EDGA Exchange, Inc., Cboe BYX Exchange,

[17] 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] A User may be either a Member or Sponsored Participant. The term ''Member'' shall mean any registered broker or dealer that has been admitted to membership in the Exchange, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. A Sponsored Participant may be a Member or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member subject to certain conditions. *See* Exchange Rule 11.3.

[6] Users may currently connect to the Exchange using a logical port available through an application programming interface (''API''), such as the Binary Order Entry (''BOE'') protocol. A BOE logical order entry port is used for order entry.

[7] The Exchange notes that firms will not have physical access to their Dedicated Core and thus cannot make any modifications to the Dedicated Core or server. All Dedicated Cores (including servers used for this service) are owned and operated by the Exchange.

[8] The Exchange intends to submit a separate rule filing to adopt monthly fees related to the use of Dedicated Cores.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

Inc., and Cboe EDGX Exchange, Inc. recently introduced Dedicated Cores and that another Exchange [sic] also provides a similar connectivity offering.[12]

Furthermore, this service is optional and is available to all Users. In this regard, some Users may determine it does not want or need Dedicated Cores and may continue their use of the shared CPU Cores, unchanged. The Exchange has no current plans to eliminate shared Cores nor require subscription to the dedicated offering.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the Exchange believes the proposed rule change does not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because Dedicated Cores will be available to all Users. While the Exchange believes that the proposed Dedicated Cores provide a valuable service, Users can choose to purchase, or not purchase, Dedicated Cores based on their own determination of the value and their business needs. Indeed, no User is required or under any regulatory obligation to use Dedicated Cores.

Additionally, nothing in the proposal imposes any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which exchanges offer various connectivity services as a means to facilitate the trading and other market activities of those market participants and at least one other exchange has an offering comparable to Dedicated Cores.[13]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days prior to date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that its affiliated exchanges, Cboe EDGA Exchange, Inc., Cboe BYX Exchange, Inc., and Cboe EDGX Exchange, Inc., recently introduced Dedicated Cores and another exchange has a connectivity offering comparable to Dedicated Cores.[18] The Commission believes that the proposed rule change presents no novel legal or regulatory issues, and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[20] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2024–049 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–CboeBZX–2024–049. 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

[12] *See* Securities Exchange Act Release No. 99818 (March 21, 2024), 89 FR 21294 (March 27, 2024) (SR–CboeEDGA–2024–008), Securities Exchange Act Release No. 100062 (May 6, 2024), 89 FR 40517 (May 10, 2024) (SR–CboeBYX–2024–013) and Securities Exchange Act Release No. 100182 (May 20, 2024), 89 FR 45932 (May 24, 2024) (SR–CboeEDGX–2024–026). *See also* The Nasdaq Stock Market, Equity 7 Pricing Schedule, Section 115(g)(3), Dedicated Ouch Port Infrastructure.

[13] *See* Securities Exchange Act Release No. 99818 (March 21, 2024), 89 FR 21294 (March 27, 2024) (SR–CboeEDGA–2024–008), Securities Exchange Act Release No. 100062 (May 6, 2024), 89 FR 40517 (May 10, 2024) (SR–CboeBYX–2024–013) and Securities Exchange Act Release No. 100182 (May 20, 2024), 89 FR 45932 (May 24, 2024) (SR–CboeEDGX–2024–026). *See also* The Nasdaq Stock Market, Equity 7 Pricing Schedule, Section 115(g)(3), Dedicated Ouch Port Infrastructure.

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See supra* note 12.

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78s(b)(2)(B).

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–CboeBZX–2024–049 and should be submitted on or before July 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13415 Filed 6–18–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–100330; File No. SR–CboeBZX–2024–048]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Provide a Discount on the Purchase of Historic Short Volume and Trade Reports

June 13, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 4, 2024, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend its Fee Schedule. 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/BZX/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to BZX Members (''Members'')[3] and non-Members that purchase $20,000 or more of U.S. Equity Short Volume and Trades Reports (''Short Volume Reports''), effective June 4, 2024 through June 30, 2024.

By way of background, the Short Volume Report is an end-of-day report that summarizes certain equity trading activity on the Exchange, including trade date,[4] total volume,[5] short volume,[6] and sell short exempt volume,[7] by symbol.[8] The Short Volume Report also includes an end-of-month report that provides a record of all short sale transactions for the month, including trade date and time (in microseconds),[9] trade size,[10] trade price,[11] and type of short sale execution,[12] by symbol and exchange.[13] The Short Volume Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (''LiveVol''), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Short Volume Report available for purchase to Users on the LiveVol DataShop website (*datashop.cboe.com*). Both the end-of-day report and end-of-month report are included in the cost of the Short Volume Report and are available for purchase by both Members as well as non-Members on an annual or monthly[14] basis. The monthly fee is $750 per Internal Distributor[15] and $1,250 per External Distributor.[16] Additionally, the Exchange offers historical reports containing both the end-of-day volume and end-of-month trading activity. The fee per month of historical data is $500. The Short Volume Report provided on a historical basis is only for display use redistribution (*e.g.,* the data may be provided on the User's platform).

[21] 17 CFR 200.30–3(a)(12), (59).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 1.5(n) (''Member''). The term ''Member'' shall mean any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.

[4] ''Trade date'' is the date of trading activity in yyyy–mm–dd format.

[5] ''Total volume'' is the total number of shares transacted.

[6] ''Short volume'' is the total number of shares sold short.

[7] ''Short exempt volume'' is the total number of shares sold short classified as exempt.

[8] ''Symbol'' refers to the Cboe formatted symbol in which the trading activity occurred. *See https://cdn.cboe.com/resources/membership/US_Symbology_Reference.pdf.*

[9] ''Trade date and time'' is the date and time of trading activity in yyyy–mm–dd hh:mm:ss.000000 ET format.

[10] ''Trade size'' is the number of shares transacted.

[11] ''Trade price'' is the price at which shares were transacted.

[12] ''Short type'' is a data field that will indicate whether the transaction was a short sale or short sale exempt transaction. A short sale transaction is a transaction in which a seller sells a security which the seller does not own, or the seller has borrowed for its own account (*see* 17 CFR 242.200). A short sale exempt transaction is a short sale transaction that is exempt from the short sale price test restrictions of Regulation SHO Rule 201 (*see* 17 CFR 242.201(c)).

[13] ''Exchange'' is the market identifier (Z = BZX, Y = BYX, X = EDGX, A = EDGA).

[14] The monthly fees for the Report are assessed on a rolling period based on the original subscription date. For example, if a User subscribes to the Report on October 24, 2023, the monthly fee will cover the period of October 24, 2023, through November 23, 2023. If the User cancels its subscription prior to November 23, 2023, and no refund is issued, the User will continue to receive both the end-of-day and end-of-month components of the Report for the subscription period.

[15] An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *See* Cboe BZX U.S. Equities Exchange Fee Schedule.

[16] An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *See* Cboe BZX U.S. Equities Exchange Fee Schedule.

Therefore, Users of the historical data may not charge separately for data included in the Short Volume Report or incorporate such data into their product. The Exchange notes that the Short Volume Report is subject to direct competition from other exchanges, as other exchanges offer similar products for a fee.[17]

The Exchange proposes to provide a temporary pricing incentive program in which Members or Non-Members that purchase historical Short Volume Reports will receive a percentage fee discount where specific purchase thresholds are met. Specifically, the Exchange proposes to provide a 20% discount for ad-hoc purchases of historical Short Volume Reports of $20,000 or more.[18] The proposed program will apply to all market participants irrespective of whether the market participant is a new or current purchaser; however, the discount cannot be combined with any other discounts offered by the Exchange. The Exchange intends to introduce the discount program beginning June 4, 2024, with the program remaining in effect through June 30, 2024. The Exchange also notes that it previously adopted the same discount program last year and proposes to update the Fees Schedule with the new program dates accordingly.[19]

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.[20] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[21] 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)[22] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[23] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee changes will further broaden the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The Exchange believes the dissemination of historical short volume data via historical Short Volume Reports benefits investors through increased transparency and may promote better informed trading, as well as research and studies of the equities industry. Nevertheless, the Exchange notes that such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer the same type of data content through similar reports.[24]

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered equities exchanges that trade equities. Based on publicly available information, no single equities exchange has more than 16% of the equity market share.[25] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[26] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supercompetitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. equities industry as the Exchange seeks to adopt fees to attract purchasers of historical Short Volume Reports.

The Exchange believes that the proposed incentive program for any Member or non-Member who purchases historical Short Volume Reports is reasonable because such purchasers would receive a 20% discount for purchasing $20,000 or more worth of historical Short Volume Reports. The Exchange believes the proposed discount is reasonable as it will give purchasers the ability to use and test the historical Short Volume Reports at a discounted rate, prior to purchasing additional months or a monthly subscription, and will therefore encourage users to purchase historical Short Volume Reports. Further, the proposed discount is intended to promote increased use of the Exchange's historical Short Volume Reports by defraying some of the costs a purchaser would ordinarily have to expend before using the data product. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Members and non-Members who purchase historical Short Volume Reports. Lastly, the purchase of this data product is discretionary and not compulsory. Indeed, no market participant is required to purchase the historical Short Volume Reports, and the Exchange is not required to make historical Short Volume Reports available to all investors. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data. As noted above, the Exchange previously

[17] *See* the Nasdaq Fee Schedule, Equity 7, Section 152. *See also,* the TAQ Group Short Sales (Monthly File) and Short Volume product, offered by the New York Stock Exchange LLC (''NYSE'') and affiliated equity markets (the ''NYSE Group'') at NYSE Exchange Proprietary Market Data | TAQ NYSE Group Short Sales.

[18] The discount will apply on an order-by-order basis. The discount will apply to the total purchase price, once the $20,000 minimum purchase is satisfied (for example, a qualifying order of $25,000 would be discounted to $20,000, *i.e.,* receive a 20% discount of $5,000).

[19] *See* Securities Exchange Act Release No. 99182 (December 14, 2023), 88 FR 88173 (December 20, 2023) (SR–CboeBZX–2023–093).

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] *Id.*

[23] 15 U.S.C. 78f(b)(4).

[24] *See supra* note 17.

[25] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (June 3, 2024), available at *https://www.cboe.com/us/equities/market_/.*

[26] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

adopted a similar discount program last year.[27]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As discussed above, the Exchange's historical Short Volume Reports offering is subject to direct competition from several other options exchanges that offer similar data products. Moreover, purchase of historical Short Volume Reports is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule changes are grounded in the Exchange's efforts to compete more effectively. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intermarket competition, as the proposed incentive program applies uniformly to any purchaser of historical Short Volume Reports.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [28] and paragraph (f) of Rule 19b–4 [29] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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–CboeBZX–2024–048 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–CboeBZX–2024–048. 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–CboeBZX–2024–048 and should be submitted on or before July 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–13420 Filed 6–18–24; 8:45 am]

BILLING CODE 8011–01–P

[27] *See* Securities Exchange Act Release No. 99182 (December 14, 2023), 88 FR 88173 (December 20, 2023) (SR–CboeBZX–2023–093).

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 17 CFR 240.19b–4(f).

[30] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20390 and #20391; Idaho Disaster Number ID–20003]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Idaho

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Idaho (FEMA–4789–DR), dated 06/10/2024.

Incident: Severe Storm, Flooding, Landslides, and Mudslides.

Incident Period: 04/14/2024 through 04/15/2024.

DATES: Issued on 06/10/2024.

Physical Loan Application Deadline Date: 08/09/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 03/10/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/10/2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Idaho, Lewis, Shoshone.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 203906 and for economic injury is 203910.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–13422 Filed 6–18–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20339 and #20340; Oklahoma Disaster Number OK–20003]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oklahoma (FEMA–4776–DR), dated 05/16/2024.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 04/25/2024 through 05/09/2024.

DATES: Issued on 06/12/2024.

Physical Loan Application Deadline Date: 07/15/2024.

Economic Injury (EIDL) Loan Application Deadline Date: 02/18/2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Oklahoma, dated 05/16/2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties:

Seminole, Wagoner.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–13424 Filed 6–18–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12434]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: ''2nd Fl: 206, Illusions of Life'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition ''2nd Fl: 206, Illusions of Life'' at The Museum of Modern Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–13408 Filed 6–18–24; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12435]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Arts of North America'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''Arts of North America'' at the Joslyn Art Museum, Omaha, Nebraska, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024–13409 Filed 6–18–24; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2024–3)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Surface Transportation Board has adopted the third quarter 2024 Rail Cost Adjustment Factor and cost index filed by the Association of American Railroads.

DATES: *Applicability Date:* July 1, 2024.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: The rail cost adjustment factor (RCAF) is an index formulated to represent changes in railroad costs incurred by the nation's largest railroads over a specified period of time. Under 49 U.S.C. 10708, the Surface Transportation Board (Board) is required to publish the RCAF on at least a quarterly basis. Each quarter, the Association of American Railroads computes three types of RCAF figures and submits those figures to the Board for approval. The Board has reviewed the submission and adopts the RCAF figures for the third quarter of 2024. The third quarter 2024 RCAF (Unadjusted) is 0.950. The third quarter 2024 RCAF (Adjusted) is 0.372. The third quarter 2024 RCAF–5 is 0.353. Additional information is contained in the Board's decision, which is available at *www.stb.gov.*

Decided: June 14, 2024.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2024–13492 Filed 6–18–24; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2024–0009]

Request for Comments on Americas Partnership for Economic Prosperity—Trade Track

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice and request for comments.

SUMMARY: The United States, Barbados, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Mexico, Panama, Peru and Uruguay have launched the Americas Partnership for Economic Prosperity (Partnership) to deepen economic collaboration and integration in the Western Hemisphere. In November 2023, leaders of these countries issued the East Room Declaration, directing Ministers responsible for trade, foreign affairs and finance each to commence work in their respective areas to fulfill Partnership objectives. USTR is seeking public comments on matters described below, including U.S. interests and priorities, in order to develop trade-related lines of effort in the trade track of the Partnership.

DATES: Submit comments no later than July 22, 2024.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* See the submission instructions below. The Docket Number is USTR–2024–0009. For alternatives to on-line submissions, please contact the individuals listed below before transmitting a comment and in advance of the deadline.

FOR FURTHER INFORMATION CONTACT: Courtney Smothers, Deputy Assistant Trade Representative for Latin America, at *Courtney.Smothers@ustr.eop.gov,* or 202.395.7657, or Randall Oliver, Director for Canada, at *Randall.T.Oliver@ustr.eop.gov,* 202.395.9449.

SUPPLEMENTARY INFORMATION:

I. Background

President Biden first announced the Partnership at the 2022 Summit of the Americas. On November 3, 2023, the United States welcomed representatives of the founding Partnership countries to the White House for the first Leaders' Summit. Following the Summit, leaders of the United States, Barbados, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Mexico, Panama, Peru and Uruguay released the East Room Declaration, which directs Ministers to begin work in three tracks—Foreign Affairs, Trade, and Finance—to support the Leaders' intention that the Partnership serve as a lasting regional platform to pursue an ambitious, flexible and goal-oriented regional economic and development agenda. Leaders further identified five initial cross-cutting priorities:

- Strengthening regional competitiveness and integration;
- Fostering shared prosperity and good governance;
- Building sustainable infrastructure;
- Protecting the climate and environment; and
- Promoting healthy communities.

Leaders also called on Ministers responsible for trade to develop inclusive and sustainable approaches to trade and investment that will support regional sustainable development and resilient supply chains for goods and services, enhance a predictable and transparent regulatory environment that can boost trade flows, and remove barriers to greater economic integration among our countries.

On March 18, 2024, the Partnership Trade Ministers met virtually. They took note of the work of the Partnership's Council on Trade and Competitiveness (CTC), which is comprised of senior officials for trade. The CTC has established committees on Trade Rules and Transparency, Sustainable Value and Supply Chains, and Inclusive Trade and SMEs.

The Ministers emphasized how the Partnership can complement and build on existing trade ties, further deepen economic integration in the region, and develop sustainable and inclusive approaches to trade and investment. They also recalled Leaders' expectation that the trade agenda under the Partnership promote formal jobs that lead to decent work and promote internationally recognized labor rights, environmental sustainability, and economic inclusion.

Trade Ministers plan to meet in person in Ecuador in August 2024 to review progress by the CTC and discuss priorities for next year. Ministers also will discuss preparation for the Leaders' Summit in Costa Rica in 2025.

II. Public Comment

The Trade Policy Staff Committee (TPSC) invites interested parties to submit comments to assist USTR in the development of priorities and lines of effort consistent with the regional scope and collaborative nature of the Partnership, as elaborated below. Because the Partnership will build on, and coexist with, existing U.S trade agreements, its work should not detract from or unnecessarily duplicate work that is taking place in the committees of existing U.S trade agreements, including free trade agreements, trade and investment framework agreements, and other similar agreements.

USTR is committed to broad and inclusive stakeholder engagement in developing projects for the trade work of the Partnership. In particular, the TPSC invites interested parties to comment on the following matters as they relate to trade and investment:

- Customs and trade facilitation;
- Value and supply chain resilience and sustainability, with particular focus

on clean energy, medical supplies and semiconductors;

- Inclusive Trade, including for women, Indigenous Peoples, and other underrepresented groups;
- Issues of particular relevance to small and medium-sized enterprises;
- Labor standards and worker rights;
- Environment, climate, and conservation;
- Transparency and good regulatory practices;
- Anti-corruption;
- Trade capacity building needs and priorities; and
- Other matters related to trade and investment in the Americas that are consistent with the mission and scope of the Partnership.

USTR requests small businesses (generally defined by the Small Business Administration as firms with fewer than 500 employees) or organizations representing small business members that submit comments to self-identify as such, so that we may be aware of issues of particular interest to small businesses.

III. Requirements for Submissions

To be assured of consideration, submit your written comments by the July 22, 2024 11:59 EDT deadline. All submissions must be in English. USTR strongly encourages submissions via *regulations.gov,* using Docket Number USTR–2024–0009. USTR will not accept hand-delivered submissions. To make a submission via regulations.gov, enter docket number USTR–2024–0009 on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting 'notice' under 'document type' and click in the 'refine document results' section on the left side of the screen and click on the link entitled 'comment.' *Regulations.gov* allows users to submit comments by filling in a 'type comment' field, or by attaching a document using an 'upload file' field. USTR prefers that you provide submissions in an in an attached document and note 'see attached' in the 'comment' field on the online submission form.

USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the 'type comment' field.

On the first page of the submission, identify the subject matter of the comment as ''Request for Comments on the Americas Partnership for Economic Prosperity—Trade Track''. File names should reflect the name of the person or entity submitting the comments. Please do not attach separate cover letters, exhibits, annexes or other attachments to electronic submissions. Instead, to the extent possible, please include these in the same file as the submission itself. Submissions should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments.

You will receive a tracking number upon completion of the submission procedure at *Regulations.gov*. The tracking number is confirmation that *Regulations.gov* received your submission. Keep the confirmation for your records.

USTR is not able to provide technical assistance for *Regulations.gov*. For further information on using *Regulations.gov*, please consult the resources provided on the website by clicking on 'How to Use *Regulations.gov*' on the bottom of the home page. USTR may not consider submissions that are not made in accordance with these instructions.

If you are unable to submit comments as requested, please contact Courtney Smothers, Deputy Assistant Trade Representative for Latin America, at *Courtney.Smothers@ustr.eop.gov,* or 202.395.7657, or Randall Oliver, Director for Canada, at *Randall.T.Oliver@ustr.eop.gov,* 202.395.9449, before transmitting a comment and in advance of the deadline to arrange for an alternative method of transmission.

General information concerning USTR is available at *https://www.ustr.gov.*

IV. Business Confidential Information (BCI) Submissions

If you ask USTR to treat information you submit as BCI, you must certify that the information is business confidential and you would not customarily release it to the public. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters 'BCI.' You must clearly mark any page containing BCI with 'BUSINESS CONFIDENTIAL' at the top of that page. Additionally, you must include 'Business Confidential' in the 'type comment' field. Filers of submissions containing BCI also must submit a public version of their submission that will be placed in the docket for public inspection. The file name of the public version should begin with the character 'P.' USTR will post the non-confidential version in the docket and it will be open to public inspection.

V. Public Viewing of Review Submissions

USTR will post written submissions in the docket for public inspection, except properly designated BCI. You can view submissions at *regulations.gov* by entering Docket Number USTR–2024–0009 in the search field on the home page.

Laura Buffo,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2024–13470 Filed 6–18–24; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0003]

Safety Fitness Determinations; Virtual Public Listening Sessions

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

ACTION: Notice of virtual public listening sessions.

SUMMARY: FMCSA announces that it will host two virtual public listening sessions pertaining to development of an updated methodology to determine when a motor carrier is not fit to operate commercial motor vehicles in or affecting interstate commerce. Specifically, the Agency would like to hear from members of the public on issues of concern relating to the current Safety Fitness Determination (SFD), including, for example, the three-tiered rating system (Satisfactory, Unsatisfactory, Conditional) versus changing to a proposed single rating only when a carrier is found to be Unfit; utilizing inspection data and FMCSA's Safety Measurement System (SMS); incorporating driver behavior into SFD ratings; and revising the list of safety violations used to calculate the rating, and adjusting the weights allocated to particular violations including increasing the weight for unsafe driving violations. In a separate notice, FMCSA announced and provided registration information for a related in-person listening session on the same topics to be held in June 2024.

DATES: The first virtual public listening session will be held on Tuesday, June 25, 2024, from 2:00 p.m. to 3:30 p.m. ET. A copy of the agenda will be available in advance of the session at *https://events.gcc.teams.microsoft.com/event/24fb5978-6282-4bc0-9edf-*

606db60155aa@c4cd245b-44f0-4395-a1aa-3848d258f78b.

The second virtual public listening session will be held on Wednesday, July 31, 2024, from 2:00 p.m. to 3:30 p.m. ET. A copy of the agenda will be available in advance of the session at *https://events.gcc.teams.microsoft.com/event/6d8b1246-2138-4ba9-821c-e926441fd2e1@c4cd245b-44f0-4395-a1aa-3848d258f78b.*

Either session may end early if all participants wishing to express their views have done so.

Public Comment: The virtual sessions will allow members of the public to make brief statements to the panel. FMCSA will also accept written comments to the docket through August 7, 2024.

ADDRESSES: Both sessions will be held virtually. The link will be sent to participants after they register, which may be done at any time.

- Registration for the June 25, 2024, session must be completed at *https://events.gcc.teams.microsoft.com/event/24fb5978-6282-4bc0-9edf-606db60155aa@c4cd245b-44f0-4395-a1aa-3848d258f78b.*
- Registration for the July 31, 2024, session must be completed at *https://events.gcc.teams.microsoft.com/event/6d8b1246-2138-4ba9-821c-e926441fd2e1@c4cd245b-44f0-4395-a1aa-3848d258f78b.*

FOR FURTHER INFORMATION CONTACT: Stacy Ropp, (609) 661–2062, *SafetyFitnessDetermination@dot.gov.*

Services for Individuals with Disabilities: FMCSA is committed to providing equal access to the listening session. For accommodations for persons with disabilities, please email *FMCSA.OUTREACH@dot.gov* at least 1 week in advance of the session you wish to attend to allow time to make appropriate arrangements.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages participation in the sessions and providing of comments. Members of the public may submit written comments to the public docket using any of the following methods:

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2022–0003). You may submit your comments and material online or by mail or hand delivery, but please use only one of these methods. FMCSA recommends that you include your name, email address, or a phone number in the body of your document.

To submit your comment online, go to *www.regulations.gov.* Insert the docket number (FMCSA–2022–0003) in the keyword box and click ''Search.'' Choose the document you want to comment on and click the ''Comment'' button. Follow the online instructions for submitting comments.

FMCSA will consider all comments and materials received during the comment period for this notice, as described in the **DATES** section.

B. Viewing Comments and Documents

To view comments, go to *www.regulations.gov* and insert the docket number (FMCSA–2022–0003) in the keyword box and click ''Search.'' Choose this notice and click ''Browse Comments.'' If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826. Business hours are from 8:00 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays. You may also submit or view docket entries in person or by mail: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, 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 *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

II. Background

FMCSA believes it is in the public interest to host two virtual public listening sessions to receive additional comments on possible updates to the Agency's SFD methodology and process. Accordingly, FMCSA is announcing these virtual listening sessions, being held on June 25 and July 31, 2024. FMCSA has also published another notice formally announcing, and providing separate registration information for, a related in-person listening session on the same topics to be held in Houston, TX in June 2024 (89 FR 48703, June 7, 2024).

FMCSA is currently contemplating changes to its SFD process. To that end, the Agency published an ANPRM soliciting public input on the potential use of the SMS methodology to issue SFDs (88 FR 59489, Aug. 29, 2023). These virtual public listening sessions are intended to gain additional feedback on issues of concern relating to the current SFD, including, for example:

- Continuing the current SFD three-tiered rating system (Satisfactory, Unsatisfactory, Conditional) versus changing to a proposed single rating, issued only when a carrier is found to be Unfit;
- Utilizing inspection data and FMCSA's SMS;
- Incorporating driver behavior into SFD ratings; and
- Revising the list of safety violations used to calculate the rating, and adjusting the weights allocated to particular violations, including increasing the weight for 49 CFR 392.2 (unsafe driving) violations.

III. Meeting Participation

The virtual listening sessions are open to the public. Speakers' remarks will be limited to 3 minutes each.

Sue Lawless,

Acting Deputy Administrator.

[FR Doc. 2024–13500 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0048]

Southern California Regional Rail Authority's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on June 7, 2024, the Southern California Regional Rail Authority (Metrolink) submitted a request for amendment (RFA) to its FRA-certified positive train control (PTC) system. FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTC system.

DATES: FRA will consider comments received by July 10, 2024. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES: *Comments:* Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0048. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) Section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTC Safety Plan (PTCSP), a host railroad must submit, and obtain FRA's approval of, an RFA to its PTC system or PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on June 7, 2024, Metrolink submitted an RFA to its Interoperable Electronic Train Management System (I–ETMS), which seeks FRA's approval of a temporary I–ETMS outage to support pre-revenue service vehicle acceptance testing on a new vehicle type. That RFA is available in Docket No. FRA–2010–0048.

Interested parties are invited to comment on Metrolink's RFA by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2024–13482 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Nos. FRA–2010–0028, –0029, –0039, –0042, –0043, –0045, –0048, –0049, –0051, –0054, –0056, –0057, –0058, –0059, –0060, –0061, –0062, –0064, –0065, and –0070, and FRA–2011–0104]

Railroads' Joint Request To Amend Their Positive Train Control Safety Plans

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that on June 7, 2024, 21 host railroads submitted a joint request for amendment (RFA) to their FRA-approved Positive Train Control Safety Plans (PTCSP), to seek FRA's approval of proposed Onboard Software Version 6.5.4. As this joint RFA involves requests for FRA's approval of proposed material modifications to FRA-certified PTC systems, FRA is publishing this notice and inviting public comment on the railroads' joint RFA to their PTCSPs.

DATES: FRA will consider comments received by July 10, 2024. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to PTC systems.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket numbers for the host railroads that filed a joint RFA to their PTCSPs are cited above and in the **SUPPLEMENTARY INFORMATION** section of this notice. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that 21 host railroads' recent, joint RFA to their PTCSPs is available in their respective public PTC dockets. This notice provides an opportunity for public comment.

On June 7, 2024, the following 21 host railroads jointly submitted an RFA to their respective PTCSPs for their Interoperable Electronic Train Management Systems (I–ETMS): Alaska Railroad; The Belt Railway Company of Chicago; BNSF Railway; Peninsula Corridor Joint Powers Board (Caltrain); Canadian National Railway; Canadian Pacific Railway; Central Florida Rail

Corridor; Consolidated Rail Corporation; CSX Transportation, Inc.; Kansas City Southern Railway; Kansas City Terminal Railway; National Railroad Passenger Corporation (Amtrak); New Mexico Rail Runner Express; Norfolk Southern Railway; North County Transit District; Northeast Illinois Regional Commuter Railroad Corporation (Metra); Northern Indiana Commuter Transportation District; South Florida Regional Transportation Authority; Southern California Regional Rail Authority (Metrolink); Terminal Railroad Association of St. Louis; and Union Pacific Railroad. This RFA requests FRA's authorization for these railroads to implement I–ETMS Onboard Software Version 6.5.4, which includes changes to the I–ETMS human-machine interface. Their joint RFA is available in Docket Numbers FRA–2010–0028, –0029, –0039, –0042, –0043, –0045, –0048, –0049, –0051, –0054, –0056, –0057, –0058, –0059, –0060, –0061, –0062, –0064, –0065, and –0070, and FRA–2011–0104.

Interested parties are invited to comment on this RFA by submitting written comments or data. During FRA's review of these railroads' joint RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to PTC systems. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny these railroads' joint RFA to their PTCSPs at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.* To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2024–13481 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2010–0211]

RIN No. 2105–AE07

Notice of Submission of Proposed Information Collection to OMB

Agency Request for Reinstatement of a Previously Approved Information Collection Request: Reports by Air Carriers on Incidents Involving Animals During Air Transport

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Notice of submission to the Office of Management and Budget (OMB) and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA) and DOT Order 1351.29A, this notice confirms DOT's intention to reinstate the previously approved information collection request (ICR) Office of Management and Budget (OMB) control number 2105–0552, ''Reports by Air Carriers on Incidents Involving Animals During Air Transport.''

DATES: Comments on this notice must be received by July 22, 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.

PRIVACY ACT: Anyone is able to search the electronic form of all comments received in any of DOT's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000.[1]

FOR FURTHER INFORMATION CONTACT: Vinh Q. Nguyen, Senior Trial Attorney, 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), 202–366–7152 (Fax), or *vinh.nguyen@dot.gov* (Email).

SUPPLEMENTARY INFORMATION: On January 24, 2024, DOT published a 60-day notice in the **Federal Register** soliciting comment on the reinstatement of the previously approved ICR OMB control number 2105–0552, ''Reports by Air Carriers on Incidents Involving Animals During Air Transport.''[2] DOT received one comment on the 60-day notice, which is summarized below.

Title: Reports by Air Carriers on Incidents Involving Animals During Air Transport.

OMB Control Number: 2105–0552.

Type of Request: Reinstatement of a previously approved ICR.

Background: The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century or ''AIR–21'' (Pub. L. 106–181), which was signed into law on April 5, 2000, includes section 710, ''Reports by Carriers on Incidents Involving Animals During Air Transport.'' This provision was codified as 49 U.S.C. 41721. The statute requires air carriers that provide scheduled passenger air transportation to submit monthly to the Secretary of Transportation a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier.

On August 11, 2003, DOT, through its Federal Aviation Administration (FAA), issued a final rule implementing section 710 of AIR–21.[3] The rule required air carriers that provide scheduled passenger air transportation to submit a report to APHIS on any incident involving the loss, injury, or death of an animal during air transportation provided by the air carrier. Due to issues regarding whether APHIS had the capability to accept such information directly from the carriers, DOT made a technical change in the rule on February 14, 2005, to require air carriers to submit the required information directly to DOT's Aviation Consumer Protection Division (ACPD) rather than APHIS and to make the rule part of DOT's economic regulations.[4]

On July 3, 2014, DOT published a final rule amending the requirement that air carriers file reports with DOT on the loss, injury, or death of animals

[1] 65 FR 19477–78

[2] 89 FR 4657.

[3] Reporting Directive Regarding Incidents Involving Animals During Air Transport, 68 FR 47798 (August 11, 2003).

[4] Reports by Air Carriers on Incidents Involving Animals During Air Transport, 70 FR 7392 (February 14, 2005).

during air transport.[5] The rule (1) expanded the reporting requirement from the largest U.S. carriers (*i.e.,* U.S. carriers that account for at least 1 percent of domestic scheduled passenger revenue) to U.S. carriers that operate scheduled service with at least one aircraft with a design capacity of more than 60 seats; (2) expanded the definition of ''animal'' from only a pet in a family household to include all cats and dogs transported by covered carriers, regardless of whether the cat or dog is transported as a pet by its owner or as part of a commercial shipment (*e.g.,* shipped by a breeder); (3) required covered carriers to file a calendar-year report in December, even if the carrier did not have any reportable incidents during the calendar year; (4) required covered carriers to provide in their December reports the total number of animals that were lost, injured, or died during air transport in the calendar year; and (5) required covered carriers to provide in their December reports the total number of animals transported in the calendar year.

The ICR, ''Reports by Air Carriers on Incidents Involving Animals During Air Transport,'' OMB Control Number 2105–0552, was renewed twice: on August 25, 2015, OMB approved the reinstatement of the ICR through August 31, 2018, and on October 11, 2018, OMB approved the reinstatement of the ICR through October 31, 2021.

The 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. 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 it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to monetary penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number.

As noted above, on January 24, 2024, DOT published a 60-day notice in the **Federal Register** soliciting comment on the reinstatement of this previously approved ICR. DOT received one comments in response to the notice. However, this comment is outside the scope of the ICR and does not discuss the proposed collection of information and the estimated burden.

DOT announces that this ICR has 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.[6] Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published.[7] The 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision.[8] Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. The summaries below describe the nature of the ICR and the expected burden. The unchanged requirements are being submitted for clearance by OMB as required by the PRA.

Respondents: U.S. carriers that operate scheduled passenger service with at least one aircraft having a designed seating capacity of more than 60 seats.

Estimated Number of Respondents: 30.

Frequency: For each respondent, one information set for the month of December, plus one information set during some other months (1 to 12).

Estimated Total Burden on Respondents: (1) Monthly reports of incidents involving the loss, injury, or death of animals during air transport: 0 to 360 hours (Respondents [30] × Time to Prepare One Monthly Report [1 hour] × Frequency [0 to 12 per year]). (2) December report containing the total number of animals that were lost, injured, or died during air transport in the calendar year and the total number of animals that were transported in the calendar year: 15 hours (Respondents [30] × Time to Prepare One December Report [0.5 hour] × Frequency [1 per year]).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. All comments will become a matter of public record.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.27(n).

Issued in Washington, DC.

Kimberly Graber,

Deputy Assistant General Counsel, Office of Aviation Consumer Protection.

[FR Doc. 2024–13498 Filed 6–18–24; 8:45 am]

BILLING CODE 4910–9X–P

[5] Reports by Air Carriers on Incidents Involving Animals During Air Transport, 79 FR 37938 (July 3, 2014) (codified at 14 CFR part 235).

[6] 44 U.S.C. 3507(b); 5 CFR 1320.12(d).

[7] 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d).

[8] 60 FR 44978, 44983 (August 29, 1995).

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of the Customer Identification Program Regulatory Requirements for Certain Financial Institutions

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comments on the proposed renewal, without change, of existing information collection requirements found in Bank Secrecy Act regulations that require banks, savings associations, credit unions, certain non-federally regulated banks and trust companies (collectively hereinafter ''banks''), brokers-dealers, mutual funds, futures commission merchants, and introducing brokers in commodities, to develop and implement customer identification programs designed to allow the financial institutions to form a reasonable belief that they know the true identity of each of their customers. This request for comments is made pursuant to the Paperwork Reduction Act of 1995 (PRA).

DATES: Written comments are welcome and must be received on or before August 19, 2024.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2023–0015 and Office of Management and Budget (OMB) control numbers 1506–0022, 1506–0026, 1506–0033, and 1506–0034.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket

Number FINCEN–2023–0015 and OMB control numbers 1506–0022, 1506–0026, 1506–0033, and 1506–0034.

Please submit comments by one method only. Comments will be reviewed consistent with the PRA and applicable OMB regulations and guidance. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: FinCEN's Regulatory Support Section at 1–800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Provisions

The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Foreign Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) [1] and other legislation, including the Anti-Money Laundering act of 2020 (AML Act).[2] The BSA is codified at 12 U.S.C. 1829b and 1951–1960 and 31 U.S.C. 5311–5314 and 5316–5336, and notes thereto, with implementing regulations at 31 CFR chapter X.

The BSA authorizes the Secretary of the Treasury (Secretary) to, *inter alia,* require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, or regulatory matters, risk assessments or proceedings, or in the conduct of intelligence or counter-intelligence activities to protect against terrorism, and to implement anti-money laundering/countering the financing of terrorism (AML/CFT) programs and compliance procedures.[3] The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.[4]

31 U.S.C. 5318(l) requires the Secretary to issue regulations prescribing minimum standards for customer identification programs (CIPs) for financial institutions.[5] Regulations implementing section 5318(l) are as follows: (i) banks (31 CFR 1020.220); (ii) brokers-dealers (31 CFR 1023.220); [6] (iii) mutual funds (31 CFR 1024.220); [7] and (iv) futures commission merchants and introducing brokers in commodities (31 CFR 1026.220).[8]

All covered financial institutions [9] are required to implement a CIP appropriate for its size and type of business. The CIP must include at a minimum the following five requirements:

(1) Written CIP appropriate for the financial institution's size and type of business (if a financial institution is required to have an AML compliance program,[10] the CIP must be part of the written AML compliance program); [11]

(2) Identity verification procedures (risk-based procedures for verifying the identity of each customer to the extent reasonable and practicable that enable the financial institution to form a reasonable belief that it knows the true identity of the customer); [12]

(3) Recordkeeping (procedures for making and maintaining a record of all information obtained under the CIP requirements); [13]

(4) Consultation of government lists (procedures to determine whether the customer appears on any list of known or suspected terrorists or terrorist organizations issued by any Federal government agency and designated as such by Treasury in consultation with the Federal functional regulators); [14] and

(5) Customer notice (procedures for providing bank customers with adequate notice that the bank is requesting information to verify their identities).[15]

The CIP may also include procedures specifying when a financial institution may rely on another financial institution to perform any of the financial institution's CIP procedures, provided certain conditions are met.[16]

II. Paperwork Reduction Act of 1995 [17]

Title: Customer identification programs (CIPs) for certain financial institutions (31 CFR 1020.220, 1023.220, 1024.220, and 1026.220).

OMB Control Numbers: 1506–0022, 1506–0026, 1506–0033, and 1506–0034.[18]

Form Number: Not applicable.

Abstract: FinCEN is issuing this notice to renew the OMB control numbers for the CIP regulatory requirements for covered financial institutions.

Affected Public: Businesses or other for-profit institutions, and non-profit institutions.

Type of Review: Renewal without change of currently approved information collections.

---

[1] USA PATRIOT Act, Public Law 107–56.

[2] The AML Act was enacted as Division F, sections 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat. 3388 (NDAA).

[3] Section 358 of the USA PATRIOT Act expanded the purpose of the BSA by including a reference to reports and records ''that have a high degree of usefulness in intelligence or counterintelligence activities to protect against international terrorism.'' *See* 12 U.S.C. 1829b(a). Section 6101 of the AML Act further expanded the purpose of the BSA to cover such matters as preventing money laundering, tracking illicit funds, assessing risk, and establishing appropriate frameworks for information sharing. *See* 31 U.S.C. 5311.

[4] Treasury Order 180–01 (Jan. 14, 2020).

[5] Section 5318(l)(2) prescribes that the regulations, at a minimum, require financial institutions to implement reasonable procedures for: (1) verifying the identity of any person seeking to open an account, to the extent reasonable and practicable; (2) maintaining records of the information used to verify the person's identity, including name, address, and other identifying information; and (3) determining whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency. Section 5318(l)(3) further directs that the regulations take into consideration the types of accounts maintained by financial institutions, the methods of opening accounts, and the types of identifying information available.

[6] ''Broker-dealer'' means a person registered or required to be registered as a broker or dealer with the Commission under the Securities Exchange Act of 1934 (15 U.S.C. 77a *et seq.*), except persons who register pursuant to 15 U.S.C. 78o(b)(11). 31 CFR 1023.100(b).

[7] ''Mutual fund'' means an ''investment company'' (as the term is defined in section 3 of the Investment Company Act (15 U.S.C. 80a–3)) that is an ''open-end company'' (as that term is defined in section 5 of the Investment Company Act (15 U.S.C. 80a–5)) that is registered or is required to register with the Commission under section 8 of the Investment Company Act (15 U.S.C. 80a–8). 31 CFR 1010.100(gg).

[8] ''Futures commissions merchants'' means any person registered or required to be registered as a futures commission merchant with the Commodity Futures Trading Commission (''CFTC'') under the Commodity Exchange Act (7 U.S.C. 1 *et seq.*), except persons who register pursuant to Section 4f(a)(2) of the Commodity Exchange Act (7 U.S.C. 6f(a)(2)). 31 CFR 1026.100(f). ''Introducing broker'' means any person registered or required to be registered as an introducing broker with the CFTC under the Commodity Exchange Act (7 U.S.C. 1 *et seq.*), except persons who register pursuant to Section 4f(a)(2) of the Commodity Exchange Act (7 U.S.C. 6f(a)(2)). 31 CFR 1026.100(g).

[9] The term ''covered financial institution'' applies to all financial institutions with a CIP regulatory requirement, namely banks, brokers-dealers, mutual funds, futures commission merchants, and introducing brokers in commodities.

[10] 31 CFR 1020.210; 1023.210; 1024.210; and 1026.210.

[11] 31 CFR 1020.220(a)(1); 1023.220(a)(1); 1024.220(a)(1); and 1026.220(a)(1).

[12] 31 CFR 1020.220(a)(2); 1023.220(a)(2); 1024.220(a)(2); and 1026.220(a)(2).

[13] 31 CFR 1020.220(a)(3); 1023.220(a)(3); 1024.220(a)(3); and 1026.220(a)(3).

[14] 31 CFR 1020.220(a)(4); 1023.220(a)(4); 1024.220(a)(4); and 1026.220(a)(4).

[15] 31 CFR 1020.220(a)(5); 1023.220(a)(5); 1024.220(a)(5); and 1026.220(a)(5).

[16] 31 CFR 1020.220(a)(6); 1023.220(a)(6); 1024.220(a)(6); and 1026.220(a)(6).

[17] Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

[18] The CIP regulatory requirements are currently covered under the following OMB control numbers: 1506–0022 (31 CFR 1026.220—Customer identification programs for futures commission merchants and introducing brokers); 1506–0026 (31 CFR 1020.220—Customer identification programs for banks); 1506–0033 (31 CFR 1024.220—Customer identification programs for mutual funds); and 1506–0034 (31 CFR 1023.220—Customer identification programs for brokers-dealers).

Frequency: As required.

Estimated Number of Respondents: 16,232 financial institutions.[19]

Estimated Recordkeeping Burden: In Part 1 of this notice, FinCEN describes the distribution of the estimated number of covered financial institutions, by type, and the estimated number of new accounts opened per year, by type of covered financial institution. In addition, Part 1 describes the primary characteristics of covered financial institutions' CIP requirements. In Part 2, FinCEN proposes for review and comment a renewal of the calculation of the annual PRA burden that includes a scope and methodology similar to that used in the 2020 notice to renew the OMB control numbers associated with these information collections.[20]

Part 1. Distribution of the Financial Institutions and New Accounts Covered by This Notice

The distribution of financial institutions and new accounts opened annually that are covered by this notice, by type of financial institution, is as follows:

TABLE 1—DISTRIBUTION OF FINANCIAL INSTITUTIONS AND NEW ACCOUNTS COVERED BY THIS NOTICE, BY TYPE OF FINANCIAL INSTITUTION

Type of financial institution	Number of financial institutions	Number of new accounts opened annually
Banks with a Federal functional regulator (FFR)	[a] 9,800	[f] 9,305,000
Banks lacking an FFR	[b] 600	[g] 315,000
Brokers-dealers	[c] 3,478	[h] 28,000,000
Mutual funds	[d] 1,400	[i] 16,150,000
Futures commission merchants and introducing brokers in commodities	[e] 954	[j] 557,000
Total	16,232	54,327,000

[a] This estimate is based on call report data, as publicly available for download at the end of June 2023, from the Federal Financial Institutions Examination Council (FFIEC) for certain types of banks, savings associations, thrifts, trust companies (*https://cdr.ffiec.gov/public/pws/downloadbulkdata.aspx*.) and from the NCUA for credit unions (*https://www.ncua.gov/analysis/credit-union-corporate-call-report-data*).

[b] This estimate of active entries as of year-end 2023 incorporates data from both public and non-public sources, including: Call Reports; various State banking/financial institution regulators' websites and directories; the Federal Reserve Board of Governors' Master Account and Services database (*https://federalreserve.gov/paymentsystems/master-account-and services-database-exisiting-access.htm*); and data from the OCIF (Oficina del Comisionado de Instituciones Financieras); and was derived in consultation with staff from the Internal Revenue Service's Small Business/Self-Employed Division.

[c] This estimate is based on a December 2023 file downloaded from data maintained by the U.S. Securities and Exchange Commission's (SEC). SEC, *Company Information About Active Broker-Dealers available at https://www.sec.gov/help/foiadocsbdfoia* (accessed on Feb. 28, 2024).

[d] This estimate is based on the number of active mutual funds as of year-end 2023, which is based on Form N–CEN filings received by the SEC through January 20, 2023, as represented by data downloaded from SEC Open Data. SEC, Open Data, *available at https://www.sec.gov/dera/data/form-ncen-data-sets* (accessed Feb. 29, 2024).

[e] This estimate is based on the number of futures commissions merchants as of December 31, 2023, and was obtained from data available through the Commodity Futures Trading Commission (CFTC). CFTC, Financial Data for Futures Commission Merchants, *available at https://www.cftc.gov/MarketReports/financialfcmdata/index.htm* (accessed Mar. 1, 2024). To prevent double counting in burden estimates, 35 covered financial institutions that are also affected entities as broker-dealers were removed from the count; the count of introducing brokers in commodities as of year-end 2023 was provided by the CFTC.

[f] This estimate represents a lower bound of potential new accounts opened annually because it is based on limited available data. The public is invited to provide data, studies, or estimates that might revise this value. The current estimate is informed by consultation with staff from the National Credit Union Association (NCUA), which estimated that there are approximately 5,300,000 new accounts opened annually by credit unions with an FFR (based on the ten-year annual average growth rate in credit union membership computed using year end data from 2014 to 2023, as reported by Federally insured credit unions (FICUs)). It also includes an estimate of 4,005,000 new accounts opened annually by banks with an FFR, based on the observed number of bank-on accounts opened in calendar year 2022, *see* Bank On National Data Hub: Findings from 2022 √ St. Louis Fed (*stlouisfed.org*). This estimate does not include a number of traditional bank accounts opened annually, but as FinCEN assumes that such a value is strictly non-zero, it requests public comment to revise.

[g] This estimate was calculated by applying an estimated growth rate (3.8%) provided by the NCUA to the average new members per institute derived from 2023-year end data on credit unions lacking an FFR (13,806 new members/accounts opened annually). Applied to all banks lacking an FFR in the category (per financial institution new members annually: ((1,353,017/98) × 0.038) equals approximately 315,000 total new members annually per: 600 banks lacking an FFR multiplied by approximately 525 new members per financial institution.

[h] According to the SEC, there were approximately 28,000,000 new accounts opened by broker or dealers in securities in 2023, based on forms filed with the SEC.

[i] This estimate was derived, in consultation with SEC staff, using publicly available information from the Investment Company Institute (ICI) Fact Book available at: *https://www.ici.org/fact-book*). FinCEN notes that this estimate of new accounts per year may be overinclusive because the ICI data utilized covers all U.S. registered funds, and not only mutual funds and exchange-traded funds. Additionally, because this estimate reflects certain assumptions about the extent to which individuals who already invest in registered funds may open new accounts with different funds, it may approximate with greater imprecision the underlying number of unique new customers that are onboarded each year.

[j] This estimate was formed in consultation with CFTC staff input based on data from the end of calendar year 2023. Because this estimate pertains to the number of new accounts opened in a one-year period, which may be numerically distinct from the number of customers (who open such accounts), it can be treated as a potential upper bound on the number of instances that would incur a distinct CIP compliance burden.

In connection with a variety of initiatives FinCEN is undertaking to implement the AML Act, FinCEN intends to conduct, in the future, additional assessments of the PRA burden associated with BSA requirements.

Part 2. Annual PRA Burden and Cost

For all covered financial institutions, FinCEN continues estimating the incremental annual PRA recordkeeping burden associated with maintaining and updating the CIP (''maintenance'') at ten hours per financial institution. This estimate covers: (a) an average of approximately nine hours per financial

[19] Table 1 below sets forth a distribution of the types of financial institutions covered by this notice.

[20] *See* FinCEN, *Agency Information Collections Activities; Proposed Renewal; Comment Request: Renewal Without Change of the Customer Identification Program Regulatory Requirements for Certain Financial Institutions,* 85 FR 49425 (Aug. 13, 2020).

institution per year associated with the burden of updating the records necessary to demonstrate compliance with CIP requirements to take into consideration any regulatory changes and any modifications required as a result of a financial institution making changes to the type of accounts maintained, the methods used to open accounts, and the types of documentary or non-documentary methods for verifying identifying information the financial institution intends to use; and (b) an average of approximately one hour per financial institution associated with the burden of presenting the updated CIP to the appropriate level of management within the financial institution and obtaining approval.

In addition, FinCEN continues estimating the incremental annual PRA recordkeeping burden associated with providing customers with notification of the CIP (''notification'') at one hour per financial institution.

FinCEN also continues estimating the incremental annual PRA recordkeeping burden associated with obtaining and verifying a customer's identity (*i.e.,* verification and recordkeeping requirements, and consulting government lists) (''implementation'') at two minutes per new account opened.

Under these assumptions, FinCEN's estimate of the annual incremental PRA burden is 1,989,452 hours, as detailed in tables 2 and 3.[21]

TABLE 2—INCREMENTAL ANNUAL BURDEN ASSOCIATED WITH UPDATING AND MAINTAINING THE CIP AND CUSTOMER NOTIFICATION FOR ALL COVERED FINANCIAL INSTITUTIONS

Type of financial institution	Number of financial institutions[22]	Time per financial institution (hours) (hour)		Burden hours per step		Total burden hours
		Maintenance	Notification	Maintenance	Notification	
Banks with an FFR	9,800	10	1	98,000	9,800	107,800
Banks lacking an FFR	600	10	1	6,000	600	6,600
Brokers-dealers	3,478	10	1	34,780	3,478	38,258
Mutual funds	1,400	10	1	14,000	1,400	15,400
Futures commission merchants and introducing brokers in commodities	954	10	1	9,540	954	10,494
Totals	16,232	.....	.....	162,320	16,232	178,552

TABLE 3—INCREMENTAL ANNUAL BURDEN ASSOCIATED WITH IMPLEMENTING THE IDENTITY VERIFICATION, RECORDKEEPING, AND CONSULTING GOVERNMENT LISTS REQUIREMENTS FOR ALL COVERED FINANCIAL INSTITUTIONS

Type of financial institution	Number of financial institutions[23]	New accounts opened per year	Time per new account (minutes)	Total burden in minutes	Total burden converted to hours
Banks with an FFR	9,800	9,305,000	2	18,610,000	310,167
Banks lacking an FFR	600	315,000	2	630,000	10,500
Brokers-dealers	3,478	28,000,000	2	56,000,000	933,333
Mutual funds	1,400	16,150,000	2	32,300,000	538,333
Futures commission merchants and introducing brokers in commodities	954	557,000	2	1,114,000	18,567
Totals	16,232	54,327,000	.....	108,654,000	1,180,900

FinCEN is utilizing the same fully loaded composite hourly wage rate of $106.30 utilized in other OMB control number renewals and notices of proposed rulemakings (NPRMs) currently opened to public review and comment.[24]

The total estimated cost of the annual PRA burden is $211,478,747.60, as reflected in table 4 below:

TABLE 4—TOTAL COST OF ANNUAL PRA BURDEN

Steps	Hourly burden	Hourly cost	Total cost
Maintaining and updating the CIP	162,320	$106.30	$17,254,616.00
Notifying customers of CIP requirements	16,232	106.30	1,725,461.60
Implementing the CIP (identifying and verifying customer information, maintaining records, and consulting government lists)	1,810,900	106.30	192,498,670.00

[21] The total estimate of the annual PRA burden is the summation of the total hourly burden of CIP maintenance (162,320), notification (16,232) and implementation (1,810,900) as set out in table 2 and 3, for a total of 1,989,452 hours.

[22] As set out in table 1 above.

[23] As set out in table 1 above.

[24] *See, e.g.,* FinCEN and SEC, *NPRM Customer Identification Programs for Registered Investment Advisers and Exempt Reporting Advisers,* 89 FR 44571 (May 21, 2024).

TABLE 4—TOTAL COST OF ANNUAL PRA BURDEN—Continued

Steps	Hourly burden	Hourly cost	Total cost
Total cost	.....	.....	211,478,747.60

Estimated Recordkeeping Burden: The average estimated annual PRA burden, measured in time per respondent is as follows:

a. Ten hours annually per financial institution to maintain and update the CIP.

b. One hour annually per financial institution to provide customers with notification of the CIP.

c. Two minutes per account opened by a financial institution to obtain and verify a customer's identity (*i.e.,* verification and recordkeeping requirements, and consulting government lists).

Estimated Number of Respondents: 16,232, as set out in table 1.

Estimated Total Annual Responses:

a. 16,232 updated and board approved CIPs annually, as set out in table 2.

b. 16,232 notifications to customers of CIP requirements, as set out in table 2.

c. 54,327,000 new account relationships opened for which covered financial institutions obtained and verified customer identification, as set out in table 3.

Estimated Total Annual Recordkeeping Burden: The estimated total annual PRA burden is 178,552 hours, as set out in table 2, plus 1,810,900 hours, as set out in table 3, for a total of 1,989,452 hours.

Estimated Total Annual Recordkeeping Cost: The estimated total annual PRA cost is $211,478,747.60, as set out in table 4.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (i) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (ii) the accuracy of the agency's estimate of the burden of the collection of information; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; (iv) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (v) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2024–13590 Filed 6–18–24; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of four entities, four individuals, and two vessels 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 and vessels are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. OFAC is additionally updating the entries on the SDN List for two additional vessels. OFAC is removing one aircraft from the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley 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 Compliance, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On June 10, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons and vessels are blocked under the relevant sanctions authority listed below.

Entities

1. RAYYAN SHIPPING (OPC) PRIVATE LIMITED, 68, Rais Manjil, Lucknow, Uttar Pradesh 226003, India; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 21 May 2021; Company Number U61100UP2021OPC146413 (India); Business Registration Number 146413 (India) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism" (E.O. 13224), 3 CFR, 2019 Comp., p. 356., as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SA'ID AHMAD MUHAMMAD AL-JAMAL (SA'ID AL-JAMAL), a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. SHARK INTERNATIONAL SHIPPING L.L.C (Arabic: شارك انترناشونال للشحن ش.ذ.م.م) (a.k.a. SHARK INTERNATIONAL (Arabic: القرش الدولية); a.k.a. SHARK INTERNATIONAL SHIPPING (Arabic: شارك انترناشونال للشحن)), M21, Al Souq, Al Kabeer, Deirah, Dubai, United Arab Emirates; Post Box 40167, Deirah, Dubai, United Arab Emirates; Office 804, Fujairah Welfare Building, Fujairah, United Arab Emirates; No. 204, 2nd Floor, Al Danah Building, Khorfakan, United Arab Emirates; North Al Batinah Governorate, Sohar 311, Oman; Website https://www.shark-intl.com; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 03 Feb 2022; alt. Organization Established Date 07 Apr 2022; alt. Organization Established Date 28 Jun 2022; alt. Organization Established Date 07 Dec 2023; Commercial Registry Number 1521379 (Oman); License 1027607 (United Arab Emirates); alt. License 1021796 (United Arab Emirates); alt. License 798429 (United Arab Emirates); Economic Register Number (CBLS) 11818260 (United Arab Emirates); alt. Economic Register Number (CBLS) 11898245 (United Arab Emirates); alt. Economic Register Number (CBLS) 11860782 (United Arab Emirates) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. LAINEY SHIPPING LIMITED, Room 06, 17th Floor Wellborne Commercial 8, Java Road, North Point, Hong Kong, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 21 Nov 2023; Identification Number IMO 6452873; Company Number 3340414 (Hong Kong) [SDGT] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the ISLAMIC REVOLUTIONARY GUARD CORPS-QODS FORCE (IRGC-QF), a person whose property and interests in property are blocked pursuant to E.O. 13224.

4. LOUIS MARINE SHIPHOLDING ENTERPRISES S.A. (a.k.a. LOUIS MARINE SHIPHOLDING ENT), Daire 18, Blok U, Mimarbasi Sokagi, Evliya Celebi Mah, 1, Tuzla, Istanbul, Turkey; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2023; Identification Number IMO 6447484; RUC # 155736653-2-2023 (Panama) [SDGT] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)-QODS FORCE).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the ISLAMIC REVOLUTIONARY GUARD CORPS-QODS FORCE (IRGC-QF), a person whose property and interests in property are blocked pursuant to E.O. 13224.

Individuals

1. AL-JAMAL, 'Abdallah Najib Ahmad (a.k.a. AL-JAMAL, 'Abdallah; a.k.a. SALIH, Qasim Nasir Muhammad), Yemen; DOB 02 Feb 1997; nationality Yemen; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 06134611 (Yemen) expires 26 Feb 2026 (individual) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. ARULDHAS, John Britto (Arabic: جون بريتو ارولداس), United Arab Emirates; Oman; DOB 20 Mar 1985; nationality India; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: SHARK INTERNATIONAL SHIPPING L.L.C).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, SHARK INTERNATIONAL SHIPPING L.L.C, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

3. CHOUDHARY, Sandeep Singh, India; DOB 10 Feb 1981; POB Dhanbad, Jharkhand, India; nationality India; Gender Male; Passport P3727741 (India) expires 23 Oct 2026 (individual) [SDGT] [IFSR] (Linked To: SEPEHR ENERGY JAHAN NAMA PARS COMPANY).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SEPEHR ENERGY JAHAN NAMA PARS COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. PANDEY, Vivek Ashok, India; DOB 17 Aug 1985; POB Hasanpur Sultanpur, Uttar Pradesh, India; nationality India; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport L6512200 (India) expires 12 Dec 2023 (individual) [SDGT] (Linked To: AL-JAMAL, Sa'id Ahmad Muhammad).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, SA'ID AL-JAMAL, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Vessels

1. BELLA 1 (3E3494) Crude Oil Tanker Panama flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9230880; MMSI 352002277 (vessel) [SDGT] (Linked To: LOUIS MARINE SHIPHOLDING ENTERPRISES S.A.).

   Identified as property in which LOUIS MARINE SHIPHOLDING ENTERPRISES S.A., a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended, has an interest.

2. JANET (3E7497) Crude Oil Tanker Panama flag; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Vessel Registration Identification IMO 9220952; MMSI 352003341 (vessel) [SDGT] (Linked To: LAINEY SHIPPING LIMITED).

   Identified as property in which LAINEY SHIPPING LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended, has an interest.

Dated: June 10, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–13453 Filed 6–18–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: VHA Fraud, Waste and Abuse Complaint Form

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), 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 extension 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 19, 2024.

ADDRESSES: Comments must be submitted through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Program-specific information: Rebecca Mimnall, 202–695–9434, *vhacopra@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, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA'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: VHA Fraud, Waste and Abuse Complaint Form (VA Form 10–390).

OMB Control Number: 2900–NEW. *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: New collection.

Abstract: The Secretary of VA has broad authority under Title 38 United States Code, section 501, to protect Veterans and their family members from fraud and enforce compliance with federal laws and regulations. The VA is an active participant in the cross-government Veteran Scam and Fraud Evasion (VSAFE) campaign and Task Force, and this information collection supports the goals for the reporting and resolution of potential fraud issues.

The purpose of this information collection is to receive and process complaints related to fraud, waste and abuse in VA health care programs. An individual can file a complaint with the VA Office of Integrity and Compliance (OIC) using the Department's regular mail (letter), email, hotline telephone line, fax or, in the future, by filing a web-based complaint. The new VA Form 10–390 can be used by individuals to capture information for a fraud, waste or abuse complaint. The form may be submitted anonymously, and there is no requirement to complete all the fields. All complaints are entered into the Compliance Inquiry Reporting & Tracking System (CIRTS), which is used by VA OIC Staff to record and track complaints as they are processed by VA.

Affected Public: Individuals and households.

Estimated Annual Burden: 283 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,700.

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. 2024–13445 Filed 6–18–24; 8:45 am]

BILLING CODE 8320–01–P

Reader Aids

Federal Register

Vol. 89, No. 119

Thursday, June 20, 2024

CUSTOMER SERVICE AND INFORMATION

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws/current.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text is available at *https://www.govinfo.gov/app/collection/plaw*. Some laws may not yet be available.

S. 2051/P.L. 118–65
Missing Children's Assistance Reauthorization Act of 2023 (June 17, 2024)
Last List May 29, 2024

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to *https://portalguard.gsa.gov/__layouts/pg/register.aspx*.

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.